

ORDINANCE NO. CSM-3382

AN ORDINANCE ADOPTING THE STREET NETWORK MAP AS THE OFFICIAL STREET MAP OF THE CITY OF OVERLAND PARK, KANSAS; REPEALING ORDINANCE NO. CSM-3271.

WHEREAS, the City has previously adopted the Unified Development Ordinance, which establishes and sets forth the method of enforcement of building and setback lines on existing and proposed major streets and highways within the City, and prohibits any new building being located within such building or setback lines within the City pursuant to the authority granted by Kansas statutes; and

WHEREAS, the Governing Body has authorized the Board of Zoning Appeals to modify or vary the building restrictions authorized by the Unified Development Ordinance in specific cases pursuant to the authority granted by Kansas statutes; and

WHEREAS, the Governing Body and Planning Commission have previously adopted and amended the Street Network Map and the Transportation Element as parts of the Comprehensive Plan for the City pursuant to the authority granted by Kansas statutes; and

WHEREAS, the City wishes to use the Street Network Map as the Official Street Map of the City, and the Transportation Element of the Comprehensive Plan as supplemental documentation of this map, for identifying the location of the existing and proposed major streets and highways within the City for which building and setback lines are established in the Unified Development Ordinance; and

WHEREAS, a duly-noticed public hearing was held before the Planning Commission on October 10, 2022, to consider the Amendments to the proposed Comprehensive Plan; and

WHEREAS, the specific location of existing rights-of-way may be obtained from the Department of Public Works; and

WHEREAS, when no right-of-way exists, the Official Street Map is intended to show only the approximate location of proposed major streets. The exact location is determined at the time of development approval; and

WHEREAS, unless otherwise approved by the Governing Body, thoroughfares are centered on section lines; and

WHEREAS, unless otherwise approved by the Governing Body, collector streets are located approximately halfway between thoroughfares; and

WHEREAS, the highest adjoining zoning district will determine the specific classification (collector, commercial, industrial or apartment) of collector streets; and

WHEREAS, unless otherwise approved by the Governing Body:

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- a. The starting location of a future collector street will be set by the location of the existing portion of the collector street on the opposite side of an intersecting street (collector or thoroughfare).
- b. Where no existing portion of a collector street exists on either side of a thoroughfare, the approved median break location will determine the starting location of the future collector street.
- c. Where no existing portion of a collector street exists on either side of a thoroughfare and the thoroughfare does not contain a median, the starting location of the future collector street shall be determined by the City Traffic Engineer; and

WHEREAS, each residential development should be linked to surrounding residential developments to ensure adequate traffic access to and circulation through residential developments. Stubbed streets are intended to provide future access for emergency vehicles, the residents of the development and the general public into adjacent residential developments; and

WHEREAS, the construction, maintenance (which includes snow removal) and repair of private streets are the responsibility of the property owner(s) as described by City Council resolution and the Overland Park Municipal Code. Private streets are defined as those owned, controlled and maintained by persons other than the public. In addition:

- a. All private streets must meet the construction standards for such streets as described in the Overland Park Municipal Code.
- b. All private streets must be named in accordance with the street name designation system on the Official Road Map and signed in accordance with the requirements found in the Overland Park Municipal Code. (Note: The Official Road Map differs from the Official Street Map in that it shows only existing roads).
- c. Once a private street is constructed, property owner(s) shall assume all liability and responsibility for the maintenance, including snow removal, and repair of:
 - 1) Street pavement and curbs and gutters of the private street, and
 - 2) Storm sewers, sidewalks and street lighting located adjacent to the private streets.
- d. Private streets may be converted to public streets only if the criteria described by City Council resolution are met. Meeting all of the criteria for conversion to public ownership is often difficult, if not impractical, and

WHEREAS, pursuant to K.S.A. 12-765, the Kansas Secretary of Transportation, Johnson County Engineer, and the Johnson County Planning Commission were consulted concerning the Street Network Map, the draft Official Street Map of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:

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SECTION 1. Pursuant to K.S.A. 12-765, there is hereby incorporated by reference the Street Network Map as the Official Street Map of the City, titled, "Official Street Map of the City of Overland Park, Kansas," dated November 7, 2022, prepared by the City of Overland Park, Kansas. Not less than three (3) copies of the "Official Street Map" shall be marked "Official Copy as incorporated by Ordinance No. CSM-3382," to which shall be attached a copy of this Ordinance No. CSM-3382, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. All City departments charged with enforcement of the "Official Street Map" shall be supplied such number of official copies of such ordinance and map as may be deemed expedient.

SECTION 2. There is further adopted, as supplementary documentation of the "Official Street Map," the Transportation Element of the Comprehensive Plan of the City of Overland Park, Kansas.

SECTION 3. The "Official Street Map" of the City of Overland Park, Kansas, as adopted and incorporated by reference herein, pursuant to the requirements of K.S.A. 12-765, shall not be enforced until after a certified copy of this adopting Ordinance No. CSM-3382, together with such official map, has been filed with the Johnson County Department of Records and Tax Administration.

SECTION 4. Ordinance No. CSM-3271 is hereby repealed; provided, however, that this repeal shall not interfere with, abrogate or annul the applicability and enforceability of any previously adopted Official Street Maps during the period of time they were in force and effect.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 7th day of November, 2022.

APPROVED by the Mayor this 7th day of November, 2022.

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

(s) Trevor L. Stiles
Trevor L. Stiles
Sr. Assistant City Attorney