

The Citizen's Guide

To Planning, Land Use and Development

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Introduction

This guide is intended to provide a general overview of the foundations of the planning and development process in Overland Park, and how residents play a role. There are many reasons why residents may become involved in the planning process in Overland Park. A property owner may want to build or add onto their home, or a resident may have received notice about a public hearing for a rezoning, special use permit or development in their area. Often public hearings are held on other land use planning matters such as annual updates to the Comprehensive Plan and other city planning initiatives. The Planning and Development Services Department developed this guide as a way to foster a higher level of communication and understanding between the City, neighborhoods, residents and developers and to encourage your involvement in local planning.

This guide will explain the planning process in Overland Park, the most common types of development applications that the Planning and Development Services Department receives, and the process for reviewing those applications. This will include a description of the public notification process and how residents are included in the planning process. Finally, the guide will describe easy steps residents can take to become constructive partners in the local planning and development process.

Planning and Development Foundations

The Comprehensive Plan

Since the late-1970s, the city has maintained a Comprehensive Plan (previously referred to as the “Master Plan”). It is a document that includes text, maps, data and charts and provides a description of community goals. The Comprehensive Plan reflects what we, the Overland Park community, want the city to be in the future. It includes recommendations about land use and the provision of supportive infrastructure, facilities and services in the city. There are several documents that compose the Comprehensive Plan. Those documents of particular interest to citizens would include the Future Development Plan, the Greenway Linkages Plan for Northern Overland Park, the Greenway Linkages Plan for Southern Overland Park, the Plan Implementation text, the Plan Elements text, and the Goals for Overland Park text.

The Comprehensive Plan is a tool used to direct, coordinate and evaluate the city’s development and progress and to ensure continued orderly development of our community; however it is not a literal blueprint of the city’s future. The plan must be responsive to changing conditions to effectively guide future change toward established community goals. The Comprehensive Plan is available on the city’s website or for

purchase of the printed documents at the Planning Desk, 2nd Floor, at the Overland Park City Hall, 8500 Santa Fe Drive.

How is the Comprehensive Plan Used?

Conformance to the city's Comprehensive Plan is one of the factors that city planners, Planning Commissioners and the City Council use to evaluate the appropriateness of a development proposal such as a rezoning, preliminary development plan or special use permit. As such, the City Council may, at times, choose to approve a development proposal even though it may conflict with the current Comprehensive Plan as other factors may outweigh the desire to conform to the city's Comprehensive Plan. The specific criteria used to review a development are listed in this document in the section titled "The Development Review Process".

How is the Comprehensive Plan Updated?

The Comprehensive Plan is reviewed annually to ensure that it accurately reflects current city land use policy. The Plan is updated to reflect recent approved changes and recommended changes such as development proposals or other land use map or policy changes. The Comprehensive Plan Committee is a subcommittee of the Planning Commission that works with city planning staff over the course of several months to make recommended changes. The proposed amendments are brought before the Planning Commission for consideration

at a workshop and a public hearing or hearings, for which a notice is published in the official city newspaper at least 20 days prior. The amendments then go before the City Council where they may vote, by a simple majority, to approve the amendments. The amendments become effective once they have been published in the official city newspaper. The Future Development Plan, along with the other documents of the Comprehensive Plan, provides an opportunity for citizens, private developers, and affected governmental jurisdictions to determine the city's goals.

Vision Metcalf

The revitalization and redevelopment of the Metcalf corridor are crucial to the overall stability and health of the community. Creating a new vision for Metcalf allows the city to better define and reinforce a coherent image for the corridor, one that will differentiate it from other thoroughfares and reinforce its identity as the primary north/south artery through the community. The community went through a visioning process in 2007 to determine what type of redevelopment should occur within the corridor. This vision was adopted by the City Council in 2008 as part of the Comprehensive Plan and new design standards and codes are being adopted to ensure that redevelopment fits the Community's vision.

The Vision Metcalf plan is designed to invite redevelopment along the Metcalf corridor in five subareas, or nodes; the Northern Gateway, I-35 to Johnson Drive; Downtown Overland Park, 75th to 83rd

streets; 95th and Metcalf, 91st to 95th streets, Nall Ave. to Antioch Rd.; Indian Creek, 103rd Street to I-435; and the Southern Gateway, 115th to 123rd streets. There are seven major objectives of the visioning plan:

1. Establish a coherent and positive identity for the Metcalf corridor by creating a series of unique destinations and diversity of lifestyle choice.
2. Enhance the economic vitality of the corridor and the city by expanding the level of residential and commercial activity.
3. Promote a pattern of mixed-use development. New buildings should combine residential, commercial and entertainment uses.
4. Integrate open and green space into the corridor by incorporating a system of parks, plazas, natural amenities, water features and streetscape treatments.
5. Develop a balanced transportation system that provides multimodal travel options within the corridor.
6. Make walking easy, desirable, safe and convenient.
7. Make sustainability a theme of future development and redevelopment that guides land use and transportation decisions.

The Future Development Plan

The Future Development Plan is the graphic representation (map) of the city's land use

goals and policies as identified in the Comprehensive Plan. It shows the projected future land use needs, shows compatible land uses and serves as a general guide for future development planning policy. It allows land development proposals to be reviewed for their merits and compatibility with surrounding land uses. It also enables government officials to anticipate future public expenditures more effectively, resulting in more efficient use of tax dollars. The Future Development Plan is available online, or a printed copy is available (free for one copy) at the Planning Desk, 2nd Floor, Overland Park City Hall, 8500 Santa Fe Drive.

The Zoning Map

The zoning map is specific in nature and identifies the current zoning classification for each parcel in the city. The Unified Development Ordinance (UDO) works in conjunction with the zoning map and establishes development requirements such as maximum densities, parking requirements, height limitations, and other required improvements for each zoning district. Unlike the Future Development Plan map, the Zoning Map is an official document that is legally binding, reflects the current development potential of land parcels, and is updated as soon as a zoning application is approved. It reflects current opportunities for development in accordance with present zoning constraints; however a zoning change can be initiated by a property owner, their agent or the City. An interactive zoning map is available on the City's website, or a copy of the map can be ordered through the Planning and Development Services.

How do the Future Development Plan Map and the Zoning Map Differ?

The Future Development Plan and the Zoning Map, along with their respective texts, have different, yet complementary, roles in guiding and regulating land development in Overland Park. They should be used jointly to review the merits of a proposed development to ensure that it meets the legal regulations pertaining to land use and complies with overall city goals and policies. The Future Development Plan is not a Zoning Map; rather it is the graphic representation of land use goals and policies of the city as identified in the text of the Comprehensive Plan. The present zoning of a tract of land is not always consistent with what is shown on the Future Development Plan, and is not necessarily an indication of the future land use of that tract. Also, the designations of some tracts on the Future Development Plan are the result of Special Use Permits for specific uses such as hospitals or hotels.

Official Street Map

The Official Street Map identifies the general location of the existing and proposed major streets and highways within the city for which building and setback lines are established in the city's Unified Development Ordinance. Overland Park has established six major categories of streets: local residential streets, collector and apartment streets, commercial and industrial streets, super-collector streets, thoroughfare streets, and freeways. The exact street design and

construction standards are detailed in the Street Construction Standards of Section of the city's Municipal Code.

The city's existing street network is shown on the Official Street Map. In addition to showing the existing street network, the Official Street Map also displays the approximate location of future collectors and thoroughfares. The selection of rural section line roads as thoroughfares began in the early 1960s when the city was first incorporated. Overland Park has since adopted as policy the spacing of thoroughfares at one-mile intervals. Also, unless otherwise approved by the City Council, city policy is that thoroughfares are centered on section lines.

