

ORDINANCE NO. ZRR-3373

AN ORDINANCE RELATING TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS AND THE REGULATION OF PARKING STANDARDS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 18.100.043, 18.100.048, 18.100.049, 18.140.190, 18.140.210, 18.160.040, 18.170.040, 18.174.040, 18.174.050, 18.176.040, 18.176.050, 18.180.040, 18.180.070, 18.190.040, 18.195.040, 18.200.040, 18.210.040, 18.220.040, 18.230.040, 18.240.040, 18.245.040, 18.245.050, 18.250.040, 18.250.050, 18.260.040, 18.270.040, 18.275.040, 18.275.050, 18.280.030, 18.280.040, 18.280.050, 18.290.030, 18.290.040, 18.300.040, 18.310.040, 18.370.040, 18.430.010, 18.430.020, 18.430.030, 18.430.040, 18.430.050, 18.430.060, 18.430.070, 18.430.090, 18.430.100, 18.430.110, 18.430.120, 18.430.140, 18.430.150, 18.430.160, 18.430.170, and 18.430.180 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR; ADDING NEW SECTIONS 18.430.190, 18.430.200, AND 18.430.210.

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

Section 1. Overland Park Municipal Code Section 18.100.043 is hereby amended to read as follows:

18.100.043 Adoption by Reference of Overland Park Site Design Standards; Relationship to Other Provisions of the Code.

- A. There is incorporated by reference, for the purpose of adopting Overland Park Site Design Standards within the City, the **Overland Park Site Design Standards**, dated January 9, 2023, as prepared by the City of Overland Park, Kansas. At least one copy of the **Overland Park Site Design Standards** shall be marked “Official Copy as Incorporated by Ordinance No. ZRR-3373,” to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of the Overland Park Site Design Standards are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of the Overland Park Site Design Standards are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in mixed use projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

Section 2. Existing Overland Park Municipal Code Section 18.100.048 is amended to read as follows:

18.100.048 Adoption by Reference of Overland Park Mixed Use Design Standards; Relationship to Other Provisions of the Code.

- A. There is incorporated by reference, for the purpose of adopting Overland Park Mixed Use Design Standards within the City, the **Overland Park Mixed Use Design Standards**, dated January 9, 2023, as prepared by the City of Overland Park, Kansas. At least one copy of the **Overland Park Mixed Use Design Standards** shall be marked “Official Copy as Incorporated by Ordinance No. ZRR-3373,” to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of the Overland Park Mixed Use Design Standards are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of the Overland Park Mixed Use Design Standards are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in mixed use projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

Section 3. Existing Overland Park Municipal Code Section 18.100.049 is amended to read as follows:

18.100.049 Adoption by Reference of the Downtown Form-Based Code; Relationship to Other Provisions of the Code.

- A. There is incorporated by reference, for the purpose of adopting the Downtown Form-Based Code within the City, the **Downtown Form-Based Code**, dated January 9, 2023, as prepared by the City of Overland Park, Kansas. At least one copy of the **Downtown Form-Based Code** shall be marked “Official Copy as Adopted by Ordinance No. ZRR-3373,” to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of the Downtown Form-Based Code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of the Downtown Form-Based

Code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in downtown projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

Section 4. Existing Overland Park Municipal Code Section 18.140.190 is amended to read as follows:

18.140.190 Preliminary Development Plans -- Submission Requirements and Contents

- A. A preliminary development plan, in a form required by the Director, shall be submitted in support of the application. The preliminary development plan shall contain the following information:
1. North arrow and scale.
 2. With regard to the subject property only:
 - a. Existing topography with contours at 5-foot intervals, and delineating any land areas within the 100-year floodplain.
 - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
 - c. Conceptual locations, types and sizes of all storm drainage conveyance, detention and treatment facilities.
 - d. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
 - e. General extent and character of proposed landscaping.
 3. With regard to areas within 200 feet of the subject property:
 - a. Any public streets which are of record.
 - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City, except those serving single-family houses.
 - c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single- and two-family residential buildings may be shown in approximate location and general size and shape.
 - d. The location and size of any drainage structures, such as culverts, paved or earthen ditches or stormwater sewers and inlets.
 4. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, such as apartments and commercial buildings, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
 5. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this Ordinance can be determined.
 6. For all developments proposed in the RP-OE, RP-OS, RP-3, RP-5 and RP-6 Districts, the following information, if applicable, shall be submitted if requested

- by the Director (or designee), in addition to the above-listed requirements:
- a. Up to three site section plans.
 - b. Slope analysis representing slopes falling within the following categories:
 1. 0%-5% slope;
 2. 6%-10% slope;
 3. 11%-17% slope;
 4. 18% slope and greater.
 - c. Existing streams and other bodies of water.
 - d. Surface drainage channels.
 - e. Location, massing and pattern of existing vegetation.
 - f. Views within the site.
 - g. Vistas to and from the site.
 - h. Focal points and site amenities.
 - i. Existing structures on the site.
 - j. Street and traffic patterns affecting the site.
 - k. Pedestrian and vehicular access points.
 - l. Physical barriers (such as interstate highways).
 - m. Noise generation sources.
 - n. Surrounding uses, activities and influences of the site and adjacent properties.
7. For all developments proposed in the PRN District, the following information, if applicable, shall be submitted if requested by the Director (or designee), in addition to the above-listed requirements:
- a. Up to three site section plans.
 - b. Slope analysis representing slopes falling within the following categories:
 1. 0%-5% slope;
 2. 6%-10% slope;
 3. 11%-17% slope;
 4. 18% slope and greater.
 - c. Existing streams and other bodies of water.
 - d. Surface drainage channels.
 - e. Location, massing and pattern of existing vegetation.
 - f. Views within the site.
 - g. Vistas to and from the site.
 - h. Focal points and site amenities.
 - i. Existing structures on the site.
 - j. Street and traffic patterns affecting the site.
 - k. Pedestrian and vehicular access points.
 - l. Physical barriers (such as interstate highways).
 - m. Noise generation sources.
 - n. Surrounding uses, activities and influences of the site and adjacent properties.
 - o. A plan clearly defining the type of residential dwelling unit to be constructed on each block or specific area.
 - p. A written criteria (can include drawings or pictures) describing each residential area or building type to be constructed in the Planned Residential

Neighborhood development. Items to be included are possibly residential type (Colonial, Prairie, etc.), colors, materials and any other information that will help explain the proposal.

- q. Typical elevations for the various building types.
 - r. A pedestrian and open space concept plan.
 8. Name and address of landowner.
 9. Name and address of architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.
 10. Date of preparation of the plan.
- B. The following information shall be submitted in support of the application for the preliminary development plan approval:
1. All studies as may reasonably be required by the Director pursuant to 18.140.040.
 2. Assurances of adequate public facilities as required by 18.100.070.
- C. For all developments proposed in the RP-OE, RP-OS, and PRN zoning districts an acceptable plan shall be submitted to the City that demonstrates that all common open space and natural conservation areas will be managed by a responsible party and how these areas will be managed.
- D. For all developments proposed in the MXD zoning district the following additional submittals shall be required:
1. Regulating Plan.
 2. Building Type Plan.
 3. Street Type Plan.
 4. Utility Location Strategy.
 5. Project Design Manual.
 6. Additional plans or studies deemed necessary by the Director.

Section 5. Existing Overland Park Municipal Code Section 18.140.210 is amended to read as follows:

18.140.210 Final Development Plans -- Contents and Submission Requirements

- A. A final development plan shall be submitted, in a form required by the Director, in support of the application. The final development plan shall contain the following information:
1. A small key map indicating the location of the property within the City.
 2. A site plan including the following:
 - a. Finished grades or contours for the entire site at two-foot contour intervals.
 - b. All existing and proposed adjacent public right-of-way with centerline location.
 - c. All existing and proposed adjacent public street and public drive locations, widths, curb cuts and radii.
 - d. Location, width and limits of all existing and proposed sidewalks.
 - e. Location, size and radii of all existing and proposed median breaks and turning lanes.
 - f. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
 - g. Location of all required building and parking set-backs.

- h. Location, dimensions, number of stories and area in square feet of all proposed buildings.
 - i. Area of land on site plan in square feet or acres.
 - j. Limits, location, size and material to be used in all proposed retaining walls.
 - k. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 - l. Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.
 - m. Location, size, type of material and message of all proposed monument or detached signs.
 - n. Pertinent peripheral information to include adjacent developments, alignment and location of public and private driveways and streets, medians, public and semi-public easements.
 - o. Preliminary design and location of all proposed storm drainage conveyance, detention and treatment facilities and locations of existing drainage facilities.
 3. Building elevations including the following:
 - a. Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.
 - b. Size, location, color and materials of all signs to be attached to building exteriors, unless private sign criteria have previously been approved by the Planning Commission.
 - c. Location, size and materials to be used in all screening of rooftop mechanical equipment.
 - d. Building sections.
 4. Floor plans indicating dimensions and areas of all floors within proposed buildings.
 5. Landscaping and screening plans as required by 18.450.040, which include:
 - a. Size, species, location and number of all proposed landscape materials.
 - b. Notation of all areas to be seeded or sodded.
 - c. Location, size and materials to be used for all screening, including screening of outside trash enclosure areas.
- B. All site plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Director.
- C. The following shall be submitted in support of the application for final development plan approval:
 1. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan pursuant to 18.150.070F.
 2. A copy of all covenants and restrictions applicable to the development, if required by the terms of the preliminary development plan.
 3. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency required pursuant to approval of the preliminary development plan, if required by the terms of the approved preliminary development plan.
 4. Evidence of satisfaction of any stipulations of the preliminary development plan

approval which were conditions precedent to consideration of the final development plan.

5. Proof of filing of the statement required by 18.140.230.
6. Assurances of adequate public facilities as required by 18.100.070.

Section 6. Existing Overland Park Municipal Code Section 18.160.040 is amended to read as follows:

18.160.040 Parking Regulations

See 18.430 for parking regulations.

Section 7. Existing Overland Park Municipal Code Section 18.170.040 is amended to read as follows:

18.170.040 Parking Regulations

See 18.430 for parking regulations.

Section 8. Existing Overland Park Municipal Code Section 18.174.040 is amended to read as follows:

18.174.040 Parking Regulations

See 18.430 for parking regulations.

Section 9. Existing Overland Park Municipal Code Section 18.174.050 is amended to read as follows:

18.174.050 Development and Performance Standards

- A. District Size – All parcels hereafter zoned RP-OE, Planned Open Space Estate Residential District shall contain a minimum of 15 acres of land, provided that the Planning Commission and Governing Body may waive this requirement if the proposed tract of land abuts an existing development zoned RP-OE; Planned Open Space Estate Residential District, and the proposed tract will enable a compatible extension of the existing development.
- B. Open Space Lands Requirement - The subdivision must include at least 40% of the total gross land acreage as open space lands.
 1. Not less than 10% of this open space lands shall be in a form usable to and accessible by the residents.
 2. In addition, no more than 50% of the open space lands shall be comprised of active recreational uses.
- C. Uses Permitted on Open Space Lands
The following uses are permitted in open space land areas:

1. Low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow), agricultural uses as defined by 18.110.040, village/central greens, neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, cemeteries, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission and Governing Body.
 2. Active recreation uses (no more than 50% of the required open space lands) include recreational playing fields, golf courses, playgrounds, tennis courts, neighborhood pools, clubhouse structures, equestrian facilities, and parking lots provided such areas do not consume more than half of the minimum required open space land. Recreational playing fields, playgrounds, and tennis courts shall not be located within 100 feet of abutting properties. Parking facilities should generally be unlighted and provide no more than 10 parking spaces.
- D. See 18.180.070, which is incorporated herein by reference.

Section 10. Existing Overland Park Municipal Code Section 18.176.040 is amended to read as follows:

18.176.040 Parking Regulations

See 18.430 for parking regulations.

Section 11. Existing Overland Park Municipal Code Section 18.176.050 is amended to read as follows:

18.176.050 Development and Performance Standards

- A. District Size – All parcels hereafter zoned RP-OS, Planned Open Space Single-Family Residential District shall contain a minimum of 15 acres of land, provided that the Planning Commission and Governing Body may waive this requirement if the proposed tract of land abuts an existing development zoned RP-OS; Planned Open Space Single-Family Residential District, and the proposed tract will enable a compatible extension of the existing development.
- B. Open Space Lands Requirement - The subdivision must include at least 30% of the total gross land acreage as open space lands.
 1. Not less than 20% of this open space lands shall be in a form usable to and accessible by the residents.
 2. In addition, no more than 50% of the open space lands shall be comprised of active recreational uses.
- C. Uses Permitted on Open Space Lands
The following uses are permitted in open space land areas:
 1. Low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow), agricultural uses as defined by 18.110.040, village/central greens, neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways,

cemeteries, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission and Governing Body.

2. Active recreation uses (no more than 50% of minimum required open space lands) include recreational playing fields, golf courses, playgrounds, tennis courts, neighborhood pools, clubhouse structures, equestrian facilities, and parking lots provided such areas do not consume more than half of the minimum required open space land. Recreational playing fields, playgrounds, and tennis courts shall not be located within 100 feet of abutting properties. Parking facilities should generally be unlighted and provide no more than 10 parking spaces.
- D. See 18.180.070, which is incorporated herein by reference.

Section 12. Existing Overland Park Municipal Code Section 18.180.040 is amended to read as follows:

18.180.040 Parking Regulations

See 18.430 for parking regulations.