Collectors are located approximately half-way between the thoroughfares. Interruptions to this spacing occur where freeways or major public uses appear such as I-435 and Johnson County Community College. The location of thoroughfare and collector streets is intended to promote the concept of a neighborhood as roughly one-square mile in size with well-defined boundaries. A thoroughfare is located on each of the neighborhood's four sides. Two collector streets intersect in the middle, dividing the neighborhood into approximately four equal sections.

A developer may choose to build private streets to allow more flexibility in design and provide for a higher density development than is normally permitted in a given area by decreasing the land dedicated for roads to only the area of the pavement, not the full right-of-way width as defined for public streets. Private streets may also allow the owner(s) to restrict the use of said street by others.

Capital Improvements Program (CIP)

The city's Capital Improvements Program (CIP) is a five-year plan to forecast future public improvements and facilities in the city and to provide data concerning infrastructure, facility and large equipment needs, costs, timing, funding sources and budget impacts and alternatives. The CIP assists in the development of the current year's operating budget and five-year financial plan, as both the Capital Improvements Program and budget are developed in the context of the city's five-year expenditure and revenue forecast. City funding sources including debt, as well as "pay-as-you-go" (non-debt) resources from the city's Capital Improvements Fund to pay for part of plan funding. The rest will be provided by non-city sources, including federal, state, county, other city and developer funding. The CIP is updated annually following public hearings before the Planning Commission and the City Council.

Development Tools

Unified Development Ordinance (UDO)

The city's zoning and subdivision regulations are contained within a single document called the Unified Development Ordinance (UDO). The UDO is one chapter in the city's overall municipal code. Other documents such as the Comprehensive Plan, Mixed-Use Design Standards, Site Design Stan-

dards and Architectural Design Standards, supplement the UDO. The Unified Development Ordinance is available online at www.opkansas.org.

UDO Amendments

Consideration of zoning text amendments require a public hearing before the Planning Commission following publication of notice in the official city newspaper at least 20 days prior to the hearing. City Council has the final authority to approve or deny any proposed amendment.

Zoning

All properties in the city have a zoning district designation that regulates allowable uses, lot size, setbacks, building height, parking requirements, etc. All zoning district regulations are defined in the Unified Development Ordinance. A summary guide to most of the zoning districts in Overland Park is provided at the end of this document on Page 28.

Planned Zoning Districts

Virtually all commercial and multifamily residential development in Overland Park is zoned under what is referred to as a "planned" zoning district. 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.

In support of a request for zoning to a planned zoning district, a development plan

showing how a property is proposed to be developed is required. The plan must identify building locations, setbacks, traffic circulation and parking lot layouts and establish the total square footage or number of dwelling units proposed.

Properties zoned to a planned zoning district are identified with a "P". For example, CP-2 is Planned General Business District. Development on property with an approved development plan must conform to the approved plan with some limited allowances for modification. In considering a rezoning to a planned zoning district, both the land use and a specific Preliminary Development Plan are considered during staff, Planning Commission and City Council review.

Conventional Zoning Districts

Land use is the central consideration when approving conventional zoning districts. Unlike planned zoning districts, conventional zoning districts do not include the approval of a development plan. Conventional zoning is generally limited to single-family residential developments. Properties with existing conventionally zoned districts may develop under their existing zoning but are subject to site plan approval by staff and subdivision requirements prior to beginning any construction activity.

Johnson County Zoning Districts for Annexed Land

Unless land is rezoned at the time of its annexation into the city, it will retain its county zoning status until such time as the

property is rezoned. The city assumes responsibility for enforcing these ordinances once the property is annexed. County zoning districts have the letter "J" at the end of the designation. For example CP-2J is Planned General Business District, Johnson County. Contact the Planning and Development Services Department for information about ordinances pertaining to Johnson County zoning districts.

Special Use Permit (SUP)

Certain uses of land or buildings may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken to assure the compatibility of the use with surrounding uses. Examples of common uses that require a Special Use Permit include hospitals, nursing homes, hotels and cell towers. Special uses are permitted only after the approval of a Special Use Permit for a specific use at a specific location. An application for a Special Use Permit is considered at a public hearing before both the Planning Commission and the City Council. During this review it will be determined if the proposed land use and site plan would be appropriate at that location and compatible with existing or planned uses on the surrounding property.

Plats

A plat is the division of a larger piece of land into two or more smaller lots, plots, sites, tracts or parcels. This can include the resubdivision of land that has already been platted and the creation of new streets,

alleys or other public ways by dedication. A plat must be approved and recorded prior to any subdivision or issuance of building permits or the construction of recreation facilities. Plats are approved by the Planning Commission, however if there will be a dedication of land to the city, such as a park tract or right-of-way for a street, City Council acceptance of the dedication is also required.

The requirements for the subdividing of land are intended to result in: (1) a logical pattern of lots and blocks that are appropriately sized and shaped for the range of uses for which they are zoned; (2) an efficient pattern of streets which provide safe and convenient access to each parcel and reasonable connections between adjacent subdivisions; and (3) a well-built and consistent set of public improvements designed to serve the needs of the platted area in a safe, efficient and aesthetically pleasing manner.

Design Standards

The city has adopted three sets of design guidelines and standard to shape the character of new development in Overland Park. The design guidelines work in conjunction with the Unified Development Ordinance and the Comprehensive Plan to establish expectations for new development and redevelopment in the city.

Mixed-Use Design Standards

Mixed-Use Design Standards establish and encourage innovative mixed-use development as an alternative to typical suburban, use-segregated development. The guidelines aim to create connected, walkable

environments with an integrated mix of uses including a variety of housing types and usable public spaces. These guidelines apply only to properties zoned MXD, Mixed-Use District and will be used in conjunction with the Architectural Design Standards.

Site Design Standards

Site Design Standards provide site planning guidance for commercial and multi-family developments, with some limited guidance for single-family development. Grading, landscaping, site lighting and open space requirements are also included in the guidelines.

Architectural Design Standards

Architectural Design Standards outline criteria to create high quality, pedestrian scaled buildings that enhance the built environment. These standards apply to commercial, mixed-use and multi-family developments. Some limited criteria apply to infill single-family developments.



The Planning Commission, Board of Zoning Appeals and City Council

The Planning Commission

The Planning Commission is an eleven-member, non-partisan body, appointed by the Mayor and confirmed by the City Council. Members serve as volunteers for three-year terms and may serve consecutive terms.

What does the Planning Commission Do?

The Planning Commission prepares the Comprehensive Plan and also reviews all zoning applications, special use permits, preliminary plats, final plats, preliminary development plans and revised preliminary development plans and final development plans. Once a completed application has been filed, it will be scheduled to go before the Planning Commission. All rezoning, special use permit and preliminary plat applications and some preliminary plan applications require a public hearing at the Planning Commission meeting. This is an opportunity for nearby land owners and residents to raise concerns or express support for a project.

The Planning Commission serves as a recommending body for items that require final action by the City Council, primarily rezonings and special use permits. Some actions by the Planning Commission, such as final development plan approvals, are final unless appealed to the City Council.

The Board of Zoning Appeals (BZA)

The Board of Zoning Appeals is a seven-member, non-partisan, volunteer body whose members are appointed by the Mayor and confirmed by the City Council. Members serve as volunteers for three-year terms and may serve consecutive terms.

What Does the Board of Zoning Appeals do?

This board hears requests for variances on property zoned to a conventional zoning district, appeals of administrative decisions and nonconforming situation permits. No matter how well a zoning ordinance is written, there are often situations in which (1) the ordinance creates an unfair hardship on the property owner, (2) the requirements of the ordinance as applied to a particular situation create a result that is inconsistent with the ordinance's intent, or (3) the application of the ordinance to a particular situation is ambiguous or undefined. In these cases the property owner can request relief from requirements of the zoning regulations, subdivision regulations or engineering design standards at a public hearing.