Section 13. Existing Overland Park Municipal Code Section 18.180.070 is amended to read as follows:

18.180.070 Development and Performance Standards

- A. Detached accessory buildings shall not be located in any required front or side yard setback area, but may be located in the rear yard setback area provided that no such building may be closer than (3 feet to any interior property line, closer than 20 feet from any street right-of-way line, or in front of any building setback line. The ground area of all detached accessory buildings in the rear yard shall not exceed 30% of the total land area in the rear yard setback. No more than 2 detached accessory buildings shall be permitted for each residence.
- B. No single-family dwelling shall be constructed, reconstructed, altered or moved unless it conforms to the minimum dwelling size regulations set forth in 18.460.
- C. Approval or disapproval of proposed preliminary development plans for non-residential uses shall be based upon the following:
 1. The capability of the site to accommodate the building, parking and drives with appropriate open space, and safe and easy ingress and egress, with direct access to a thoroughfare, super-collector or a collector street.
 2. An appropriate degree of harmony will prevail between the architectural quality of the proposed building and the surrounding neighborhood.
 3. The appropriateness of the minimum dimensions and areas of lots and yards stated in 18.180.030 may be considered and increased.
- D. Residential real estate sales offices are subject to the following standards:
 1. There shall be only one residential real estate sales office in any one subdivision.
 2. All sales shall be limited to the sale of new properties located within that subdivision.

3. Any sales office within a subdivision shall be located within a permanent residential structure with a minimum dwelling size classification equal to or greater than that of the approved subdivision. Manufactured homes, mobile homes and construction trailers shall not be permitted.
 4. No additional parking facilities other than adjacent on-street or customary driveway parking shall be permitted.
 5. Each residential real estate sales office shall obtain a Certificate of Occupancy from the Code Administrator or his designee prior to commencement of the sales office. Revocation of the Certificate of Occupancy may result if any of the above standards are violated.
 6. Upon issuance of any Certificate of Occupancy for 90% of the homes within the subdivision, the sales office shall be terminated.
 7. Any residential real estate sales office which meets the above standards will be exempt from the plan approval requirements set forth in 18.140.
 8. A model home complex operated in conjunction with a residential sales office may include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50% open, the fence cannot be constructed of chain link or other wire materials and cannot exceed 4 feet in height. The front yard fence shall be removed upon the termination of the sales office.
- E. Residential-design manufactured homes are subject to the following architectural or aesthetic standards:
1. The roof shall be double-pitched and have a minimum vertical rise of 4 feet for each 12 feet of horizontal run, and shall be covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.
 2. All roof structures shall provide an eave projection of no less than 9 inches, which shall include a gutter.
 3. The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.
 4. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the current National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
 5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set out in Title 16, and shall be attached firmly to the primary structure and anchored securely to the ground.
 6. All fuel supply systems shall be constructed and installed within the foundation

wall or underground in compliance with all applicable building and safety codes, except that any bottled gas tanks may be located above ground and outside the foundation wall provided they are fenced so as not to be clearly visible from the street or abutting properties.

7. The moving hitch, transporting lights, and wheels and axles shall be removed.
 8. The manufactured home shall be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than 50% of the unit's long dimension.
 9. The lot shall be landscaped to ensure compatibility with surrounding properties. The lot shall be seeded, sodded or planted with other appropriate ground cover in compliance with 18.450.030.
 10. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis. The minimum dimensions of the manufactured home shall be 22 feet in width and 40 feet in length.
 11. A garage or carport, constructed in accordance with the requirements of Title 16, shall be provided.
 12. If the manufactured home is located within a subdivision that has a minimum floor area classification established in compliance with 18.460.350, then the total livable floor area of the manufactured home shall comply with the minimum floor area required for that subdivision.
- F. Communication Facilities - Communications Facilities are subject to the Application, location and performance standards of 18.395 - Communications Facilities.
- G. Utility structures: Except as allowed by 18.180.070 H 4, utility structures may only be installed in a utility easement. Additional locations may be approved as allowed by 18.370. A Right-of-way Permit shall be obtained for any work associated with the utility structure that will disturb the public right-of-way. Utility structures are subject to the following standards:
1. When placing utility structures, priority shall be given to finding available utility easements in preferred locations. Preferred locations, as listed in order of priority, are: 1) properties developed with non-residential uses; 2) thoroughfare or super-collector landscape easements; 3) rear yards; 4) street side yards on a corner lot behind the front yard setback; and 5) front yards within the required side yard setback. Unless approved by the City Engineer, no above ground utility structures shall be constructed, reconstructed or relocated in any portion of a utility easement that crosses over or is included in a drainage easement or a stormwater treatment facility. When requested, applicants shall provide the City with adequate documentation to establish that preferred locations, in order of priority, are not reasonably available.
 2. Size and Height - The structure is limited to 66 inches in height above average grade and shall be limited to a footprint no larger than 20 square feet in area, except as otherwise provided in this Section.
 3. Thoroughfare or super-collector landscape easements - If the structure is located within a thoroughfare or super-collector landscape easement, the structure is subject to site plan approval. The structure shall be limited to 7 feet in height above

average grade and shall be limited to a footprint no larger than 42 square feet in area. Paved access to the structure from a thoroughfare or super-collector street may be considered, in which case an asphalt driveway meeting the requirements of 18.430.020 shall be constructed. The City Engineer may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. The driveway shall be designed such that vehicles can turn around without backing onto the thoroughfare.

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

Section 14. Existing Overland Park Municipal Code Section 18.190.040 is amended to read as follows:

18.190.040 Parking Regulations

See 18.430 for parking regulations.

Section 15. Existing Overland Park Municipal Code Section 18.195.040 is amended to read as follows:

18.195.040 Parking Regulations

See 18.430 for parking regulations.

Section 16. Existing Overland Park Municipal Code Section 18.200.040 is amended to read as follows:

18.200.040 Parking Regulations

See 18.430 for parking regulations.

Section 17. Existing Overland Park Municipal Code Section 18.210.040 is amended to read as follows:

18.210.040 Parking Regulations

See 18.430 for parking regulations.

Section 18. Existing Overland Park Municipal Code Section 18.220.040 is amended to read as follows:

18.220.040 Parking Regulations

See 18.430 for parking regulations.

Section 19. Existing Overland Park Municipal Code Section 18.230.040 is amended to read as follows:

18.230.040 Parking Regulations

See 18.430 for parking regulations.

Section 20. Existing Overland Park Municipal Code Section 18.240.040 is amended to read as follows:

18.240.040 Parking Regulations

See 18.430 for parking regulations.

Section 21. Existing Overland Park Municipal Code Section 18.245.040 is amended to read as follows:

18.245.040 Parking Regulations

- A. See 18.430 for parking regulations.

Section 22. Existing Overland Park Municipal Code Section 18.245.050 is amended to read as follows:

18.245.050 Development and Performance Standards

- A. District Size: All parcels hereafter zoned PRN, Planned Residential Neighborhood District shall contain a minimum 40 acres of land, provided that the Planning Commission and Governing Body may waive these requirements if the proposed tract of land abuts an existing development zoned PRN, and the proposed tract will enable a compatible extension of the existing development.
- B. No less than 75% of the total gross acreage being rezoned to PRN shall be developed with single-family detached units and common open space (see C below for minimum common open space).
- C. Minimum common open space: 15% of gross land area (includes parks, natural open space areas, etc.) (Areas not allowed as part of Common Open Space can be found in the Site Design Standards).
- D. Developments shall use a minimum of 3 dwelling unit types in a Planned Residential Neighborhood Development 10% of the overall housing units to count). The different dwelling units include the following:
 - 1. Multi-family dwellings containing more than 4 units per building;
 - 2. Single-family detached dwellings;
 - 3. Single-family units served by alleys;
 - 4. Two-family dwellings;
 - 5. Triplexes, or four-plexes;
 - 6. Assisted living;
 - 7. Elderly housing.
- E. One community gathering place (such as but not limited to a resident clubhouse, recreation center, meeting building, open air pavilion, etc.) shall be constructed per development (does not include swimming pools).
- F. Sidewalks shall be constructed on both sides of all streets and be a minimum of five (5) feet in width.
- G. No more than 2 detached accessory buildings shall be permitted for each residence.
- H. Private alleys may be allowed.
- I. Accessory dwelling units shall be limited as follows:
 - 1. Only 1 accessory dwelling unit is permitted per lot and shall be a minimum of 400 square feet in size.
 - 2. Accessory dwelling units shall be limited to a maximum 50% of the primary dwelling unit square footage.
- J. Fences may be permitted in the front yard but shall be limited to 3 feet in height and must

be located entirely on the private lot. The fence shall be no more than 50% opaque and constructed of split rail, wood rail, wrought iron, or spaced picket fence. (All other regulations in 18.390.140 C shall be met.)

- K. At the time of preliminary development plan approval the following shall be submitted:
 - 1. A plan clearly defining the type of residential dwelling unit to be constructed on each block or specific area;
 - 2. A written criteria (can include drawings or pictures) describing each residential area or building type. Items to be included are possibly residential type (Colonial, Prairie, etc.), colors, materials and any other information that will help explain the proposal;
 - 3. Typical elevations for the various building types, and
 - 4. A pedestrian and open space concept plan.
- L. At the time of construction plan approval, the developer shall submit a letter confirming that each single-family dwelling unit conforms to the single-family architectural criteria approved at the time of preliminary development plan. This shall be provided at the time of construction plan approval.
- M. Approval or disapproval of proposed preliminary development plans for non-residential uses shall be based upon the following:
 - 1. The capability of the site to accommodate the building, parking and drives with appropriate open space, and safe and easy ingress and egress, with direct access to a thoroughfare, super-collector or a collector street.
 - 2. An appropriate degree of harmony will prevail between the architectural quality of the proposed building and the surrounding neighborhood.
 - 3. The appropriateness of the minimum dimensions and areas of lots and yards stated in 18.180.030 may be considered and increased.
- N. No single-family dwelling shall be constructed, reconstructed, altered or moved unless it conforms to the minimum dwelling size regulations set forth in 18.460.
- O. Residential real estate sales offices are subject to the following standards:
 - 1. There shall be only one residential real estate sales office in any one subdivision.
 - 2. All sales shall be limited to the sale of new properties located within that subdivision.
 - 3. Any sales office within a subdivision shall be located within a permanent residential structure with a minimum dwelling size classification equal to or greater than that of the approved subdivision. Manufactured homes, mobile homes and construction trailers shall not be permitted.
 - 4. No additional parking facilities other than adjacent on-street or customary driveway parking shall be permitted.
 - 5. Each residential real estate sales office shall obtain a Certificate of Occupancy from the Code Administrator or his or her designee prior to commencement of the sales office. Revocation of the Certificate of Occupancy may result if any of the above standards are violated.
 - 6. Upon issuance of any Certificate of Occupancy for 90% of the homes within the subdivision, the sales office shall be terminated.
 - 7. Any residential real estate sales office which meets the above standards will be exempt from the plan approval requirements set forth in 18.140.
 - 8. A model home complex operated in conjunction with a residential sales office may

include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50% open, the fence cannot be constructed of chain link or other wire materials and cannot exceed 4 feet in height. The front yard fence shall be removed upon the termination of the sales office.

P. Residential-design manufactured homes are subject to the following architectural or aesthetic standards:

1. The roof shall be double-pitched and have a minimum vertical rise of 4 feet for each 12 feet of horizontal run, and shall be covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.
2. All roof structures shall provide an eave projection of no less than 9 inches, which shall include a gutter.
3. The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.
4. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the current National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set out in Title 16, and shall be attached firmly to the primary structure and anchored securely to the ground.
6. All fuel supply systems shall be constructed and installed within the foundation wall or underground in compliance with all applicable building and safety codes, except that any bottled gas tanks may be located above ground and outside the foundation wall provided they are fenced so as not to be clearly visible from the street or abutting properties.
7. The moving hitch, transporting lights, and wheels and axles shall be removed.
8. The manufactured home shall be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than 50% of the unit's long dimension.
9. The lot shall be landscaped to ensure compatibility with surrounding properties. The lot shall be seeded, sodded or planted with other appropriate ground cover in compliance with 18.450.030.
10. The manufactured home shall have a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis. The minimum dimensions of the manufactured home shall be 22 feet

in width and 40 feet in length.

11. A garage or carport, constructed in accordance with the requirements of Title 16 shall be provided.
 12. If the manufactured home is located within a subdivision that has a minimum floor area classification established in compliance with 18.460.350, then the total livable floor area of the manufactured home shall comply with the minimum floor area required for that subdivision.
- Q. Communication Facilities - Communications Facilities are subject to the Application, location and performance standards of 18.395 - Communications Facilities.
- R. Utility structures may be installed upon the issuance of a building permit and are subject to the following standards:
1. Size and Height - The structure is limited to 54 inches in height above average grade and shall be limited to a footprint no larger than 12 square feet in area, except as otherwise provided in this Section.
 2. Thoroughfare or super-collector landscape easements - If the structure is located within a thoroughfare or super-collector landscape easement, the structure is subject to site plan approval. The structure shall be limited to 7 feet in height above average grade and shall be limited to a footprint no larger than 42 square feet in area. Paved access to the structure from a thoroughfare street may be considered, in which case an asphalt driveway meeting the requirements of 18.430.020 shall be constructed. The City Engineer may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. The driveway shall be designed such that vehicles can turn around without backing onto the thoroughfare.
 3. Location in public right-of-way - Any structure located within the public right-of-way shall be located behind the sidewalk and is subject to approval by the City Engineer.
 4. Landscaping - Any structure that is located between the public right-of-way and an established building line shall be substantially screened from public view. Where landscaping is used for screening, a landscape plan signed by a registered landscape architect shall be submitted with an application for a building permit. The landscape plan is subject to approval by the City. Maintenance of all landscaping shall be the responsibility of the utility, unless written acceptance of such responsibility is provided from the property owner or homes association.
 5. Noise - The structure shall comply with all noise requirements, established by the City.
 6. Non-residential uses - Utility structures that are located on property that has been approved for a non-residential use, are subject to the requirements set forth in 18.250.050 H and are exempt from the above standards.
 7. Abandonment - Any structure that is not operated for a continuous period of 6 months shall be considered abandoned. The owner of said structure shall remove the structure and return the site to its original condition within 30 days following abandonment of the structure.
 8. Notwithstanding any provisions to the contrary, utility structures may continue to be installed upon the issuance of a special use permit under the applicable provisions of the UDO as they existed on January 1, 2001, and any applicant for

approval of a utility structure may elect to follow those procedures and requirements or elect to comply with the amended provisions allowing a building permit to be issued without a special use permit.