The decision of the Board is considered final unless there is an appeal by the applicant. The city does not approve variances or appeals simply because complying with a particular requirement is inconvenient or more expensive for the property owner. There must be a solid justification for why an ordinance requirement that is typically applied to every project should not be applied to a particular project.

The City Council's Role in Development

The City Council consists of the Mayor and a twelve-member elected body made up of two representatives from each of the city's six political wards. The City Council is responsible for establishing the ordinance and policies that guide the development of the city. These include the Comprehensive Plan, Official Street Map, Capital Improvement Plan and Unified Development Ordinance.

Additionally, the City Council reviews the following types of development applications: rezonings; special use permits; some preliminary development plans; final development plans where the developer has made an appeal for City Council review, or where review is required by the City Council; and final plats if it includes public right-of-way or dedication of public land. The City Council also establishes land use goals and directs staff to implement land use policies through proper regulation and enforcement.

Types of Development Applications

There are a number of applications and reviews required before any development application can be constructed. As illustrated in the development pyramid on Page 12, each application builds upon the previ-

ous approvals. Once approved, rezonings and special use permits become the foundation upon which all other applications are reviewed. While not all applications will follow this exact order, it represents the order of the broadest types of applications to the most detailed and specific.

Rezoning

A rezoning is a request to change the zoning district classification applicable to one or more specific lots or tracts. All rezoning applications will require a public hearing before the Planning Commission and the City Council with public notice to surrounding property owners. The City Council will review the Planning Commission's recommendations and approve or deny the rezoning based on the criteria established to review applications. The City Council's action is final.

Special Use Permit (SUP)

Certain uses of land or buildings may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken to assure the compatibility of the use with surrounding uses. These uses are permitted only after the approval of a Special Use Permit for a specific use at a specific location. An application for a Special Use Permit is considered at a public hearing before the Planning Commission and the City Council with public notice to surrounding property owners. During this review it will be determined if the proposed land use and site plan would be appropriate at that

location and compatible with existing or planned uses on the surrounding property. Examples of common uses that are not included in the city's zoning districts include hospitals, nursing homes, hotels and others. The City Council will review the Planning Commission's recommendations and approve or deny the special use permit based on the criteria established to review applications. The City Council's action is final.

Preliminary Development Plan

This is a site plan that is submitted as part of a rezoning for a planned district, special use permit or as an independent development application. It shows such things as the density (number of residential units), or intensity (square footage) of the development, layout of the buildings, parking areas, building elevations, and the relationship of the proposed development to surrounding property. A preliminary development plan is often submitted for a development that will be completed in phases, and all subsequent development approvals and construction activities are required to be consistent with this preliminary development plan.

In the case of a Preliminary Development Plan for a non-residential use such as a religious institution or school, it will go before the Planning Commission at a public hearing, but will only go to City Council if there is a protest petition. A revised preliminary development plan application must be submitted for any substantial changes to the preliminary development plan that was approved. It

will be considered at a public hearing of the Planning Commission and require notification to surrounding property owners of the hearing. Revised preliminary development plans that do not contain any substantial changes may be approved by the Planning Commission without a public hearing.

Substantial Changes to a Plan

When preliminary development plans are approved as part of a rezoning or special use permit application, future development must comply with the approved development plans for the property. While some minor modifications can be made, changes that are considered substantial require consideration by the Planning Commission and City Council at a public hearing.

As outlined in Section 18.140.200 of the Unified Development Ordinance, a substantial change is one meeting any of the criteria listed below. While most of the criteria are measurable, some are subjective and are dependent upon some judgment by the city staff.

1. Increases in the density or intensity of residential uses of more than five percent.
2. Increases in the total floor area of all nonresidential buildings covered by the plan of more than ten percent.
3. Increases of lot coverage of more than five percent.
4. Increases in the height of any building of more than ten percent.

5. Changes of architectural style which will make the project less compatible with surrounding uses.
6. Changes in ownership patterns or stages of construction that will lead to a different development concept.
7. Decreases of any peripheral setback of more than five percent.
8. Decreases of areas devoted to open space of more than five percent.
9. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
10. Adding, modifying or removing conditions or stipulations to the approved preliminary development plan.
11. For any development proposed in the RP-OE, RP-OS or PRN zoning districts, any change in the specified use or maintenance of any designated open space lands.
12. For any development proposed in the RPN, any changes in the type of dwelling units or style of dwelling units proposed to be constructed in a particular area or block.

Final Development Plan

While preliminary plans include the general concept for the entire development, final development plans include refined drawings and may focus on one phase of the development. Final development plans are required prior to developing property in a

planned zoning district, or in cases where a non-residential use is proposed in a residential district; i.e., religious institutions, schools, subdivision pools. The Planning Commission considers final development plans for each phase of a development including details of the development such as architecture, landscaping, lighting, grading, drainage, traffic circulation and overall consistency with the preliminary plans. No public hearing is required and final development plans generally do not go before the City Council unless the applicant makes an appeal to do so or, in some cases, if required by the City Council.

Plat

Platting involves the subdivision of land into lots or tracts. A plat is recorded as a permanent legal document that includes both an accurate description, as well as a graphical depiction of any real property that is to be divided. The intent of platting is to provide a readily accessible and easily understandable public record of property. Subdivision plats dictate sizes and shapes of lots, relationship between existing and future streets, location of proposed public improvements, and location of lands dedicated for public purposes. Platting ensures that a sensibly arranged pattern of lots is provided between subdivisions; and an opportunity is provided for public review and comment on the proposed plat layout. Units of property that have been created by platting can be easily transferred between interested parties. Property must be platted before a building permit can be issued.

Preliminary Plat

Preliminary Plats must demonstrate the overall subdivision concept for an entire ownership tract, showing the general lot configuration, street layout and existing topography. All preliminary plats require a public hearing at the Planning Commission but do not go before the City Council.

Final Plat

A Final Plat is a detailed drawing that generally represents only one phase of development within the approved preliminary plat. The final plat must conform to the approved preliminary plat. There is no requirement for public notice, and the Planning Commission will not conduct a public hearing prior to taking action on a final plat.

If the plat contains public right-of-way (or other property that is proposed to be dedicated to the city such as parkland) the application will be heard by the City Council for acceptance of the public lands. Property owners and city officials will sign an approved version of the final plat drawing that will ultimately be recorded with the Johnson County Department of Records and Tax Administration.

Residential Day Care Permit

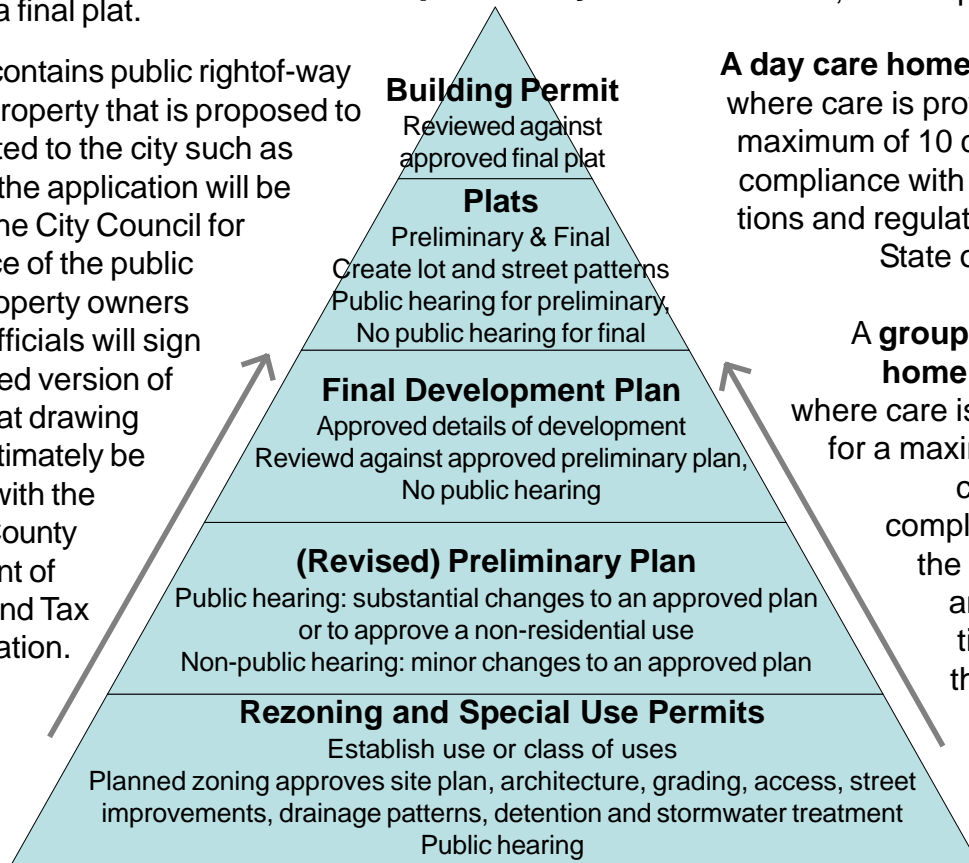
The City of Overland Park requires home daycares to not only meet the requirements of the city, but also those of the State of Kansas, which are enforced by the Johnson County Health Department. There are three Residential Day Care Types; family daycare homes, daycare homes, and group daycares.

A **family day care home** is a home where care is provided for a maximum of six children, in compliance with the definitions and regulations of the State of Kansas. They are not required to get a permit from the city however, the daycare provider must be licensed or registered with the State of Kansas, and employees, other than persons living at the daycare home, are not permitted.

A **day care home** is a home where care is provided for a maximum of 10 children, in compliance with the definitions and regulations of the State of Kansas.

A **group day care home** is a home where care is provided for a maximum of 12 children, in compliance with the definitions and regulations of the State of Kansas.

Development Pyramid



Daycare homes and group daycare homes are permitted only if a Residential Daycare Permit is approved by the City Council. A permit will not be approved if the following minimum requirements are not met:

- The daycare provider must be licensed by the State of Kansas and must reside at the daycare home.
- A fenced outdoor play area must be provided.
- Only one employee, other than the persons living at the daycare home will be permitted.
- A satisfactory fire inspection of the daycare home must be obtained by the applicant prior to approval or renewal of the permit. A copy of the fire inspection form, dated no more than one year prior to the permit application, must be submitted with the application.

The initial Residential Daycare Permit is valid for a maximum of one year. The first renewal is valid for a maximum of three years, and all subsequent renewals are valid for a maximum of five years. All initial Residential Day Care permits and first renewals require a public hearing with notification through certified mailing to property owners within 200 feet of the property, and posting a sign on the property announcing the public hearing date. The City Council has the discretion to approve a permit for less than the maximum period of time.

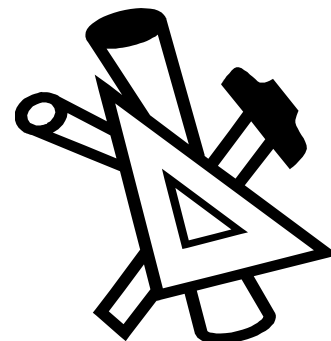
Special Event Permits

Special Event Permits allow businesses to conduct a limited number of short-term, promotional events such as advertising banners, use of inflatable devices and tent sales. Two special events can be approved per business per year by staff. Additional events, events of a longer duration than specified in the ordinance or events likely to attract a large crowd, require approval by the City Council.

Zoning Variances, Deviations and Appeals

Variance

The development requirements established by the city's zoning regulations as they apply to a particular piece of property can be modified or eliminated by the Board of Zoning Appeals. Variance requests are reviewed in light of five criteria specified by state statute that are intended to evaluate the uniqueness of the property, the impact on adjacent property owners, the hardship caused by the requirement, public safety



and welfare and the intent of the requirement. These criteria are outlined in the Unified Development Ordinance chapter 18.140.350 and listed below. A variance is subject to a public hearing and all BZA decisions are final.

1. That the variance 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 variance 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 variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. That granting the variance will not be opposed to the general spirit and intent of this ordinance.

Deviation

This process is very similar to the Variance except that it applies to property located in a planned zoning district. Deviations are generally considered in conjunction with a development application and may be approved by the Planning Commission or City Council using the same criteria as those required for a Variance. A public hearing may be required.

Nonconforming Situation Permit

When property is legally developed but later becomes nonconforming due to a change in the zoning ordinance, that property can legally remain as developed for an indefinite period of time. Where the nonconformity involves a site improvement (such as a parking lot or storm drainage improvements), buildings on the site cannot normally be expanded or renovated without also correcting the nonconforming site improvement. If bringing the site improvements into compliance with current regulations is not reasonably possible and the proposed expansion or renovation of the property will not adversely affect adjacent property owners, then a Nonconforming Situation Permit can be approved to allow the work to take place. This approval can either waive the requirement for bringing site improvements into compliance or can require only partial compliance. Requests for a Nonconforming Situation Permit are reviewed and approved by either the Board of Zoning Appeals in the case of a conventional zoning district, or the Planning Commission in the case of a planned zoning district.

Appeal of Administrative Decision

The application of a particular zoning requirement to a piece of property or development proposal often involves some judgment on the part of the city staff. If a property owner or a developer believes that the decision of the staff is based on an incorrect interpretation of the ordinance, then that interpretation can be appealed to the Board of Zoning Appeals. The deliberation of the

Board will focus on the wording and intent of the ordinance provision, not on a specific location or piece of property. Thus, the decision of the Board will affect all subsequent interpretations of that ordinance provision.

Other types of variances and appeals from city ordinance requirements include a Building Code Variance or Appeal, and Public Works Variance or Exception.

The Development Review Process

The following is a general description of the process a developer or landowner must follow in order to receive approval to develop property in Overland Park. Different application types and various circumstances particular to any property can change the process, so this should only be taken as a general guide.

Pre-Application Conference

Prior to submitting a formal application a developer is required to schedule a conference with city planning staff. At this initial pre-application conference the developer will explain the general development concept and staff will explain what will be needed to conform to zoning ordinances

and other policies. Staff will advise the developer on the proposed project and alert them to any special studies that may be required, e.g., stormwater, traffic studies as described below. The planner will inform the developer about the notification process for public hearing items, and encourage the developer to hold an early meeting with the surrounding neighborhood(s).

Application Filed

A developer or their representative will formally file an application with Planning and Development Services at City Hall. Once the application is received, information will be available on the city's website in the What's Happening in My Neighborhood feature.