- S. Roof-mounted wind turbines may be installed on a structure located on property developed with a non-residential use or on a non-residential building subject to the performance standards in 18.250.050 J. Wind turbines may be installed on parking lot light poles located on property developed with a non-residential use subject to the performance standards in 18.250.050 K.

Section 23. Existing Overland Park Municipal Code Section 18.250.040 is amended to read as follows:

18.250.040 Parking Regulations

See 18.430 for parking regulations.

Section 24. Existing Overland Park Municipal Code Section 18.250.050 is amended to read as follows:

18.250.050 Development and Performance Standards

- A. Development and performance standards applicable to all uses:
 - 1. Prior to the issuance of any building permit, site plan approval shall be obtained as provided for in 18.140.
- B. Business Use:
 - 1. All business shall be conducted within the building, except as follows:
 - a. Financial institutions may be permitted drive-up or walk-up service as part of final development plan approval in District CP-O.
 - b. Day-care centers and preschools may be permitted outdoor activity areas as part of final development plan approval in District CP-O.
 - 2. Areas devoted to the display of business equipment, medical equipment, medical supplies, pharmaceuticals or cosmetics shall not exceed 50% of any tenant space. Areas devoted to repair services shall not exceed 10% of any tenant space. No over-the-counter sales shall be permitted except as provided in 18.390.060. Storage of the permitted items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary for the normal administrative, service and sales function of the business.
- C. Retail sales of goods and services:
 - 1. No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than passenger cars shall be stored outside a building in this district for more than twenty-four hours in a 30-day period.
 - 2. Where pharmacies or optical shops are permitted as an accessory use as provided in 18.390, there shall be no direct exterior entrance to the pharmacy.
- D. Restaurant - A restaurant is allowed as a detached accessory building in an office park that consists of at least 150,000 square feet of office building floor area. One single-tenant restaurant building is allowed per 150,000 square feet gross square footage of office

buildings, not including basement square footage, up to a maximum of two single-tenant restaurant buildings. The restaurant may be licensed as a drinking establishment, provided it meets the requirements in 18.260.050. All detached restaurant buildings shall meet the following standards:

1. No drive-in, drive-thru or walk-up service is allowed.
 2. See 18.430 for parking regulations.
 3. The architectural design for a detached restaurant building shall meet all applicable requirements of the Architectural Design Standards. Parking lot areas for detached accessory restaurants shall meet the requirements of the Site Design Standards.
 4. Any outdoor food service or outdoor seating areas shall meet the requirements in 18.260.050.
- E. Parking area lighting - Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on a public street shall not exceed 1 foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from said property line.
- F. Communication Facilities (Towers, Base Stations and Antennas) - Communications facilities are subject to the application, location and performance standards of 18.395 - Communications Facilities.
- G. Utility Structures - Utility structures meeting the following standards may be installed upon the approval of an application for site plan approval. A right-of-way work permit shall be obtained for any work associated with the utility structure that will disturb the public right-of-way.
1. Size and Height - The structure shall be limited to 7 feet in height above average grade and shall be limited to a footprint no larger than 42 square feet in area. If the structure is larger than the size requirements outlined above, it may be permitted if located within proximity (adjacent to, clustered with) existing buildings so as to be inconspicuous from any public street or adjacent property.
 2. Parking - The structure shall not be located such that it will cause a reduction in the required number of parking spaces, nor be located so as to interfere with normal circulation patterns or any sight-distance triangle.
 3. Location - Except when the structure is located within the public right-of-way, it shall comply with all setback requirements from the public right-of-way as outlined in the zoning district regulations. The structure shall be located a minimum of 30-feet from any existing single-family residential property line, or any vacant property identified in the Master Plan for low- or very low-density residential uses. If the structure is located within the public right-of-way, it shall be located behind the sidewalk, and is subject to approval by the City Engineer.
 4. Noise - The structure shall comply with all noise requirements, established by the City.
 5. Landscaping - Landscaping shall be provided for all structures with a footprint

greater than 2 square feet, where necessary to substantially screen the structure from public view and/or the view of adjacent homeowners. Where landscaping is used for screening, a landscape plan signed by a registered landscape architect shall be submitted with an application for a right-of-way work permit. If multiple locations of similar structures are proposed then the utility may submit a minimum of 2 typical landscape plans prepared by a licensed landscape architect for review and approval by the City. As part of any right-of-way work permit, landscaping shall be installed in accordance with an approved plan. Maintenance of all landscaping shall be the responsibility of the utility, unless written acceptance of such responsibility is provided from the property owner.

6. Access - The structure shall be accessed from an internal private drive, or adjacent commercial public street. Where that is not possible, access to the structure from a thoroughfare or super-collector street may be considered, in which case an asphalt driveway meeting the requirements of 18.430.020 shall be constructed. The City Engineer may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. The driveway shall be designed such that vehicles can turn around without backing onto the thoroughfare.
7. Abandonment – Any structure that is not operated for a continuous period of six (6) months shall be considered abandoned. The owner of said structure shall remove the structure and return the site to its original condition within 30 days following abandonment of the structure.
8. Notwithstanding any provisions to the contrary, utility structures may continue to be installed upon the issuance of a special use permit under the applicable provisions of the UDO as they existed on January 1, 2001, and any applicant for approval of a utility structure may elect to follow those procedures and requirements or elect to comply with the amended provisions allowing a right-of-way work permit to be issued without a special use permit.

H. Wind turbines:

1. Wind turbines may be installed on any non-single-family structure (such as a building, water tower, etc.) 3 stories in height or greater but no less than 35 feet provided that the wind turbines shall add no more than 20 feet to the height of said existing structure. Wind turbines which are architecturally compatible to the building architecture may be located on non-residential buildings less than 3 stories or 35 feet in height, subject to final development plan approval. The maximum height which may be approved for a roof-mounted wind turbine on a non-residential building less than 3 stories or 35 feet in height shall be equal to one-half the height of the building, measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable. Associated equipment may be permitted on the roof so long as it is screened from view in accordance with 18.450.100. The roof-mounted wind turbine itself is exempt from the screening provisions of this subsection for optimum functionality of the turbine.
2. Wind turbines may be installed on parking lot light poles. The mounting height for parking lot light fixtures shall not exceed 33 feet as measured to the top of the fixture from grade. 20% of the height of the light pole may be added above the light fixture for the purpose of installing a wind turbine. The overall height of the parking

lot light pole and wind turbine shall not exceed 40 feet, measured to the highest point of the wind turbine structure, including blades, if applicable. The wind turbine and any required appurtenances shall be painted to match the light pole and fixture.

Section 25. Existing Overland Park Municipal Code Section 18.260.040 is amended to read as follows:

18.260.040 Parking Regulations

- A. See 18.430 for parking regulations.

Section 26. Existing Overland Park Municipal Code Section 18.270.040 is amended to read as follows:

18.270.040 Parking Regulations

- A. See 18.430 for parking regulations.

Section 27. Existing Overland Park Municipal Code Section 18.275.040 is amended to read as follows:

18.275.040 Parking Regulations

- A. The parking requirement of each building is controlled by the sub-zone and type/use of building as identified in the Parking Requirements section of the Mixed Use Design Standards.

Section 28. Existing Overland Park Municipal Code Section 18.275.050 is amended to read as follows:

18.275.050 Development and Performance Standards

- A. Development and performance standards applicable to all uses:
 - 1. Prior to the issuance of any building permit, site plan approval shall be obtained as provided for in 18.140.
 - 2. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
- B. Retail sales of goods and services: Merchandise, which may be appropriately displayed outside a building, shall be kept off the public sidewalks, parking lots, landscaped areas, and streets, and shall not occupy an area greater than 10% of the ground floor area of the nonresidential portion of the adjacent building. All merchandise shall be displayed on a concrete or similar hard surface. No merchandise (including motorcycles, scooters, and automobiles) may be left outdoors when the business is not open.
- C. Drive-in, Drive-thru and Walk-up service - Drive-in, drive-thru or walk-up service may be

permitted as part of final development plan approval. The drive-in, drive-thru or walk-up facility shall be integrally designed into the development, and the drive-thru lane and drive-thru window may not be located adjacent to the public street network or drives. See 18.430.140 for stacking requirements.

- D. Curbside service - Curbside service may be permitted as part of final development plan approval. The location of the curbside service shall be integrally designed into the development.
- E. Outdoor food service areas - Restaurants or drinking establishments may have an outdoor food service area that is accessory to the main restaurant or drinking establishment function as designated on the approved development plan. The outdoor food service area shall be subject to the provisions set forth in 18.260.050.
- F. Outdoor seating areas - see 18.260.050.
- G. Clubs, drinking establishments, or restaurants serving alcoholic liquor or cereal malt beverages - Clubs, drinking establishments, or restaurants serving alcoholic liquor or cereal malt beverages shall be subject to the provisions set forth in 18.260.050.
- H. Retail Sales of Alcoholic liquor or cereal malt beverages - Retail sales of alcoholic liquor or cereal malt beverages are subject to the provisions set forth in 18. 260.050.
- I. The canopy structure over the gas pumps shall be located behind or to the rear of the main gas station building but not adjacent to a perimeter public street. No servicing or storage of cars is permitted.
- J. Communications Facilities - Communications facilities are subject to the application, location and performance standards of 18.395 - Communications Facilities.
- K. Wind turbines
 - 1. Wind turbines may be installed on any non-single-family structure (such as a building, water tower, etc.) 3 stories in height or greater but no less than 35 feet provided that the wind turbines shall add no more than 20 feet to the height of said existing structure. Wind turbines which are architecturally compatible to the building architecture may be located on non-residential buildings less than 3 stories or 35 feet in height, subject to final development plan approval. The maximum height which may be approved for a roof-mounted wind turbine on a non-residential building less than 3 stories or 35 feet in height shall be equal to one-half the height of the building, measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable. Associated equipment may be permitted on the roof so long as it is screened from view in accordance with 18.450.100. The roof-mounted wind turbine itself is exempt from the screening provisions of this subsection for optimum functionality of the turbine.
 - 2. Wind turbines may be installed on parking lot light poles. The mounting height for parking lot light fixtures shall not exceed 33 feet as measured to the top of the fixture from grade. 20% of the height of the light pole may be added above the light fixture for the purpose of installing a wind turbine. The overall height of the parking lot light pole and wind turbine shall not exceed 40 feet, measured to the highest point of the wind turbine structure, including blades, if applicable. The wind turbine and any required appurtenances shall be painted to match the light pole and fixture.

Section 29. Existing Overland Park Municipal Code Section 18.280.030 is amended to read as follows:

18.280.030 Height and Area Regulations

The maximum height of buildings and structures and the minimum dimensions of lots and yards shall be as follows, except as otherwise provided in 18.420:

- A. Maximum height:
 - 1. In District C-3, the height of buildings or structures shall not exceed 40 feet.
 - 2. In Districts CP-3, the height of buildings or structures shall not exceed 144 feet.
- B. Minimum front yard -- no building, or any parking, storage or display area, shall be located within 10 feet of the front lot line.
- C. Side yards:
 - 1. No side yard is required except that where a side lot line abuts the side lot line of residentially zoned property, or property zoned C-0 or CP-0, a side yard shall be provided which is at least equal to the minimum side yard required in the district which the property abuts, plus one foot for every 6 feet of building height over 30 feet or portion thereof.
 - 2. On the street side of a corner lot, a side yard shall be provided of 10 feet, plus one foot for every 4 feet of building height over 30 feet or portion thereof.
- D. Rear yard -- no rear yard is required except that where a rear lot line abuts residentially zoned property or property zoned C-0, CP-0, C-1 or CP-1, a rear yard shall be provided of not less than 20 feet, plus one foot for every 6 feet of building height over 30 feet or portion thereof.

Section 30. Existing Overland Park Municipal Code Section 18.280.040 is amended to read as follows:

18.280.040 Parking Regulations

- A. See 18.430 for parking regulations.

Section 31. Existing Overland Park Municipal Code Section 18.280.050 is amended to read as follows:

18.280.050 Development and Performance Standards

- A. Drive-in and drive-through service may be provided at any establishment. The location and design of any drive-in or drive-through facility shall be such that potential adverse effects on adjacent property are minimal or nonexistent, and the Planning Commission or Governing Body may attach conditions to any development approval for a drive-in or drive-through facility relating to the configuration, design or operation of the facility intended to lessen potential adverse effects. All property for which drive-in or drive-through service is provided shall be zoned CP-3 and shall be subject to the following limitations:

1. No order box, order window, payment window, pickup window, drive-in service stall or similar point of interaction for the drive-in or drive-through facility shall be located within 200 feet of any residentially zoned property. Provided, however, that the distance restriction above may be reduced or waived by the Planning Commission or the Governing Body at the time of preliminary and final development plan approval where the residentially zoned land is not designated on the Future Development Plan as being within a residential category. In determining to what degree the 200-foot distance should be reduced, if any, the Planning Commission and/or Governing Body shall consider, but not be limited to, the following factors:
 - a. The likelihood that the residentially zoned property will be developed for a residential use or will continue to be utilized for a residential use in the foreseeable future.
 - b. The degree to which the current or anticipated use of the residentially zoned property is likely to be sensitive to or affected by the noise, headlight glare, exhaust fumes and litter that may result from the operation of the drive-in or drive-through facility.
 - c. The degree to which the property containing the drive-in or drive-through facility also contains or is proposed to contain landscaping, fencing, berming, and/or other buffering techniques to lessen the impact of the drive-in or drive-through facility on the residentially zoned property.
 - d. The degree to which the residentially zoned property has a site configuration, a building design or other physical features which would lessen the impact of the drive-in or drive-through facility on the residentially zoned property.
 2. See 18.430.140 for stacking requirements.
- B. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
 - C. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 - D. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from flood-lights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from said property line.
 - E. Merchandise which may appropriately be displayed or stored outside a building shall be kept off public sidewalks and streets and shall not reduce the capacity of a parking lot below that required by this title. Automobiles and trucks for sale may be stored or displayed outside a building, but not within 10 feet of a street right-of-way, nor within 6 feet of a side or rear lot line.

- F. Prior to issuance of any building permit, site plan approval shall be obtained as provided for in 18.140.
- G. In addition to the other applicable provisions of the code, any new car or used car dealership south of Interstate 435 shall only be allowed in a planned zoning district. The perimeter of such dealership use shall be clearly defined on the preliminary development plan.
1. All structures and parking lots associated with such dealership use shall meet the following setback and separation requirements based on the Master Plan designation of the adjacent property:

Separation	
Single-Family Residential	250 feet
Multi-Family Residential or Office	100 feet
SETBACKS FROM:	
Public R-O-W	30 feet
Commercial property lines	N/A
Perimeter of defined new car dealership use, excluding R-O-W	75 feet
Adjacent Residential property lines	See Separation Requirements
Adjacent Auto Dealer use	15 feet
Private Drive	15 feet

2. No required setback area shall be used for vehicle display. Vehicle display areas shall be identified on the preliminary and final plan. A single elevated vehicle platform shall be permitted for each dealership if it is constructed of landscape materials or building materials consistent with the construction of the building. The maximum allowable height shall be 6 feet. In no event shall vehicle display areas or platforms rotate or move in any manner.
3. The preliminary and final plan shall identify areas for vehicle loading and unloading. In the case of three or more car dealerships in a unified development, a common area for vehicle loading and unloading may be identified.
4. The site plan shall designate parking spaces for employees, customers and for cars being serviced on-site. Such parking shall be provided at the ratio of 4 spaces per 1,000 square feet of building area and shall be landscaped according to 18.450.070.
5. Service areas shall be located internally and garage doors shall be oriented so they do not face any area Master Planned for residential uses unless screened by a solid masonry wall.
6. The use of loudspeakers or other exterior amplification devices shall be prohibited.
7. Lighting for automobile dealerships shall be limited to non-adjustable, vertical

mount, precise cut-off fixtures with flat lenses mounted horizontal to grade. House shields shall be utilized on all perimeter fixtures. The maximum allowable height for light poles shall be 24 feet. A lighting plan, including photometrics, shall be submitted as part of the final development plan. The permitted lighting levels are as follows:

	Maximum Average Maintained (foot-candles)	Maximum Allowable Illuminance	Uniformity Ratios
Vehicle display areas	40 fc	50 fc	6:1 average to minimum
All other vehicle areas	5 fc	N/A	6:1 average to minimum 20:1 maximum to minimum

Spotlights and secondary lights shall not be permitted. In no event shall light poles be utilized for the display of any type of banner, flag or other promotional item.

- 8. Landscaping shall be provided at the rate of 4 trees per 1,000 square feet of landscaped open space, excluding setbacks along any street frontage. For street frontages, one tree for every 40 feet of public or private street frontage shall be provided. A screening fence shall be provided as required by 18.450.100D. The location and design of all security fences, bollards, gates, etc. for individual dealerships are subject to review and approval at the time of final plan approval.
- 9. Flagpoles shall be limited to a maximum height of 30 feet as measured from grade.

Section 32. Existing Overland Park Municipal Code Section 18.290.030 is amended to read as follows:

18.290.030 Height and Area Regulations

The maximum height of buildings and structures and the minimum dimensions of lots and yards shall be as follows, except as otherwise provided in 18.420:

- A. Maximum height:
 - 1. Buildings -- 40 feet.
 - 2. Structures other than buildings -- 100 feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- B. Minimum setbacks:
 - 1. All buildings or structures shall be set back a minimum of 50 feet from any public street right-of-way forming the peripheral property line of the business park.
 - 2. All buildings or structures shall be set back a minimum of 30 feet from any internal street right-of-way.
 - 3. All buildings or structures shall be set back a minimum of 75 feet from the property

line of any residentially zoned property, where such property is already developed for residential use or is designated residential on the City's current Future Development Plan.

4. All buildings or structures shall be set back a minimum of 20 feet from any peripheral property line other than a street right-of-way line or residentially zoned property.
5. All buildings or structures shall be set back a minimum of 6 feet from the lot line of any lot within the business park where such lot line does not abut a street right-of-way or the property line of another property other than the business park property.

Section 33. Existing Overland Park Municipal Code Section 18.290.040 is amended to read as follows:

18.290.040 Parking and Loading Regulations

- A. See 18.430 for parking regulations.
- B. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.

Section 34. Existing Overland Park Municipal Code Section 18.300.040 is amended to read as follows:

18.300.040 Parking and Loading Regulations

- A. See 18.430 for parking regulations.
- B. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.

Section 35. Existing Overland Park Municipal Code Section 18.310.040 is amended to read as follows:

18.310.040 Parking and Loading Regulations

- A. See 18.430 for parking regulations.
- B. Each parking area shall be permanently surfaced and shall be located on the premises or within 300 feet thereof on land zoned for commercial or industrial uses or having a special use permit for such purpose.
- C. Each establishment shall provide adequate loading space within a building or in a side or rear yard in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.

Section 36. Existing Overland Park Municipal Code Section 18.370.040 is amended to read as follows:

18.370.040 Development and Performance Standards

A. Development and performance standards applicable to all special uses.

1. At the time of approval of any special use permit, the Governing Body may impose such restrictions as to height or bulk of buildings or structures, yard and lot area requirements, parking requirements, open space or landscaping requirements, fencing requirements or other requirements determined to be reasonably necessary for the protection of the public health, safety and welfare of the neighborhood and the community at large. Further, the Governing Body may require that the applicant submit a final development plan for approval by the staff, Planning Commission or Governing Body prior to the issuance of any building or site development permit.
2. Except where a longer or shorter time has been stated for a specific special use, and except as provided below, the maximum time period for any special use permit, or any extension thereof, shall be 10 years. In cases of extreme hardship, the Governing Body may consider granting a permit, or extension thereof, for such period as is warranted under the circumstances.
3. New construction approved under a special use permit shall be subject to the design standards that apply to the underlying zoning district of the most analogous zoning district.
 - a. The Governing Body may, in the process of approving the special use permit, approve deviations from the development and performance standards as provided for in 18.150.070 H.
4. For signs accessory to a special use, see 18.440.120 A.
5. Renewal of a special use permit is not a matter of right. The same discretion shall attach to a decision to renew a special use permit as existed in the original decision to grant or deny that permit; provided, however, that in considering the decision to grant or deny renewal, any factor which would be relevant to consideration of revocation shall also be relevant to consideration of renewal.

B. Airports or aviation fields.

At the time of approval of any permit for an airport or aviation field, the Governing Body may impose such restrictions on land, buildings or structures within an approach or transition plane or turning zone as is necessary to promote safety of navigation and to prevent undue danger from confusing lights, electrical interference or other hazards.

C. Clubs and drinking establishments for non-residential uses in residential districts.

1. Clubs, drinking establishments or restaurants serving alcoholic liquor or cereal malt beverages must be licensed with the State and the City. (See 5.12, 5.20, 5.48)
2. No permit shall be approved unless a determination is made that the impacts of traffic, access and parking, noise and litter will not adversely affect the surrounding neighborhood.
3. An initial permit may be issued for a maximum time period of 3 years. Subsequent renewals may be issued for a maximum time period of 5 years.
4. Clubs, drinking establishments or restaurants serving alcoholic liquor or cereal malt beverages in an outdoor food service area must have the outdoor food service area meet the requirements in 18.260.050E.

5. Golf courses: A permit for a drinking establishment may be extended beyond the clubhouse to include the golf course. The golf course is exempt from the requirements in 18.370.040.C.4. Further, the requirements in 18.370.040.C.4 may be waived for the clubhouse where the outdoor service area directly abuts a course approved as a drinking establishment.
- D. Mines or quarries (including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials).
1. Mines or quarries shall be subject to the development and performance standards set forth in 18.310.050 (District M-2).
 2. All mines or quarry operations shall be located adjacent, or have direct access over a private haul road, to a thoroughfare capable of handling the expected loads of heavy truck traffic.
 3. All above-ground operations shall be located not less than 400 feet from the property line of adjoining commercial or industrial property, 750 feet from the property line of adjoining agricultural or residentially zoned property, and not less than 1,000 feet from the nearest residence existing at the time of commencement of operations.
 4. All below-ground operations shall be located not less than 200 feet from the nearest property line, measured laterally.
 5. The initial special use permit may be issued for a maximum time period of 10 years, with subsequent renewals issued for a maximum time period of 5 years.
- E. Oil or gas drilling or production.
1. Special use permits for oil or gas drilling or production may be approved provided that the approval is consistent with the intent and purpose of 5.51 as well as the spirit and intent of this Title. In the event of a conflict between the definitions or terms of this Section and 5.51, the provisions of 5.51 shall control.
 2. In addition to the criteria stated in 18.370.040, the Planning Commission and Governing Body shall consider the following criteria in reviewing an application for an oil or gas special use permit:
 - a. The development of the natural resources as it relates to the local, regional or national economy.
 - b. The economic conditions as they affect other types of development.
 - c. The effect of approval of the special use permit on existing and future development or development potential of the property.
 - d. The cumulative effect of approval of the proposed permit and other oil and gas special use permits on existing and future development or development potential of the area.
 - e. Past history of the operator with regard to spills, overall safety and compliance with local or state laws.
 3. The minimum tract size for special use permits for oil drilling or production shall be 10 acres, including any public street right-of-way. The applicant shall have the written authorization of all owners of the tract. There is no minimum tract size for special use permits for gas drilling or production.
 4. No portion of the drilling area shall be closer than 165 feet from any point along the tract line or from public street right-of-way. No drilling or production related activities shall occur within this required buffer area.

5. The maximum depth of any well shall be 1,200 feet below grade unless a greater depth is authorized at the time of the permit approval.
 6. In addition to the aforementioned requirements, additional information or conditions may be required, as deemed necessary and proper to protect and promote the public health, safety and welfare, and which requirements are consistent with the intent and purpose of this Chapter, including but not limited to the following:
 - a. Enclosure or burial of the wellhead and/or appurtenances.
 - b. Material types and height of any fencing.
 - c. Noise suppression devices or procedures.
 - d. Hours of operation for drilling equipment delivery, drill pipe storage, racking, servicing, loading of oil, removal of equipment, perforating or fracturing and restoration.
 - e. Routes used by drilling or production related vehicles.
 - f. The capacity number and color of storage or other tanks.
 - g. An environmental impact assessment addressing those areas about which the Planning Commission or Governing Body require additional information, such as noise pollution, water pollution, air pollution, geological impacts or safety and nuisance potential. Any such environmental impact assessment shall include baseline data against which actual impacts may be evaluated and shall also include the reasonable and preferred procedures and/or equipment for mitigating or abating any and all significant impacts. Any such environmental impact assessment shall be prepared and certified by a professional qualified in the field(s) to which the assessment applies.
 - h. Fiscal impact analysis.
 7. Any oil or gas drilling or production operation shall comply with the development and performance standards set forth in 18.310.050 (District M-2).
 8. An initial special use permit for oil or gas drilling or production may be granted for a period of up to 10 years, but in no case shall the period granted be less than 5 years. All subsequent special use permits may be granted for renewal periods of up to 10 years, but in no case shall the period granted be less than 1 year. A special use permit granted for gas production only may be granted for an indefinite period of time.
 9. The granting of a period for oil or gas drilling or production shall not be construed, nor interpreted as implying, that refineries or dehydration or absorption plants are permissible within the permit. Storage tank farms not accessory to the production for which the special use permit has been granted shall not be permitted.
- F. Billboards. See 18.440.120 B.
- G. Residential real estate sales offices.
Real estate sales offices which are not otherwise a permitted use in a residential subdivision or project, may be operated under a special use permit for the purpose of selling properties located within the subdivision or project under such conditions as may be imposed at the time of approval of the permit. No such permit shall be issued for a period exceeding 2 years. The precise location of any such real estate sales office within the subdivision or project shall be indicated on the application for the permit.
- H. Temporary uses of land for commercial or industrial purposes.