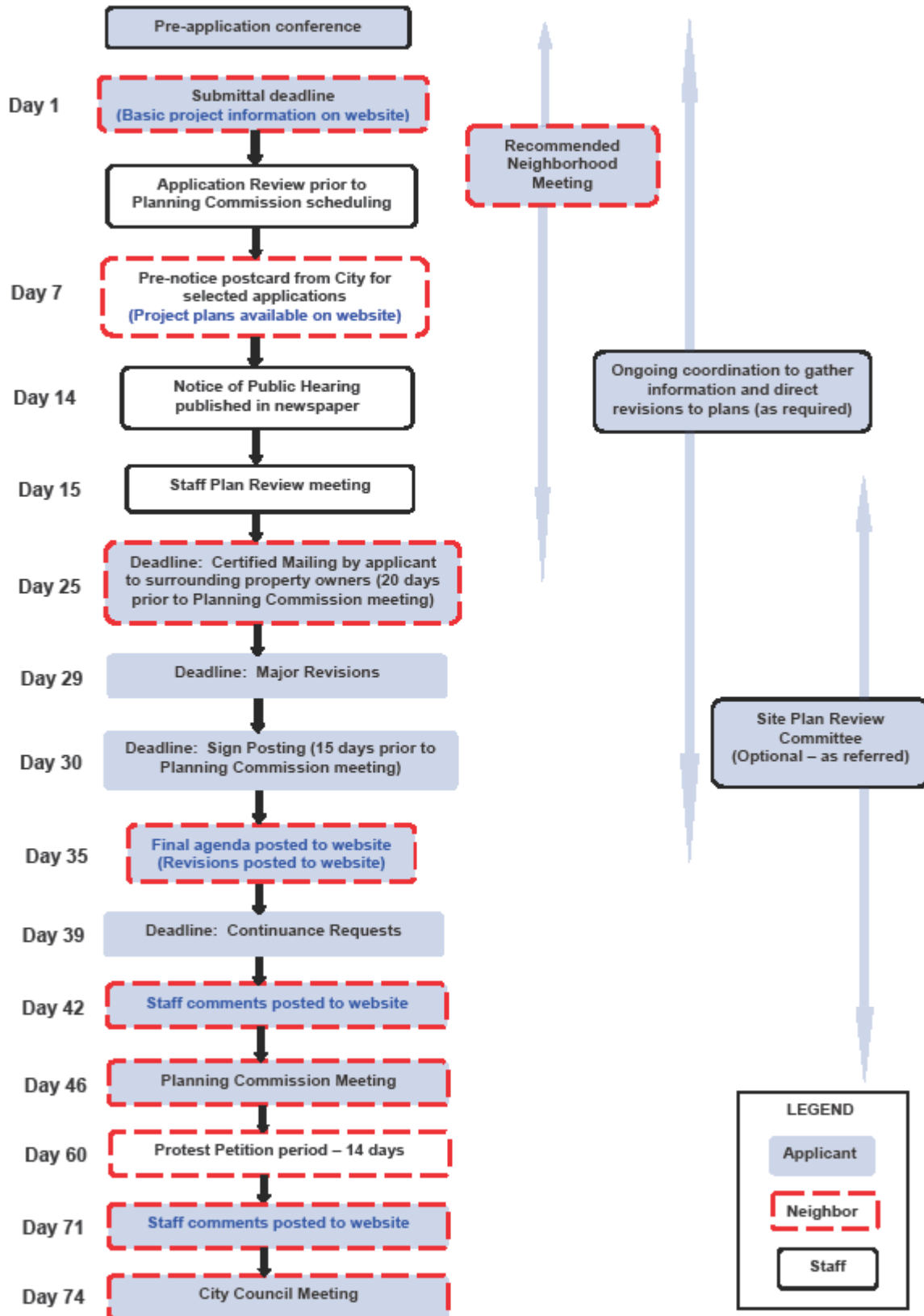
Plans

All rezoning applications requesting a planned zoning district, preliminary plans, revised preliminary plans, final plans and special use permits involving the construction of a new building or site improvements, require the submission of site plans for review by the staff, Planning Commission and City Council. If an application is approved, the plans become part of the approval and are binding upon subsequent owners and developers of the property.

In general, the site plans must include a data table indicating the square footage of proposed buildings or number of residential units proposed; the number of parking spaces provided and required; the size of the development tract; site grading; building layout; traffic circulation and access points

DEVELOPMENT FLOWCHART

Elapsed Time
(calendar days)



and landscaping. The plans submitted for to the site plan. These changes may be initiated by the applicant or as a result of staff review or input from the community.

Building Elevations

Applications for “planned” zoning districts, preliminary plans, revised preliminary plans, final plans and special use permits involving the construction of a new building, require the submission of building elevations. The elevations will indicate the general size and style of the proposed buildings and the proposed exterior materials. More specific information is required for final plans, including floor plans, building sections, building details and specific building materials.

Traffic Study

When the developer meets with city staff to discuss his project during the pre-application meeting, the staff analyzes the potential traffic impacts of the project to determine if a traffic impact study is required. If a project is large, is expected to have exceptional traffic impacts, or is located in an area that is especially sensitive to increases in traffic volumes, a traffic impact study may be required. If a traffic study is needed, the developer contracts with a traffic engineering consultant to prepare the study based on a scope of work established by city staff. The study must be submitted before a development application may be made.

Once the traffic study is delivered to the city, staff reviews the information in the study to determine if it has adequately addressed all of the requirements set out in the scope of

work. If any revisions are required, they are made prior to the development application being heard by the Planning Commission.

A typical traffic impact study includes an estimation of the expected traffic that will be generated by a project and a comparison of that volume to the traffic that would have occurred under the pre-existing development type and intensity on the property. Those new traffic volumes are added to existing traffic volumes on the surrounding street network (and often for future projected conditions - usually a 20-year projection). The consultant analyzes the impacts on nearby intersections and streets to determine how well traffic will move and to identify any street improvement that might be necessary (new turn lanes, street widenings, new traffic signals, etc.). Often the developer is required (by conditions of approval for the development application, known as stipulations) to construct the street improvements identified in the traffic study.

Based on the findings in the traffic impact study, the staff will make a recommendation on the appropriateness of the project from a traffic standpoint prior to the Planning Commission public hearing on the development application.

Stormwater Management Study

When the developer meets with city staff to discuss their project during the pre-application meeting, the staff analyzes the potential impacts of the project to identify existing and potential drainage problems and delineate required stormwater treatment facilities

early in the process. A detailed analysis completed by the developer's engineer during the preliminary stages of a project helps to ensure that positive steps are taken to address drainage problems within the watershed.

A typical stormwater management study analyzes the impact of the onsite drainage system on adjacent properties. The analysis should assume that full upstream development has occurred according to the Future Development Plan of the City's Comprehensive Plan. In addition, upstream stormwater detention should not be considered in this analysis. If it is determined that downstream properties will be negatively affected by a development, on-site detention will be required.

Stormwater detention is required if any of the following occur: the project lies within an area indicated as a "Stormwater Detention Study Area" on the City's Stormwater Detention Map, the proposed development would cause or increase flooding of downstream buildings, the proposed development would cause or increase substantial roadway flooding, or it is determined that other adverse impacts could be mitigated by detention. In some instances, downstream improvements may be proposed in lieu of detention if the developer deems it more cost effective than providing detention on site.

If the development plan includes a significant stream, drainage way, or open channel, a flood study may be required. The purpose of the flood study may include: verification that any fill placed in the flood-

plain will result in no adverse impacts (including no rise of flood elevations) beyond the limits of the property, determination of the location of the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and/or Floodway, establishment of minimum flood and/or low opening elevations for buildings, and the determination of the depth of flow in parking lots and streets.

When analyzing the affects of the development on the surrounding properties, the developer must also determine if the project is under the jurisdiction of the Corps of Engineers, FEMA or the Kansas Division of Water Resources (DWR). If it is determined that any of the above-mentioned regulatory entities have jurisdiction, all necessary correspondence will need to be obtained before the project application can be considered by the City Council.

The stormwater management study shall also evaluate the existing environmental characteristics of the site, the impacts on water quality as a result of the proposed development, and how these impacts will be controlled or managed in accordance with the City's Stormwater Treatment Ordinance. The study must determine the required footprint for all stormwater treatment facilities proposed for the site. In addition, adequate documentation shall be included in the study to verify the required size, type, and location of all proposed facilities.

Based on the findings in the stormwater management study, the staff will make a recommendation on the appropriateness of the project from a drainage standpoint prior to the consideration of the development

application by the Planning Commission.