1. Special use permits for temporary uses of land for commercial or industrial purposes may be granted for an initial period up to 3 years. The first renewal may be issued for a maximum time period up to 5 years, and any subsequent renewal may be issued for a maximum time period up to 10 years.
 2. Factors to be considered for approval of the special use permit include, but are not limited to, traffic, parking, noise, litter, or other potential adverse impacts on surrounding properties.
 3. This provision shall not be used as a means of seeking approval for occupations which are not permitted as accessory uses in residential districts under 18.390.
 4. Any stored equipment or material shall be removed from the site on the date of expiration of the special use permit.
- I. Retail sale of building supplies, with outside storage in excess of 20% of the ground floor area of the building in a CP-2 District.
- Approval or disapproval shall be based on the following criteria in addition to the criteria specified in 18.140.150 E:
1. The compatibility of the open storage area to the surrounding or proposed land use of adjacent properties.
 2. The size of the open storage area in relation to the size of the main retail structure.
 3. The amount of storage area under roof.
 4. The amount, type, and quality of screening of the open storage area.
 5. The ability of emergency vehicles to enter and maneuver through the site.
- J. Communications Facilities (Towers, Base Stations and Antennas).
1. The definitions in 18.395.020 shall apply to Special Use Permits for Communications Facilities.
 2. Each application for a Special Use Permit for Communications Facilities shall follow the process and submit the required information listed in 18.395.050.
 3. A Special Use Permit for Communications Facilities shall be subject to the performance standards listed in 18.395.070.
 4. A Special Use Permit for a Communications Facilities shall be for a term not less than 10 years.
 5. A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of 18.395.080.
- K. Sale of used passenger cars in conjunction with either a new car dealership or a qualified rental car agency.
1. For the purposes of this Chapter:
 - a. A “new car dealership” must be a licensed “new vehicle dealer” under the laws of the state of Kansas (K.S.A. 8-2401 (b) as may be amended).
 - b. A “qualified rental car agency” is defined to mean a company whose primary business objective is the rental of passenger cars to the general public in multiple (more than two states and whose used car inventory consists predominantly of the company’s former rental car inventory).
 2. The property must be zoned District CP-2, C-2 or DFD.
 3. Used car facility size limitation.
 - a. In the case of a new car dealership, the net site area of the used car facility shall not exceed 50% of the net site area of the new car dealership.
 - b. In the case of a qualified rental car agency, the net site area of the used car

facility shall be less than the net site area of the qualified rental car agency. Accordingly, the portion of the net site area dedicated for the used car facility shall be less than 50% of the overall net site area; and the net site area of the rental car operation shall be in excess of 50% of the overall net site area. In order to maintain this limitation, the special use permit may set a cap on the number of used cars allowed on the site at any given time.

4. Proximity.
 - a. In the case of a new car dealership, the property line of the used car facility must be within 300 feet of the property line of the associated new car dealership.
 - b. In the case of a qualified rental car agency, the two businesses shall either be located on the same property or the property line of the used car facility must be directly contiguous to the property line of the rental car facility.
 5. A site plan must be submitted which clearly defines the location of all used car display areas, new car display areas (if any), rental car display areas (if any), and employee and customer parking.
 6. The used car facility must be licensed to the same person as the applicable new car dealership or qualified rental car agency, or to said person's affiliate, defined as a wholly owned parent or subsidiary or as an entity under common ownership or control.
 - a. Repealed.
 7. In the case of a new car dealership, the operation of the used car facility must be governed by an agreement with the same first or second stage manufacturer or distributor as the new car dealership. (This requirement does not apply to qualified rental car agencies.)
 8. Documentation of compliance with these performance standards must be submitted with the application for a special use permit.
 9. The initial special use permit may be for a period up to 10 years. Any subsequent renewals may be for a period up to 10 years. Criteria for said renewals shall include, but not be limited to, whether or not the maintenance and appearance standards, and the manner of display of vehicles, of the used car facility have been equal to or greater than the associated new car dealership or qualified rental car agency.
- L. Animal hospital, large animal veterinarians, or animal kennels
1. Animal hospital means a building or group of buildings used primarily for providing acute or emergency in-patient services within a completely enclosed building for the diagnosis, treatment, or medical and surgical care of sick or injured animals operating on a not less than 24 hours, 7 days a week basis. Such hospitals may include related facilities such as laboratories, out-patient department, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation and does not include any outdoor facilities such as kennels, non-medical boarding, pet runs and enclosures unless specifically approved as part of the special use permit.
 2. Any animal hospital, large animal veterinarian, or animal kennel that includes an outdoor pet run or play area shall comply with the requirements set forth in the current edition of the Overland Park Design and Construction Standards, as may be

amended.

3. For any animal hospital, large animal veterinarian, or animal kennel that includes an outdoor pet run or play area, the Governing Body may impose additional restrictions related to fencing, setbacks, or other requirements determined to be reasonably necessary for the protection of public health, safety, and welfare of the animals, neighborhood, and community at large.
4. An initial permit for any animal hospital, large animal veterinarian or animal kennel with an outdoor pet run or play area and/or overnight boarding may be issued for a maximum time period of 5 years. Subsequent renewals may be issued for a maximum period of 10 years.

M. Indoor self-storage facilities

1. Indoor self-storage facilities shall only be permitted in the C-2, CP-2, C-3, CP-3 and MXD districts, and in the DFD General Urban Frontage when not located on the ground story.
2. In consideration of the special use permit request, the Planning Commission and Governing Body shall consider the prominence of the proposed location in relation to surrounding commercial development, the potential impact of the storage facility on the character and economic vitality of those surrounding developments.
3. At the final development plan stage, the applicant shall demonstrate that the facility can be converted without major structural changes into a space suitable for a generic retail business.
4. All operations shall be within a fully enclosed climate controlled building. Overhead doors or other means that directly access storage space from outside the building are prohibited.
5. Setbacks shall be provided as required by the underlying zoning district.

N. Transportation facilities for public agencies.

1. Preliminary and final site plan approval shall be required for all transportation facilities. Preliminary and final site plans shall include, but not be limited to, the following: adequate employee parking areas for the facility, parking and storage areas for all buses and other vehicles, structures for administration, maintenance and repairs, and screening of the facility.
2. All parking and vehicle storage areas shall be screened from view from all adjacent public streets and adjacent property. The screening technique and materials are subject to review and approval by the Planning Commission and Governing Body.
3. All maintenance and repair of any vehicles shall be conducted inside of a permanent structure.
4. All inoperable vehicles shall be stored inside a permanent structure or removed from the facility.
5. Transportation facilities shall not have a common property line with property identified as low-density or very-low-density on the City's Future Development Plan map.

O. Car wash.

1. A special use permit for a car wash shall only be allowed for property zoned CP-2, Planned General Business District.
2. The location for a car wash shall not have a common property line with property identified as low-density-residential or very-low-density-residential on the Future

Development Plan Map.

3. A car wash shall be a tunnel type, fully enclosed building. The car wash shall clean a moving vehicle by using employees or by an automated system.
4. All mechanical equipment for the car wash system and vacuums shall be internal to a fully enclosed building. Vacuum bays shall be covered by a roof structure. Vacuum bays may be self-serve drive-in bays.
5. The entrance and exit to the car wash shall be 200 feet from any residentially zoned property. Provided, however, that the distance restriction may be reduced or waived by the Planning Commission or the Governing Body at the time of preliminary and final development plan approval where the residentially zoned property is not designated on the Future Development Plan Map as being within a residential category. In determining to what degree the 200-foot distance should be reduced, if any, the Planning Commission or Governing Body shall consider the same factors referenced in 18.270.050 C.
6. No amplified speaker used for the kiosk or pay station shall be located within 200 feet of any residentially zoned property. Provided, however, that the distance restriction above may be reduced or waived by the Planning Commission or the Governing Body at the time of preliminary and final development plan approval where the residentially zoned land is not designated on the Future Development Plan Map as being within a residential category. In determining to what degree the 200-foot distance should be reduced, if any, the Planning Commission or Governing Body shall consider, but not be limited to the factors listed in 18.270.050C.

P. Wind turbine(s).

1. Each application for a special use permit for a wind turbine or wind turbines shall be accompanied by the following information:
 - a. Preliminary development plan (see 18.140.190).
 - b. Turbine information, including type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.
 - c. Meteorological tower information, if applicable, including location, height, and appearance.
 - d. Digital pictorial representations of “before and after” (photo simulation) views from key viewpoints as may be appropriate.
 - e. The Director, Planning Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application, such as a shadow/flicker model, noise study, geotechnical report, or wildlife impact study.
2. A request for a special use permit for a wind turbine(s) may be approved for an indefinite period of time.
3. Height – The maximum height which may be approved for a wind turbine is 150 feet. Height shall be measured from average grade at the tower base to the highest point of the wind turbine structure, including blades, if applicable. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations. The maximum height which may be approved for a roof-mounted wind turbine shall be equal to one-half the height of the building, not to exceed 20 feet. Height shall be

measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable.

4. Minimum lot size – Ground-mounted wind turbines shall be located on property a minimum of one-half acre in size.
5. Setbacks – All wind turbines, other than roof-mounted wind turbines, shall be setback a distance equal to the height of the wind turbine, including blades, if applicable, from all property lines.
6. Separation requirements – When two or more ground-mounted wind turbines are located on one lot, they shall be separated by a distance equal to the overall height of one wind turbine system, including blades, if applicable.
7. The Planning Commission or Governing Body shall have the ability to grant a deviation from these standards subject to 18.150.070 (H). In support of a deviation request from these requirements, the applicant shall submit detailed information illustrating the need for the deviation.
8. Color/Finish – Wind turbines, including the towers, shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community.
9. Tower design – All tower structures shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice structures shall be permitted.
10. Blade size – The diameter of the blades for a ground-mounted horizontal-axis, propeller-style wind turbine system shall be limited to one-third the height of the tower.
11. Lighting – Wind turbines shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority.
12. Signage – Signs shall be limited to the appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine. Commercial advertising is strictly prohibited.
13. Federal and State regulations – All wind turbines shall meet or exceed current State and Federal standards and regulations.
14. Building code compliance - All wind turbines shall meet or exceed the current standards expressed in the adopted building codes. A building permit is required prior to the installation of any wind turbine.
15. Utility connections – Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than two (2) square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or the view of adjacent homeowners. Maintenance of all landscaping shall be the responsibility of the property owner.
16. Electrical wires – All electrical wires associated with a wind turbine shall be located underground except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.

17. Safety shutdown – Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades, and turbine components.
 18. Minimum blade clearance – The blade tip clearance for a ground-mounted, horizontal-axis, propeller-style wind turbine shall, at its lowest point, have a ground clearance of not less than 30 feet.
 19. Noise – The noise emitted from any wind turbine shall not exceed the noise level limits set out in 7.08, except during short-term events such as utility outages and severe windstorms.
 20. Utility notification – No building permit for a wind turbine shall be issued until a copy of the utility company’s approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt.
 21. Removal of abandoned wind turbines – Any wind turbine that is not operated for energy production for a continuous period of 12 months shall be considered abandoned, and the owner of such wind turbine shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such wind turbine is not removed within said 90 days, the governing authority may remove such wind turbine at the owner’s expense.
 22. Screening – Equipment associated with a roof-mounted wind turbine shall be permitted on the roof so long as it is screened from view in accordance with 18.450.100. The roof-mounted wind turbine itself shall be exempt from the screening requirement for optimum functionality of the turbine.
- Q. Uses previously authorized by conditional use permits issued by Johnson County for properties in the areas annexed by Ordinance No. A-2367 (effective May 8, 2002) or Ordinance No. A-2719 (effective March 13, 2008).
1. The purpose of this special use category is to provide a means for uses in areas annexed by Ordinance No. A-2367 or Ordinance No. A-2719 that were previously granted a conditional use permit by Johnson County and for which there is no comparable city special use category. Properties that did not previously have a Johnson County conditional use permit cannot utilize this special use category.
 2. Special use permit approval shall not be granted as a matter right, but shall be subject to the same procedures and the same discretionary approval and standards as any other special use permit or any renewal thereof.
 3. The Planning Commission and the Governing Body may approve the special use permit with some or all of the stipulations imposed by the County’s conditional use permit. Further, additional or alternative stipulations may be approved, provided such stipulations shall not unreasonably restrict or frustrate the intended use lawfully approved under the conditional use permit.
 4. Applications for this special use category will not be considered when the County approved conditional use permit has been expired for a period of time exceeding 6 months.
 5. Applicants not in compliance with the conditions and stipulations of the County

approved conditional use permit may be denied outright.

R. Digital Display - See 18.440.120 C.

Section 37. Existing Overland Park Municipal Code Section 18.430.010 is amended to read as follows:

18.430.010 Parking Required for All Structures

For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, parking in the form of garages or areas made available exclusively for parking shall be provided. Such parking spaces shall generally be located entirely on the same property as the main use with no portion other than the necessary drives extending into any street or other public way. Parking shall be provided in quantities stated below for the various zoning districts and certain occupancies which may have unusual parking needs. The issuance of building permits or certificates of occupancy shall require compliance with the minimum parking standards even though a development plan may have been approved previously which included fewer parking spaces due to the unknown or changing status of occupancy. Except as hereinafter provided, no parking of motor vehicles shall occur except on paved parking areas required by this Chapter. In commercial zoning districts, the required parking area shall not be used for motor vehicle maintenance or repair.

These provisions are intended to support the following goals:

- Limit the impacts of excessive and underutilized parking supply and increase opportunities for productive uses and open space.
- Foster economic vitality and mixed-use districts by supporting walkability and activity density with appropriate parking policies.
- Implement codes that maximize the efficient use of parking and support shared parking resources citywide.
- Develop provisions that create quality parking screening and design standards that minimize adverse impacts of the built environment.
- Manage the growth of traffic by encouraging projects and contributions that minimize driving trips.

Section 38. Existing Overland Park Municipal Code Section 18.430.020 is amended to read as follows:

18.430.020 Improvement of Parking Areas

All parking areas and drives leading thereto shall be ready for use upon occupancy of a building and shall be surfaced with a permanent, bituminous or concrete paving meeting the standards of the City prior to the issuance of a certificate of occupancy, unless special permission is granted by the Director due to weather conditions not being satisfactory for placing asphaltic materials. Alternate all-weather, dust-free, permeable paving materials may be approved by the Director when used as a stormwater treatment facility as required under 16.210. All parking lots and drives leading thereto, except those serving one-family dwellings, shall have curbs and drainage facilities approved by the Director. In cases where raised curbs are eliminated as an integral part of a

stormwater treatment facility, flat or “ribbon” curbing constructed from Portland Cement Concrete shall be utilized and alternate means of controlling vehicle movement shall be provided and approved by the Director.

Section 39. Existing Overland Park Municipal Code Section 18.430.030 is amended to read as follows:

18.430.030 Access to Parking Lots and Parking Garages

Ingress and egress to all parking areas shall be by means of paved access drives meeting the requirements of the City’s Design and Construction Standards Manual. See 18.430.040 for internal drive aisle dimensions.

Section 40. Existing Overland Park Municipal Code Section 18.430.040 is amended to read as follows:

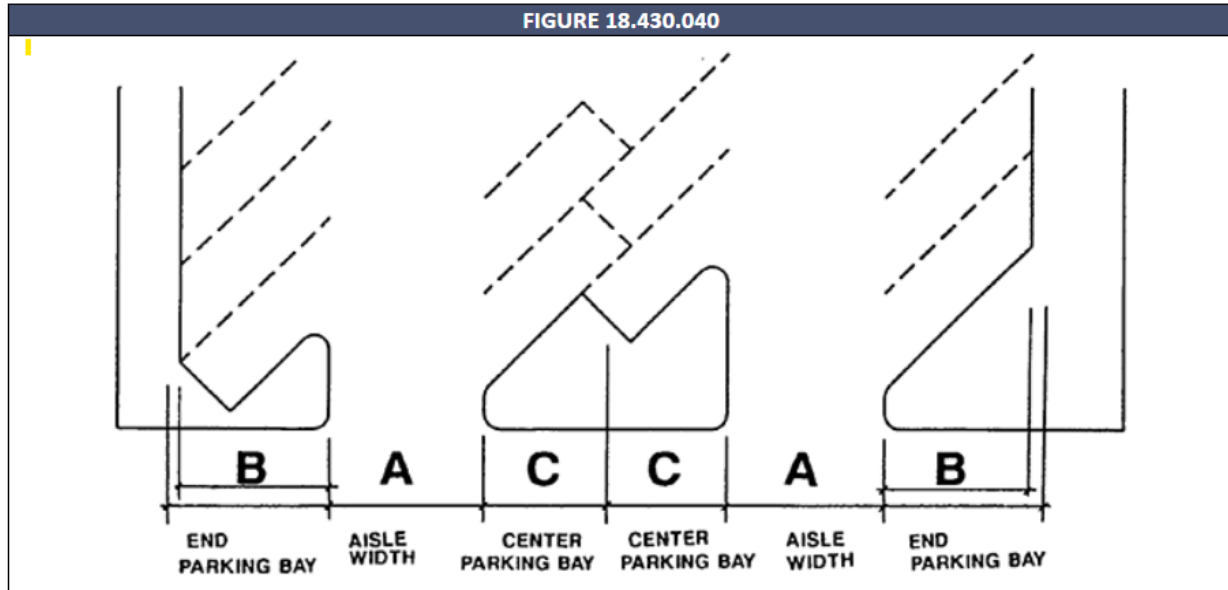
18.430.040 Dimensions of Parking Areas

- A. Standard parking stall dimensions shall be not less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least 5 feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by 2 feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration:			
	90-degree	60-degree	45-degree
Aisle Width			
One-Way traffic	—————	18 feet	14 feet
Two-Way traffic	24 feet	20 feet	20 feet
End Parking Bay Width			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width	18 feet	18 feet	16 feet

See also Figure 18.430.040.

- B. Minimum dimensions for a parallel parking space shall be 9 feet by 23 feet.
- C. Minimum parking dimensions for other configurations shall be determined by the Planning Commission. For Small Car Parking, see 18.430.130.
- D. Required aisle widths for fire lanes are subject to the requirements of the City's adopted Fire Code.
- E. All parking design is subject to review and approval and shall meet good traffic engineering design principles.



Section 41. Existing Overland Park Municipal Code Section 18.430.050 is amended to read as follows:

18.430.050 Accessible Parking

- A. For those buildings where such parking is required, parking areas servicing each building entrance shall have the number of level parking spaces for person(s) with disabilities set forth in the current version of the Americans with Disabilities Act Accessibility Guidelines and be identified by above-grade signs as reserved for person(s) with disabilities.
- B. Such parking spaces shall conform with the requirements of the Building Code and applicable state law with regard to parking space dimensions and signage.
- C. Accessible parking for the disabled shall be located to avoid the need for disabled persons to cross drive aisles. In instances where high traffic volumes along the face of a large building are expected, the Planning Commission or Governing Body may waive this requirement where the accessible parking will be located across the drive aisle or in another suitable location nearest the building entrance.

Section 42. Existing Overland Park Municipal Code Section 18.430.060 is amended to read as follows:

18.430.060 Head-in Parking

Head-in parking from any public right-of-way shall only be permitted as specified in the City’s Design and Construction Standards Manual.

Section 43. Existing Overland Park Municipal Code Section 18.430.070 is amended to read as follows:

18.430.070 Setbacks

- A. Parking areas in conventional zoning districts shall be set back per the following table. Except as hereinafter provided, no parking area shall be located within 6 feet of a lot line.
- B. Parking areas in planned zoning districts shall be set back the same as that in any equivalent conventional zoning district or as noted in the table below, subject to modifications as provided in 18.150.070.

Zoning District / Land Use	Parking Setback Requirement
A, RE, RP-OE, RP-OS, R-1, R-1A, RP-1N, R-2, MHP, and one- or two-family dwellings in any other district	2 feet from lot line Exception from this setback if a driveway serves two properties
R-3, RP-4, RP-5, RP-6	30 feet from street right-of-way
Non-residential use in any residential district	30 feet from street right-of-way
	25 feet from a lot line of property identified on the Future Development Plan for very-low or low-density residential development
	10 feet from a lot line of property identified on the Future Development Plan for Medium-, Medium-High or High-Density residential development
	6 feet from a lot line of property identified on the Future Development Plan for any other designation
C-O	15 feet from street right-of-way
	new parking along the perimeter of a

	partially-developed office complex shall comply with the parking setbacks of the development plan approved prior to January 1, 2010
C-1, C-2, C-3	10 feet from street right-of-way
BP	30 feet from street right-of-way
	10 feet from any peripheral property line other than a street right-of-way line or residentially zoned property
	30 feet from residentially zoned property
	6 feet from any internal property line
M-1	30 feet from street right-of-way
M-2, PRN	15 feet from street right-of-way

C. Parking area setbacks for special uses shall be determined at the time of plan approval for the special use permit. The parking setback of the underlying zoning district or the most analogous zoning district shall be followed. Requests for reduced setbacks may be approved by the Planning Commission and Governing Body, taking into consideration the uniqueness of the facility and whether the proposed setback is compatible with:

1. The underlying zoning district,
2. The surrounding land uses, including impact on adjacent residential neighborhoods,
3. The use of the facility,
4. Similarity to setbacks allowed by right for other comparable uses in other zoning districts,
5. The relationship of the site to interstate highways, where applicable, and
6. The topography of the site.

Section 44. Existing Overland Park Municipal Code Section 18.430.090 is amended to read as follows:

18.430.090 Screening

A parking area shall be screened in accordance with the provisions set forth in 18.450 and any applicable Design Standards.

Section 45. Existing Overland Park Municipal Code Section 18.430.100 is amended to read as

follows:

18.430.100 Landscaping

The interior of parking areas shall be landscaped in accordance with the provisions set forth in 18.450.070 and any applicable Design Standards.

Section 46. Existing Overland Park Municipal Code Section 18.430.110 is amended to read as follows:

18.430.110 Deferred Construction of Parking Spaces

A portion of the parking area required under this title may remain unimproved until such time as the Planning Commission or Governing Body deems that it must be improved to adequately serve the parking demand.

- A. Such delayed construction of parking may be permitted only after the Planning Commission or Governing Body is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan clearly indicating the location, pattern and circulation to and from the deferred parking spaces.
- B. The land area so delineated for future parking shall be brought to finished grade and landscaped, and shall not be used for building, storage, loading or other purposes.
- C. If the construction of deferred parking exceeds the allowed parking range in 18.430.150, Demand Reduction Amenities or a waiver shall be required per 18.430.170 or 18.430.200.

Section 47. Existing Overland Park Municipal Code Section 18.430.120 is amended to read as follows:

18.430.120 Paved Parking Areas for One- and Two-Family Dwellings

Paved parking areas or customary driveways in the required yards abutting streets shall not exceed 35% of the area of such yards for one-family dwellings or 50% of the area of such yards for two-family dwellings, provided that any driveway may extend in a straight line directly from a garage to the street at a width equal to that of the garage, but not wider than 35 feet.

Section 48. Existing Overland Park Municipal Code Section 18.430.140 is amended to read as follows:

18.430.140 Stacking Requirements for Drive-Thru Facilities

- A. In addition to meeting the off-street parking requirements of this Section, drive-thru facilities shall meet the following stacking requirements:

Use Type	Minimum Stacking Spaces	Measured From
Fast Food Restaurant	11	Pickup Window
Coffee	16	Pickup Window
Other Uses	Determined at the time of Final Development Plan	

1. One stacking space shall equal 20 feet.
2. All stacking shall be located in a designated drive-thru lane. Each drive-thru lane shall be clearly defined and designed to not conflict or interfere with other vehicular traffic using the site, parking spaces, or pedestrian routes.
3. If provided, a bypass lane shall be clearly designated and distinct from the stacking area.
4. Stacking amounts may be adjusted at the time of final development plan approval, based on stacking impacts to the public street system, internal parking lot circulation, access to adjacent properties or private drives and historical averages of the tenant. Additional traffic studies may be required to substantiate the need for proposed stacking. Site constraints or reuses of existing drive-thru facilities may be taken into consideration when reviewing reduced stacking.

Section 49. Existing Overland Park Municipal Code Section 18.430.150 is amended to read as follows:

18.430.150 Required Parking

- A. Parking for the zoning districts and certain specific land uses shall be as indicated in the following table.
 1. Where a specific use is listed below, parking shall be provided as indicated for that specific use, and the required parking for that zoning district does not have to be provided in addition to it.
 2. See 18.430.170 for Shared Parking Reductions. Permission for such shared parking must be received as part of a preliminary or final development plan approval. See 18.430.170.
- B. Where on-street parking is allowed, a maximum of 50% of the required parking may be provided on-street, subject to good traffic engineering design principles, provided the on-street spaces are located adjacent to the site. On-street parking spaces being counted towards the required parking must be identified on plans at time of submittal to the City.
- C. When designated as Area A or Area B in the table below, parking for uses in the following districts and for the following specific uses is required within the range specified according to the Map of Parking Rates in 18.430.160.
 1. Projects providing parking outside of these ranges must provide Demand Reduction Amenities according to 18.430.170.

Zoning District / Land Use	Required Parking	
	Area A	Area B
A	2 off-street per dwelling	
RE, RP-OE, RP-OS, R-1, RP-1, R-1A, RP-1A, RP-1N, R-2, RP-2	2 off-street per dwelling (1 must be covered)	
R-3, RP-3, RP-4, RP-5, RP-6, PRN	1 to 2 spaces per unit	1 to 2.5 spaces per unit
C-O, CP-O, C-1, CP-1, C-2, CP-2, C-3, CP-3, BP, M-1, MP-1, M-2, MP-2	1.5 to 2.5 spaces per 1,000 square feet of gross building area exclusive of restaurant uses	2.5 to 4 spaces per 1,000 square feet of gross building area exclusive of restaurant uses
MXD	See the Parking Requirements section of the Mixed Use Design Standards (MUDES 7.1)	
DFD	See the Parking Requirements section of the Downtown Form-Based Code (DFD 703)	
Restaurants, clubs or drinking establishments (excluding MXD and DFD)	6 to 12 spaces per 1,000 square feet of floor area	
Assembly halls, theaters, athletic fields and other seating facilities	1 space for each 3 seats	
Hotels, motels, dormitories and similar boarding facilities	1 space for each guest room plus 0.15 spaces for each employee	
Hospitals, nursing or convalescent homes, or congregate care facilities	1 space for each 3 beds plus 1 space for each staff person or visiting doctor	
Churches and Religious Facilities (including contiguous facilities)	1 space for each 4 seats in the main sanctuary	

D. Any use not included in the parking requirements in this title shall be assigned a parking requirement by the Planning Commission or Governing Body.