Public Notification Process

In the case of a rezoning, special use permit, preliminary plat, preliminary plan and in some cases a revised preliminary development plan, surrounding property owners will be notified of the pending application. In accordance with state law, all property owners within 200 feet of the property (or if the application is located adjacent to unincorporated properties, owners of unincorporated property within 1,000 feet) will receive a certified letter with information about the application, the public hearing date, and their right to file a protest petition. Certified letters must be mailed at least 20 days prior to the scheduled hearing. For significant development proposals or proposals which appear to be controversial, the city will send an early postcard notice informing surrounding property owners, and registered homes associations and neighborhood organizations of the pending application. For rezonings and special use permits, a notice of the upcoming hearing is placed in the Overland Park Sun newspaper a minimum of 20 days prior to the hearing. Additionally, for these applications and for residential day care requests, a sign will be posted on the property 15 days in advance of the hearing indicating the nature of the request and the day and time of the hearing. If an item is continued, the sign will be updated with the new hearing date.

Staff Review Process

Staff review of a development proposal begins with a pre-application conference.

At that time, representatives from Planning and Development Services Department will discuss with an applicant the process for seeking approval for their project, the requirements for submittal including any technical studies, specific development requirements and the Comprehensive Plan recommendations for the property. Once an applicant has prepared plans, the staff will begin reviewing them for conformance with the requirements of the Unified Development Ordinance, applicable Design Guidelines and Standards, the Comprehensive Plan and for technical details such as building layout and design, traffic circulation and drainage issues.

Once an application has been submitted and scheduled for Planning Commission consideration, a formal staff review is conducted by the Plan Review Committee. This Committee is made up of city staff representing the Current Planning, Building Safety, Engineering Services, Community Planning and Services Divisions of the Planning and Development Services Department and the Fire Department. Coordination through this group is also provided to the Public Works, Parks and Recreation and Police Departments.

Throughout the review process, revisions may be made to the proposed plans at the initiation of the applicant or on the recommendation of staff. Major revisions must be submitted seventeen days prior to the scheduled Planning Commission meeting for an application to stay on schedule. Minor revisions may be accepted later at the discretion of the case planner.

Staff Comments

In preparation for the Planning Commission meeting, the staff will provide a staff report, commonly referred to as the staff comments. Staff comments will provide an overview of the applicant's request, the traffic study (if required) and any engineering issues and will identify the Comprehensive Plan designation for the property, the character of the neighborhood and compliance with the codes, ordinances and policies of the city. The comments will conclude with a recommendation from staff and any suggested requirements (called stipulations) for the approval of the item should the Planning Commission or City Council chose to take that action. The staff comments are available on the city's web site the Thursday prior to the scheduled Planning Commission meeting.

Site Plan Review Committee

This committee is made up of three members of the Planning Commission. They review such things as the layout, design and density of projects and make recommendations to the full planning commission as needed. Multifamily rezoning applications requesting density bonuses are required to be reviewed by this committee.

The Planning Commission Agenda

The Planning Commission agenda consists of two components; the consent agenda and the regular agenda. All items on the agenda requiring a public hearing will be

identified as such on the agenda. The order of the agenda is at the discretion of the Director of Planning and Development Services or his or her designee, with early consideration being given to those items likely to attract a large number of attendees. The chair may vary the order of the agenda for reasons stated and items may be added to the agenda by affirmative vote of a majority of Planning Commissioners present.

Consent Agenda

Only non-public hearing items are eligible for the consent agenda. These may include final development plans, final plats, some preliminary plans and revised preliminary plans, deviations and sign approvals. Items are placed on the consent agenda if, in the opinion of staff, all issues are resolved. The Planning Commission, staff or the applicant retain the right to pull any item from the consent agenda if it is determined that there are issues related to the item that warrant discussion by the Planning Commission.

Regular Agenda

All items requiring a public hearing, such as ordinance amendments, Capital Improvement Plan (CIP) approval, Comprehensive Plan approval, rezonings, special use permits, preliminary plans, revised preliminary plans and preliminary plats must be on the regular agenda. Additionally, items not requiring a public hearing but related to a public hearing item on the same agenda, such as final development plans and final plats, must be on the regular agenda. Finally, any item requiring discussion by

Planning Commission (at staff's discretion or at the direction of the Planning Commission) will be placed on the regular agenda. These items may include final development plans, deviations and sign approvals.

Continuances

Once an item is scheduled for consideration by the Planning Commission, Board of Zoning Appeals or City Council, it may be rescheduled to a future meeting by means of a continuance.

Applicants are allowed one continuance by right. The planning staff has the legal discretion to approve up to two additional continuances when necessary revisions, new or missing information, or other good cause make consideration of an application premature. Failure by the applicant to provide the required certified notice will automatically result in a continuance. Requests for continuances where no progress is being made to resolve outstanding issues may not be granted.

Requests for continuance must be made in writing to the Current Planning staff by the close of business the Tuesday prior to the scheduled Planning Commission meeting. Requests must outline the need for the continuance and indicate the date an item will be ready for consideration. Late requests for continuance or repeated requests for continuance must be made in person to the Planning Commission.

As part of the notification process, applicants for rezonings and special use permits are given a sign by the city which indicates the case number, nature of the request and

date of public hearing. The sign posting on the property must be updated to reflect the new hearing date. The staff will provide a continuance sticker to update the sign. Additionally, the applicant is responsible for making every feasible attempt to contact all property owners previously notified and any identified interested persons of the new hearing date.

Public Hearings

Planning Commission meetings are held on the second and fourth Mondays of each month at 1:30 p.m., and City Council meetings are generally held on the first three Mondays of the month at 7:30 p.m. The Council generally hears recommendations from the Planning Commission on the first and third Mondays. The annual Planning Commission schedule will indicate the scheduled Planning Commission dates for the year and the corresponding Council dates for items requiring City Council approval. Both Planning Commission and City Council meetings are held in the Council Chamber of City Hall, 8500 Santa Fe Drive.

Anyone who would like to appear on the regular Planning Commission agenda or workshop agenda, or if you need any accommodation for the meeting, contact the Planning and Development Services Department at 913/895-6190, or for Kansas Relay Service 1-800-766-3777. Please give 48 hours notice.

Procedures at a Public Hearing

The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to present

evidence relevant to the application and to rebut evidence presented by others. The City Council, Planning Commission and Board of Zoning Appeals have adopted rules of procedure for public hearings by resolution or bylaws. Generally, city staff will give an overview of the proposal and provide a recommendation, the applicant will give a presentation and then there is an opportunity for public testimony followed by rebuttals.

Generally, if you are presenting testimony, you will be asked to sign in or state your name and address. In preparing your comments, keep in mind that the Chair may impose a time limit on testimony. If you have written testimony, it is best to provide this to city staff beforehand so that copies can be distributed. Unless an item is continued, the Planning Commission, Board of Zoning Appeals or City Council will make a final decision at the hearing. For some items, the Planning Commission decision is forwarded as a recommendation to the City Council for a final determination. When an item is continued the public hearing will also be continued to the same date. No additional notices are required once the public hearing is opened. An accurate written summary of the proceedings is made for all public hearings. Minutes for all meetings are archived on the City's website.

Tips for Speaking at a Public Hearing

Public input is an important part of the development review process. Testimony from a public hearing allows decisions to be made considering all aspects of a proposal.

Participation in the public hearing does not guarantee that the final outcome will be in your favor. However, it will ensure that your opinion is heard and considered by decisions makers.

When preparing testimony, it is important to understand the review criteria used to evaluate development proposals so that your information is relevant. The city's ordinance establishes 15 review criteria including the zoning ordinance, Comprehensive Plan, traffic, context of the site and more. These criteria are listed on the following page.