E. Parking requirements for special uses not identified in the above table shall be determined

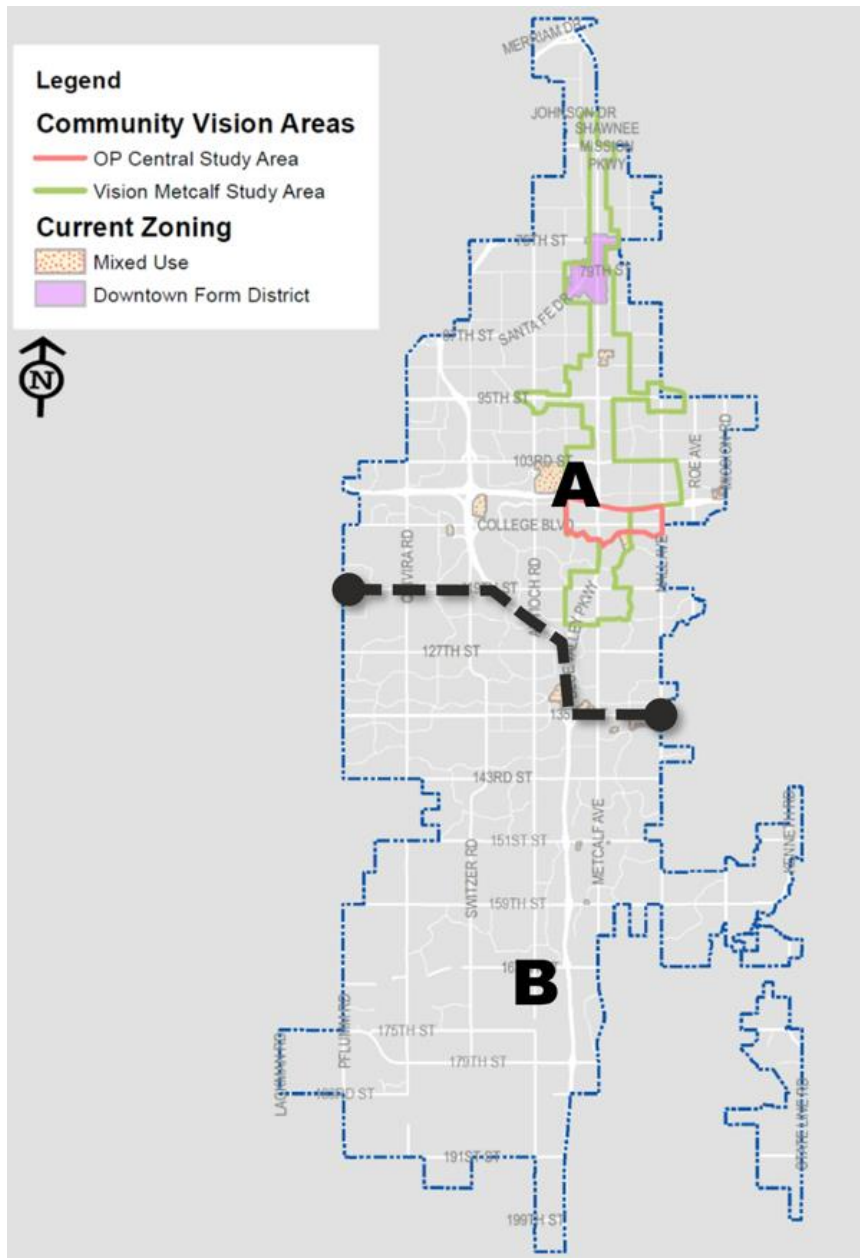
at the time of plan approval for the special use permit. The parking requirement of the underlying zoning district or the most analogous zoning district may be considered. The Planning Commission and Governing Body may approve the requested parking after considering documentation and/or study provided by the applicant, staff's recommendation, and giving decisive weight to all relevant facts, including but not limited to the following factors:

1. The underlying zoning district,
2. The surrounding land uses, including impact on adjacent residential neighborhoods,
3. Characteristics of the use, including hours of operation and peak parking demand times,
4. Similarity to required parking for other comparable uses in other zoning districts,
5. Availability and accessibility of alternative parking, and
6. Existing or potential shared parking arrangement.

Section 50. Existing Overland Park Municipal Code Section 18.430.160 is amended to read as follows:

18.430.160 Map of Parking Rates

Parking rates for zoning are reflected across two areas: Area A and Area B shown in the map below. Area A has lower parking demand due to greater density of land uses, a greater mix of land use types, an increased presence of mixed-use developments, and improved access to non-motorized transportation options. Projects with direct access to the dividing street line between Area A and Area B can use either standard.



Section 51. Existing Overland Park Municipal Code Section 18.430.170 is amended to read as follows:

18.430.170 Authority to Adopt Shared Parking Reductions & Demand Reduction Amenities

The Shared Parking Reductions & Demand Reduction Amenities shall be adopted and amended by the Director and shall be on file in the office of the Director, and such document is hereby incorporated by reference. The Director may approve alternative or innovative practices that implement the intent of the standard and provide equivalent public benefits without significant adverse impacts on surrounding development.

A. Developments with more than one land use type may reduce on-site parking allotments

according to the referenced Shared Parking Reduction table. A development seeking a shared parking arrangement may also cite the Shared Parking Reduction table in justifying the total on- and off-site parking provision.

- B. Following application of the Shared Parking Reduction table, projects providing parking outside of the ranges provided in 18.430.150 must provide Demand Reduction Amenities. All proposed shared parking shall be identified by the applicant at the time of application submission.

Section 52. Existing Overland Park Municipal Code Section 18.430.180 is amended to read as follows:

18.430.180 Covenant to Maintain Private Parking Facilities

Prior to the issuance of a site development permit or building permit for the construction or major reconstruction of any access drive or parking area on privately-owned property in the City, the owner shall execute a Covenant to Maintain Private Parking Facility agreement and record that document with the Johnson County Register of Deeds. Provided, however, this requirement shall not apply to any drive or parking area for any federal, state, county, municipality; or public school district that is a political subdivision of the State of Kansas.

Section 53. Overland Park Municipal Code Section 18.430.190 is hereby added to read as follows:

18.430.190 Loading Areas

Loading areas adequate to serve the uses or categories of uses proposed shall be determined at the time of site plan or preliminary development plan approval.

Section 54. Overland Park Municipal Code Section 18.430.200 is hereby added to read as follows:

18.430.200 Parking Waiver

The Planning Commission or Governing Body may grant a waiver from full or partial compliance to allow amenities commensurate with the proposed improvements if it is found that the proposed amenities meet the intent of the ordinance without creating detrimental impact on surrounding properties (see 18.430.170). Consideration of the waiver is subject to review of documentation and/or study provided by the applicant, to be reviewed with staff's recommendation and all relevant facts, including, but not limited to the following:

- A. The characteristics of the use, including hours of operation and peak parking demand times;
- B. Whether the proposed use is new or a small addition to an existing use;
- C. Design and maintenance of off-street parking that will be provided;
- D. Impact on adjacent residential neighborhoods;
- E. Existing or potential shared parking arrangements or amenities;
- F. Availability and accessibility of alternative parking; and
- G. Property or ownership hardship (For example shared parking or similar agreements and requirements between adjoining property owners).

Section 55. Overland Park Municipal Code Section 18.430.210 is hereby added to read as follows:

18.430.210 Nonconforming Parking

All developments approved prior to February 1, 2023 with existing or proposed parking outside of the allowed parking range shall meet the required parking or provide amenities for the parking provided outside the allowed range or shall be granted a waiver per 18.430.200.

Section 56. Existing Overland Park Municipal Code Sections 18.100.043, 18.100.048, 18.100.049, 18.140.190, 18.140.210, 18.160.040, 18.170.040, 18.174.040, 18.174.050, 18.176.040, 18.176.050, 18.180.040, 18.180.070, 18.190.040, 18.195.040, 18.200.040, 18.210.040, 18.220.040, 18.230.040, 18.240.040, 18.245.040, 18.245.050, 18.250.040, 18.250.050, 18.260.040, 18.270.040, 18.275.040, 18.275.050, 18.280.030, 18.280.040, 18.280.050, 18.290.030, 18.290.040, 18.300.040, 18.310.040, 18.370.040, 18.430.010, 18.430.020, 18.430.030, 18.430.040, 18.430.050, 18.430.060, 18.430.070, 18.430.090, 18.430.100, 18.430.110, 18.430.120, 18.430.140, 18.430.150, 18.430.160, 18.430.170, and 18.430.800 are hereby repealed.

Section 57. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

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PASSED by the City Council this 9th day of January, 2023.

APPROVED by the Mayor this 9th day of January, 2023.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

ATTEST:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

(s) Curt Skoog
Curt Skoog, Mayor

APPROVED AS TO FORM:

(s) Trevor Stiles
Trevor Stiles, Senior Assistant City Attorney

Site Design Standards

SDS 4.7

Single Family						Multi-Family						Commercial								
PRN	R P- 1 N	RP - 1A	R - 1 A	R P- 1	R - 1	R P- 2	R - 2	R P- 3	R - 3	R P- 4	R P- 5	R P- 6	C P- 0	C - 0	C P- 1	C - 1	C P -2	C - 2	C P -3	C-3

SDS 4.7.1 Intent.

The design of pedestrian walkways shall encourage walking through its size, location, and connectivity.

Standard:

SDS 4.7.2 Dimensional Standards.

All on-site pedestrian walkways and sidewalks shall be a minimum of five (5) feet wide, except walkways adjacent to a parking area, where cars may overhang the walkway, shall be a minimum of seven (7) feet wide.

SDS 4.7.3 Pedestrian Connections.

An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- Front doors and/or front entrances on building fronts.
- The primary entrance or entrances to each building, including pad site buildings.
- Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
- Any public sidewalk system along the perimeter streets adjacent to the development.
- Adjacent land uses and developments, including, but not limited to, adjacent residential developments, retail shopping centers, office buildings, or restaurants.
- Any adjacent public park, greenway, or other public or civic use including, but not limited to, schools, places of worship, public recreational facilities, or government offices.
- Unless unfeasible due to site constraints, all walkways shall meet ADA requirements.

SDS 4.7.4 Pedestrian Connections from Buildings to Parking Areas, Pad Sites, and Site Amenities.

On-site pedestrian walkways shall connect each primary entrance to a pedestrian network serving:

- All parking areas or parking structures that serve such primary building.
- Site amenities or gathering places provided.

SDS 4.7.5 Pedestrian Connections to Perimeter Public Sidewalks.

Connections between the on-site pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalk to the interior walkway network.

SDS 4.7.6 Private Sidewalk Standards.

The following sections of the UDO shall also govern private sidewalks:

- 18.120.015.
- 18.130.015.

SDS 4.8 Parking

Single Family						Multi-Family						Commercial								
PR	RP	RP	R-	R	R	R	R	R	R	R	R	R	C	C	C	C	C	C	C	C
N	-	-	1	P-	-	P-	-	P-	-	P-	P-	P-	P-	-	P-	-	P-	-	P-	-
	1N	1A	A	1	1	2	2	3	3	4	5	6	0	0	1	1	2	2	3	3

SDS 4.8.1 Required Parking Spaces.

Parking standards are regulated by the UDO in 18.430.

SDS 4.8.2 On-Street Parking.

On-street parking spaces may be counted towards the minimum requirements as set forth in the UDO in 18.430.

SDS 4.8.3 Parking Setbacks.

Parking setbacks are regulated by the UDO in 18.430.

SDS 4.8.4 Accessible Parking.

See 18.430 in the UDO.

SDS 4.8.5 Reduced Parking.

See 18.430 in the UDO.

SDS 5.11

SDS 5.11 VEHICLE ENTRANCES

Commercial							
CP-0	C-0	CP-1	C-1	CP-2	C-2	CP-3	C-3

SDS 5.11.1 Intent.

Vehicle entrances to commercial development shall be designed to ensure both pedestrian and vehicular safety.

Standard:

SDS 5.11.2 Primary Vehicle Entrances.

The number and location of vehicle entrances to a commercial development shall be consistent with the existing or anticipated design of adjacent streets. The specific location of primary vehicle entrances are subject to the approval of the Planning and Development Services Department and will be largely dependent on the following factors:

- The location of existing or planned median breaks.
- Separation requirements between the entrance and major intersections.
- Separation requirements between adjacent entrances (or minor intersections).
- The need to provide shared access to adjacent parcels of land.
- The need to align with previously-approved or constructed access points on the opposite side of the street.
- The minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

SDS 5.11.3 Entry Drive Configuration.

The specific design or geometrics of development entry drives shall conform to the standards of the Planning and Development Services Department. Commercial driveway configuration and design shall be appropriate given the size of the development and the capacity of the street.

SDS 5.11.4 Driveway Design.

Driveway geometrics shall be dependent on a variety of factors, including traffic volume, speed, vehicle types requiring site access, and distribution. The following design issues should be addressed in each case and the resulting driveway design should provide an efficient ingress and egress to the development without causing undue congestion or accidents (non-vehicular and vehicular) on the public street system:

- The number of in-bound and out-bound lanes.
- Lane width (minimum width curb-to-curb is 28 feet).
- Throat length (i.e., the distance between the street and the first point at which cross traffic or left turns are permitted).
- Curb radii.
- The need or desirability of a raised median.
- The need for a deceleration lane.

- Accommodation for pedestrian crossings.
 - Curb cuts must be located to minimize conflicts with pedestrians and bicyclists and must have a clear distance from fire hydrants, street trees, utility poles, and other furnishings as deemed necessary.
 - The grade, cross slope, and clear width of the walkway of a sidewalk traversing a driveway must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e. scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the sidewalk.

SDS 6.4

SDS 6.4 BUILDING ORIENTATION

Single Family	Multi-Family						
<u>PRN</u>	<u>RP-2</u>	<u>R-2</u>	<u>RP-3</u>	<u>R-3</u>	<u>RP-4</u>	<u>RP-5</u>	<u>RP-6</u>

SDS 6.4.1 Intent.

Buildings shall be arranged in the landscape to define streetscapes and designed open space. This enclosure promotes walkability, usability, and slower vehicle speeds.

Standard:

SDS 6.4.2 Building Orientation.

Each primary building shall be oriented to have at least one building front.

- **Building Front.** A building front shall be a building wall that faces a public street, a private street, a common open space; a building can have more than one building front.
- **Building Back.** A building back shall be a building wall that does not face a public street, a private accessway, or a common open space; a building can have more than one building back.

SDS 6.4.3 Building Orientation to Street Edges.

Multiple buildings may line up parallel to a public street if the following conditions are met:

- Each individual building has a facade classified as a building front facing the perimeter street.
- Individual building length along the street frontage is no greater than 125 feet.
- Common open space is centrally located in the site and accessible by all development residents.