The following suggestions will assist you in preparing to speak at a hearing:

- Familiarize yourself with the application by visiting with the case manager, attending any scheduled neighborhood meetings and reading the staff comments.
- Be familiar with the 15 criteria used to make land use decisions (listed in the next section). Present well-reasoned arguments based on these criteria. Decision makers can only consider relevant testimony.
- Make notes in advance to keep your comments clear and concise.
- Consider using the technology available in the Council Chamber to illustrate your points.
- Avoid repeating comments made by others.
- Organize in advance with others who share your concerns so that each speaker

addresses a different issue related to the development proposal.

To ensure that all interested parties have an opportunity to speak, the Chairperson may limit public comments to three minutes per speaker. If you represent a large number of citizens or need additional time to make your presentation, please contact the case manager for your item in advance.

If you are unable to attend a public hearing, you may send a representative or provide testimony in writing by letter or e-mail at PlanningCommission@opkansas.org.

Criteria Used to Review a Development Application

The City Council has established 15 criteria to be used to review rezoning applications. These are located in Section 18.140.150 of the UDO and are outlined below.

1. The character of the neighborhood.
2. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.
3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
4. The length of time the property has remained vacant as zoned.
5. The extent to which approval of the application would detrimentally affect nearby properties.

6. The extent to which the proposed use would substantially harm the value of nearby properties.

7. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

8. The extent to which utilities and services, including but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use.

9. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.

10. The extent to which there is a need for the use in the community.

11. The economic impact of the proposed use on the community.

12. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations or Chapter 18.370.

13. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

14. The conformance of the proposed use to the Comprehensive Plan, the Land Use

Intensity System and other adopted planning policies.

15. The recommendation of professional staff.

Council Chamber Technology

The Council Chamber includes a number of tools to enhance presentations to the Planning Commission. The podium incorporates a touch panel display for the control of presentation devices and lights. The display also allows the direct viewing of the presentation images or video and includes telestrator technology to allow the presenter to draw or highlight items on the images that are projected. The podium includes:

1. A camera-based overhead projector for letter size or smaller documents;
2. The capability for DVD, CD or VHS video playback;
3. Network and device connectivity for a wide range of storage formats (compact flash, USB jump drives, memory sticks, etc.)

The podium area will also include a cabinet for the projection of large format plans. Plans will be positioned on the cabinet top. A camera mounted in the ceiling will display the image.

Each position on the dais has a 19" monitor for viewing of presentations. In addition, two large flat panel monitors are also installed in the ceiling to provide viewing for individuals at the rear of the Council Chamber. The Council Chamber and first floor lobby area are Wi-Fi accessible.

During public meetings, there will be a staff person available to assist you with the presentation equipment. If you intend to use the available technology as part of your presentation, or need any accommodations, we encourage you to contact a staff member in advance at 913/895-6217, or E-mail: pod@opkansas.org.

Protest Petition

Items requiring a public hearing also allow surrounding property owners a right to file a protest petition. Any property owner within 200 feet (or if the application is located adjacent to unincorporated properties, owners of unincorporated within 1,000 feet) of the property with the application has the option of filing a protest petition. The protest period begins following the Planning Commission action. A valid protest petition will require a 10 vote majority of the 13 member governing body (12 City Council and the Mayor) in favor for approval, rather than the normal seven vote majority needed for approval. For non-residential uses in a residential district (generally places of worship and schools) the action of the Planning Commission is final unless a valid protest petition is filed. For those applications, a valid protest petition requires City Council approval with at least seven votes in favor.

City Council (for those items requiring)

Once the Planning Commission has made a recommendation, a hearing will be scheduled before the City Council, typically three weeks after the Planning Commission

meeting. Even if the Planning Commission recommends denial of an application, it will be forwarded to the City Council for final action. After the City Council has listened to the presentations and public comments, they will discuss the application and then take action. They may approve the application, approve with stipulations, deny the application, or continue it to a later meeting. They may also return the application to the Planning Commission for further consideration. If the City Council disagrees with the recommendation of the Planning Commission, the application must be returned to the Planning Commission for reconsideration at least once unless the Council overrides the Planning Commission's recommendation by at least 9 affirmative votes of the 13 member governing body.

How Residents Can Get Involved in the Planning & Development Process

Neighborhoods and residents have an important role in the planning process in Overland Park. Whether you are interested in a specific development or in participating in long-range planning decisions in the city, the key is understanding what resources are available to you to stay informed. Just as developers are encouraged to initiate dialog with residents early in the development process, residents are encouraged to get involved early and remain informed throughout the process. Here are few steps you can take to stay informed in local planning and development topics.

Neighborhood Groups & Home Owner's Associations

Become involved in your neighborhood group or homeowner's association. Attend meetings, get to know your neighbors and help form strong lines of communication. If you don't have a neighborhood organization in your area, you may consider forming one. Contact the city's Neighborhood Planner for information about how to do this, 913/895-6339.

Register Your Neighborhood Organization

Make sure your neighborhood organization or homeowner's association is registered with the city. Providing this information and updating it annually will help city staff and elected representatives know who to contact for the Neighborhood Notification Process when a development application is filed in your area. Contact the Neighborhood Planner to register your organization, 913/895-6339.

Attend Developer Meetings

City staff encourages developers to meet with adjacent property owners to discuss their plans and get constructive feedback from residents. Residents may have concerns about the possible impact on the area. In order to ensure that the meeting is a constructive dialog between residents and the developers, you should come prepared to ask about and address specific topics such as: stormwater management, environmental impacts, traffic, parking, walkability and connections for pedestrians, height,

setbacks, architectural style and design, lighting, etc. Rather than simply supporting or opposing the project, these are specific topics that the developer, the architect, site planner and city staff can work to address which can result in a better project that benefits your area. If the developer does not contact your neighborhood to share their proposal, the city staff can give you the contact information for the applicant so that you can request a meeting to learn more about the proposal.

Get to Know Your City Council Representatives

The city has six political wards, each with two elected Council representatives. City Council representatives advocate for neighborhood and other issues in your area. Therefore it is beneficial to build a relationship with your representative; occasionally inviting them to neighborhood meetings is one way to do this. They will appreciate meeting their constituents and will be familiar with how to contact neighborhood representatives in the future. You can look on the city's webpage to get Council representative's contact information.

Use "What's Happening In My Neighborhood?" on www.opkansas.org

This interactive feature allows residents to type in the address of a specific location, select a one-quarter to one-mile radius to view a map and list of what special event permits, building permits, Public Works projects and Planning Commission agenda

items in your area. You can click on the case number for Planning Commission items to get detailed information and the contact information for the planner handling the case.

Become Involved in Your Local Government

There are many boards and commissions made up of Overland Park citizens that help guide city decisions on many issues. You may be interested in the Citizens Advisory Council on Parks & Recreation, the Landmarks Commission, Planning Commission, Environmental Advisory Council or others. To find out more, they are all listed on the city's website.

Sign Up to Receive City E-Newsletters by E-mail

It is easy to stay informed about agenda items for the Planning Commission and City Council, as well as press releases and road construction updates. Just visit the Newsroom page on www.opkansas.org and enter your e-mail address and select to receive the agendas or updates that interest you.

Comment on Planning Commission Items Online

You may not have time to attend a Planning Commission meeting, but you can still participate and be involved in public hearings. E-mail comments about a planning commission agenda item to PlanningCommission@opkansas.org and

Planning Commissioners will receive your comments.

Participate in the Long Range Planning Process

The city's Comprehensive Plan helps guide future development and establish community goals. This document is updated annually and public hearings are held to get resident input. Two public hearings are held before the Planning Commission followed by two hearings before the City Council. Consider attending a public hearing to provide your input on the Comprehensive Plan. Contact Community Planning and Services at 913/895-6270 to find out when the public hearings will be held.

Summary Guide to Zoning Districts in Overland Park

For a complete listing of uses and regulations, please refer to the City of Overland Park Unified Development Ordinance. Properties annexed into the City carry a Johnson County zoning designation until rezoned. For zoning information, visit the city website at www.opkansas.org or contact the Planner of the Day at 913/895-6217.

A Agricultural district

Uses: Generally single-family homes, farming, dairy farming, all uses commonly classified as agricultural.

Lot area: 5 acres minimum

Lot size: 300 ft. of width, 300 ft. of depth.; maximum 3:1 depth/width ratio.

Front yard: 50 ft.

Side yard: 25 ft.

Rear yard: 75 ft.

Height: 2 ½ stories not to exceed 35 ft.

RE Residential estates district

Uses: Generally single-family homes, churches, schools, parks, publicly owned community buildings.

Parcel size: 40 acres minimum

Lot area: 1 acre minimum

Lot size: Minimum 125 ft. width, maximum 3:1 depth/width ratio.

Front yard: 50 ft.

Side yard: 25 ft.

Rear yard: 75 ft.

Height: 2 ½ stories not to exceed 35 ft.

RP-OE Planned open space estate district

Uses: Generally single-family homes, churches, schools, parks, publicly owned community buildings.

Density: Maximum 1 unit per gross acre.

Open space: 40% of gross land area; active recreational areas required.

District size: Minimum 15 acres, unless adjacent to another open space district.

Lot size: 50 ft. width, 115 ft. average depth unless

adjacent to open space, then 85 ft. average depth.

Front yard: 15 ft.

Side yard: Must total 20% of property width, not more than 15 ft., but not less than 6 ft.; additional for corner lots.

Rear yard: 25 ft. unless adjacent to open space, then 10ft.

Height: 2 1/2 stories, not to exceed 35 ft.

RP-OS Planned open space single-family residential district

Uses: Generally single-family homes, churches, schools, parks, publicly owned community buildings.

Density: Maximum 5 units per gross acre.

Open space: 30% of gross land area; active recreational areas required.

District size: Minimum 15 acres, unless adjacent to another open space district.

Lot size: 50 ft. width, 115 ft. average depth unless adjacent to open space, then 85 ft. average depth.

Front yard: 15 ft.

Side yard: 6 ft.; additional for corner lots.

Rear yard: 25 ft. unless adjacent to open space, then 10ft.

Height: 2 1/2 stories not to exceed 35 ft.

R-1 Single-family residential district

RP-1 Planned single-family residential district

Uses: Generally single-family homes, churches, schools, parks, publicly owned community buildings.

Lot area: 8,000 sq. ft. minimum

Lot size: 70 ft. of width, 115 ft. average depth

Front yard: 30 ft.

Side yard: Must total 20% of property width, not more than 15ft., but not less than 7 ft.; additional required for corner lots.

Rear yard: 25 ft.

Height: 2 1/2 stories not to exceed 35 ft.

R-1A Single-family residential district

RP-1A Planned single-family residential district

Uses: Generally single-family homes, churches, schools, parks, publicly owned community buildings.

Lot area: 5,000 sq. ft. minimum.

Lot size: 50 ft. of width, 100 ft. average depth.
Front yard: 15 ft. if public street; 25 ft. from curb if private street.
Side yard: 6 ft.; for a zero lot line subdivision, then 12 ft. on one side. Additional required for corner lots.
Rear yard: 25 ft.
Height: 2 1/2 stories not to exceed 35 ft.

RP-1N Planned single-family infill residential district

Uses: Generally single-family homes, churches, parks, schools, publicly owned community buildings.
Lot area: 4,250 sq. ft. minimum.
Lot size: 50 ft. of width, 85 ft. of depth.
Front yard: Minimum 15 ft., maximum 30 ft.
Side Yard: 6 ft.; for a zero lot line subdivision, then 12 ft. on one side; additional required for corner lots.
Rear yard: 20 ft.
Height: 2 1/2 stories not to exceed 35 ft.

R-2 Two-family residential district

RP-2 Planned two-family residential district

Uses: Generally any use in R-1A, duplexes.
Lot area: 8,000 sq. ft. minimum.
Lot size: 80 ft. of width, 115 ft. average depth.
Front yard: 30 ft.
Side Yard: Must total 20% of property width, not more than 15ft., but not less than 7 ft.; additional required for corner lots.
Rear yard: 25 ft.
Height: 2 1/2 stories not to exceed 35 ft.

R-3 Garden apartment district

RP-3 Planned garden apartment district

Uses: Generally any R-2 use, garden apartments.
Density: 3,500 sq. ft. per unit (12.4 units/acre)
Setbacks: 40 ft. from an interstate, highway or freeway; 35 ft. from any collector or thoroughfare; 30 ft. from any other street; 25 ft. from any R-1 lot line; 15 ft. from any other lot line.
Height: 2 stories (30 ft.), except 3 stories (40 ft.) on natural 7% slope.

RP-4 Planned cluster dwelling district

Uses: Generally any R-1 use and residential buildings containing 1-5 units.
Density: 6,000 sq. ft. per unit (7.3 units/acre)
Setbacks: 30 ft. from any public street; 10 ft. from any other property line of the project.
District Size: 1 acre minimum
Height: 2 1/2 stories not to exceed 35 ft.

RP-5 Planned apartment house district

Uses: Generally any R-3 use and multi-family buildings.
Density: 2,650 sq. ft. per unit (16.4 units/acre)
Setbacks: 40 ft. from an interstate, highway or freeway; 30 ft., plus 5 ft. for each story over 1, from a collector or thoroughfare; 30 ft. from any other street, 15 ft. from any other lot line.
Height: 3 stories (45 ft.), except 4 stories (60 ft.) on natural 7% slope.

RP-6 Planned high rise apartment district

Uses: High-rise apartment buildings.
Density: 1,000 sq. ft. per unit (43.6 units/acre)
Setbacks: 40 ft. from an interstate, highway or freeway; 35 ft. from a collector or thoroughfare; 30 ft. from any other street; 20 ft. from any other lot line. Additional required for every story over 4.
Height: 4 stories minimum.

MHP Mobile home park district

Uses: Generally mobile homes and manufactured homes
Density: 8,712 sq. ft. per unit (5.0 units/acre).
District size: 40 acres minimum.
Lot area: 50 ft. of width, 100 ft. average depth.
Setbacks: 30 ft. minimum setback from any mobile home park boundary line or public street right-of-way; 12 ft. between units or to the edge of a drive surface.

PRN Planned residential neighborhood district

Uses: Generally any type dwelling unit, assisted living, parks, schools, publicly owned buildings, churches.
Mix of Housing Types: 3 dwelling unit types required, but no less than 75% of gross acreage must be single family and common open space.

Open Space Requirement: 15% of gross land area, one community gathering place.

Access: Private alleys allowed, 5 foot sidewalks required on both sides of street.

Density: Established by rezoning.

District Size: 40 acres, unless adjacent to another PRN district.

Lot size: 85 ft. depth, no minimum width

Front yard: 10 ft. from public street, 20 ft. from back of curb on private street; garages 20 ft. from ROW and 4 ft. behind front facade.

Side yard: 6 ft.; for a zero lot line subdivision, then 12 ft. on one side.

Rear yard: 20 ft.

Height: 45 ft.

Fences: Allowed in front yard, max 3 ft. in height, must be 50% opaque.

C-O Office building district

CP-O Planned office building district

Uses: Generally office buildings, banks, day care and preschools.

Front yard: 30 ft. minimum, buildings over 30 ft., setback equal to height of building, not to exceed 100 ft.

Side yard, interior lot: 18 ft. of height - 7 ft; 30 ft. of height - 10 ft; over 30 ft. of height - 20 ft.

Side yard, corner lot: 30 ft. from street for up to 60 ft. of height. Over 60 ft., one-half the height of the building.

Rear yard: 30 ft.

Height: C-O, 30 ft.; CP-O, no height restrictions.