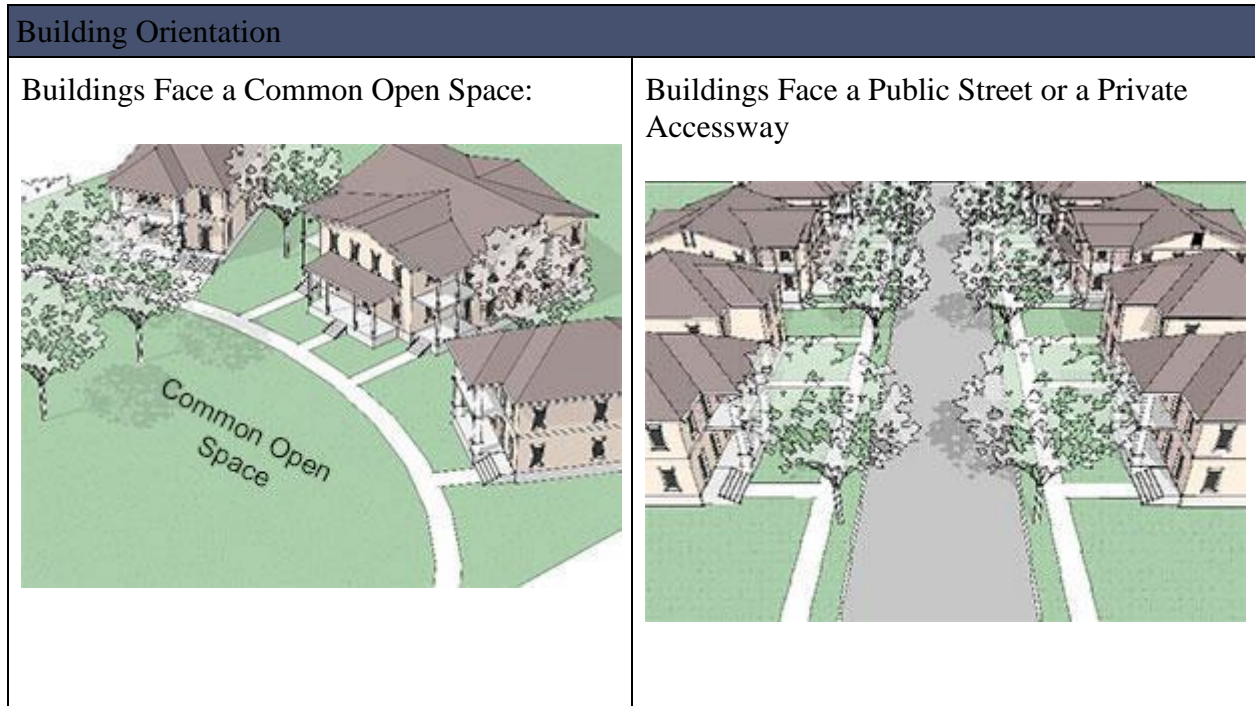
SDS 6.4.4 Buildings Adjacent to Lower-Density Residential Uses or Non-Residential Uses.

Along interior (non-street edge) property lines, buildings shall be oriented in a perpendicular rather than parallel direction to adjacent lower-density residential zoning districts or uses and to adjacent commercial or industrial zoning districts or uses. When parallel orientation is necessary, building

setback from the adjacent use or district boundary shall be increased by at least 50%.

SDS 6.4.5 Building Orientation and Pedestrian Access

All building fronts must provide pedestrian access to the adjacent public street, private street, or common open space.



SDS 6.15

SDS 6.15 PARKING LOCATION & LAYOUT: RESIDENTIAL

Single Family	Multi-Family						
PRN	RP-2	R-2	RP-3	R-3	RP-4	RP-5	RP-6

SDS 6.15.1 Intent.

The visual impact of parking lots, parking structures, and garages from streets shall be minimized.

Standard:

SDS 6.15.2 Location.

- Off-street parking is prohibited between a building front of a primary building and a street or common open space.
- When possible, parking areas and parking structures shall be internalized in building

groupings or oriented away from streets.

SDS 6.15.3 Parking Setbacks.

- See UDO 18.430.

SDS 6.15.4 Parking Blocks.

There shall be no more than 10 parking spaces without an intervening landscape island at least 9 feet wide. This block of 10 or less parking spaces shall be defined as a parking block for residential districts.

SDS 6.15.5 Detached Garages and Carports

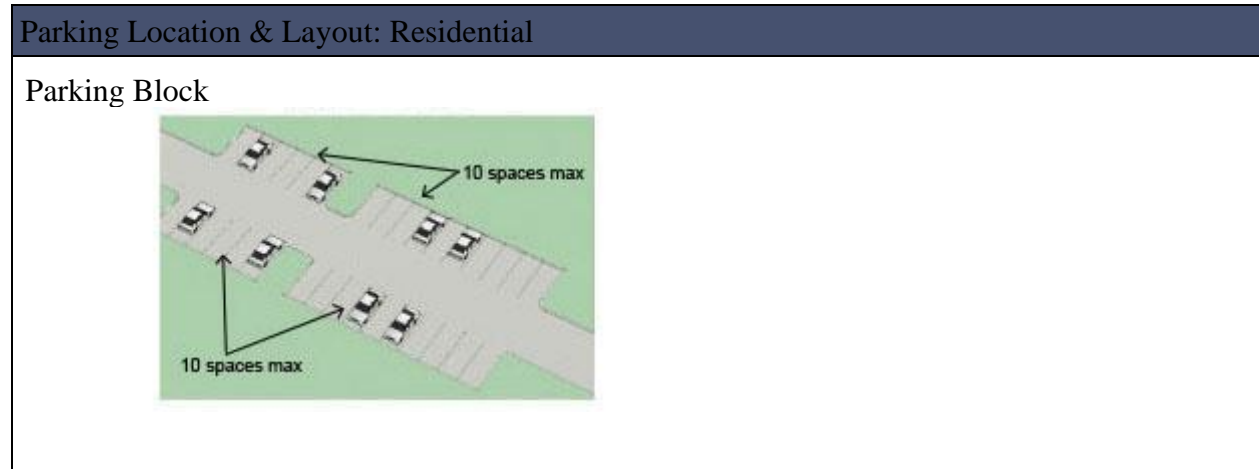
- Detached garages and carports shall only be permitted in the interior of the property and not adjacent to the street; when it is necessary to site a detached garage and carport in a location that is visible from perimeter public streets, they shall be sited perpendicular to the perimeter public street.
- Storage areas are only permitted in detached garages and carports that are fully enclosed.

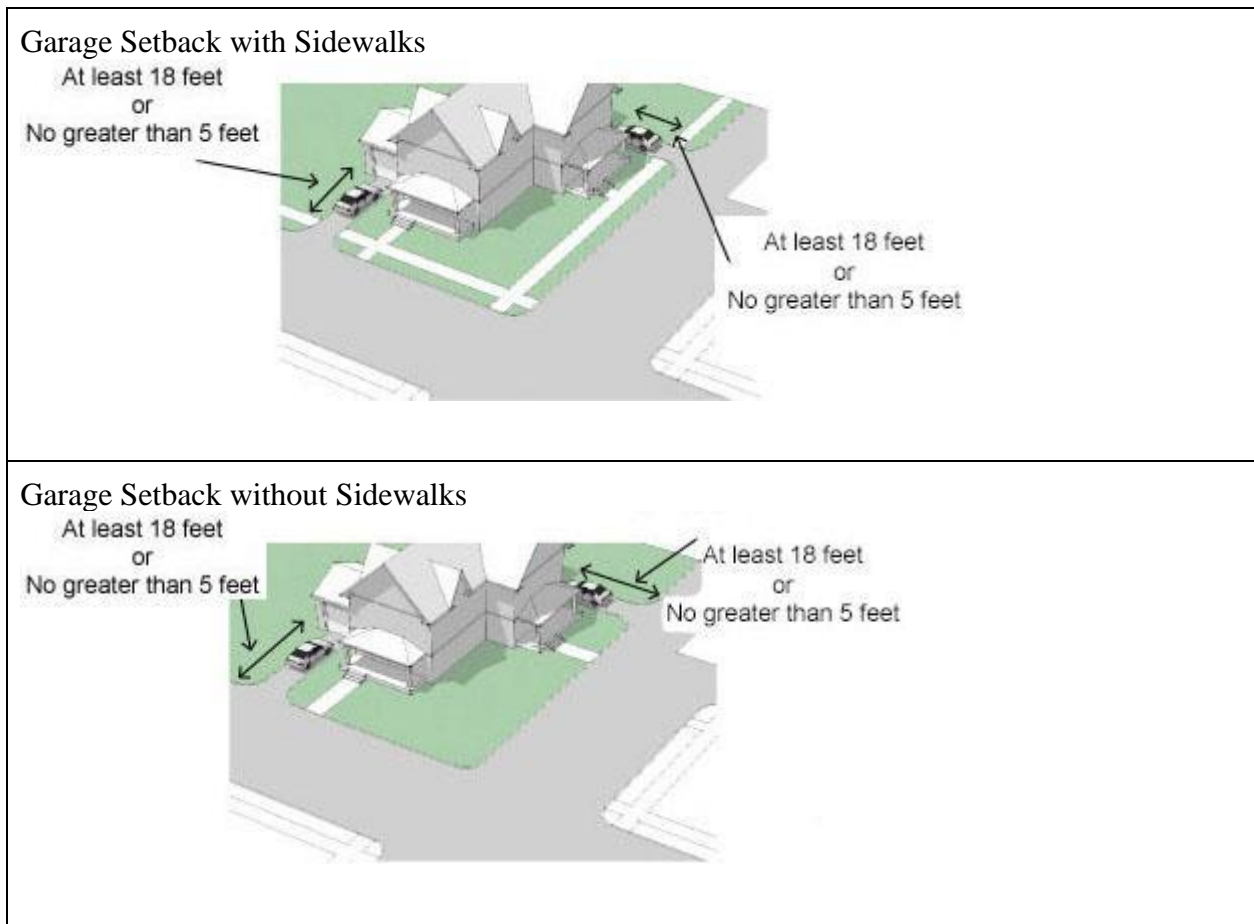
SDS 6.15.6 Attached Garages

- When possible, the driveway leading to each individual unit’s garage shall not exceed a grade of 7%.
- Garage Setback. To allow sufficient area for vehicles to be parked without interfering with internal circulation, the length of the driveway between the garage door and the sidewalk shall be at least 18 feet or shall be no greater than 5 feet. If there is no sidewalk, the length of the driveway between the garage door and the back-of-curb or roadway shall be at least 18 feet or shall be no greater than 5 feet.

SDS 6.15.7 Below-Grade Parking Access

- Access to below-grade parking shall not be located on a building front.
- Where access on a public front is necessary, the access drive shall not be wider than 24 feet.





MUDS 7.1

MUDS 7.1 PARKING REQUIREMENTS

Development Types		
Mixed-Use Corridor Development	Mixed-Use Center	Mixed-Use Neighborhood

MUDS 7.1.1 Intent.

To avoid excessive parking areas, standards for mixed-use developments should encourage low parking minimums and allow developments that combine different uses on the same block to reduce those required minimums.

Standard:

MUDS 7.1.2 Required Parking Spaces.

Parking Standards are regulated by sub-zone. For all uses, required parking spaces shall be located off-street, on-street, or a combination of off-street and on-street. On-street parking spaces may be

counted towards the minimum requirements, subject to good traffic engineering design principles, provided the on-street spaces are located adjacent to the site. On-street parking spaces being counted towards the required parking must be identified on plans at time of submittal to the City. Projects providing parking outside of the ranges below must provide Demand Reduction Amenities (see UDO 18.430.170). Parking shall conform to the following table.

Required Parking Spaces					
For this Use:	The required number of parking spaces in this sub-zone shall be:				
	Core	Center	General	Edge	Civic
Residential	No minimum and a maximum of 2 spaces per dwelling unit	A minimum of 1 space per unit and a maximum of 2.5 spaces per unit	A minimum of 1 space per unit and a maximum of 2.5 spaces per unit	No minimum	
Lodging	No minimum	1 space per lodging bedroom minimum	N/A	No minimum	
Office or Retail	No minimum and a maximum of 2.5 spaces per 1,000 square feet	A minimum of 1.5 parking spaces and a maximum of 2.5 parking spaces for each 1,000 square feet of building area	N/A	No minimum	

MUDS 7.1.3 Reduced Parking.

See 18.430.170 in the UDO.

MUDS 7.1.4 Parking Setback.

No parking area shall be located within 10 feet of any street right-of-way.

MUDS 7.1.5 Nonconforming Parking.

See 18.430.210 in the UDO.

On-Street Parking Examples



Parallel Parking



Angled or Head-in Parking

Off-Street Parking Examples



Parking Located behind the Building



Alley-Loaded Garage



Front-Loaded Garage



Alley-Accessed Parking Space

DFD 703

DFD 703. Minimum Parking Requirements

- A. Reserved Parking: Reserved parking includes all parking that is not shared parking.
 - 1. Commerce/Workshop/Civic: There is no requirement (minimum) for reserved parking.
 - 2. Residential: A minimum of one parking space per residential unit shall be provided.
- B. Shared Parking:
 - 1. Commerce/Workshop: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential GFA shall have a minimum of 1 and 1/4 spaces per 1,000 square feet of nonresidential GFA provided as shared parking.
 - 2. Residential: A minimum of 1/4 parking space per residential unit shall be provided as shared parking.
 - 3. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Director.
- C. Achieving parking requirements:
 - 1. These parking requirements may be met either on-site or within a 1,300 foot walking distance of the building entrance of a development.
 - 2. Parking shall be located in compliance with the parking setback/ regulations for the site on which it is located, as indicated on the Regulating Plan and/or Building Envelopment Standard.
- D. Bicycle Parking: sites and/or projects over 10,000 square feet in land area have the following requirements:
 - 1. For commerce, the developer must provide two bicycle parking racks (2- bike

- capacity) per 10,000 square feet of commercial floor area.
2. For residential, the developer must provide one bicycle parking rack (2- bike capacity) per 10 units. Projects under 10 units shall have no requirement.
 3. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.
 4. On-street bicycle parking spaces (typically along the Street Tree Alignment Line) may be counted toward the minimum customer/ visitor bicycle parking requirement.
- E. Permissive parking and loading facilities: Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.
- F. Areas exempt from off-street parking requirements. No off-street parking shall be required for development which occurs in the Form District and is located contiguous with and fronting Santa Fe Drive between 79th and 80th streets.

DFD 705

DFD 705. Special Parking Standards

A. Joint Parking

Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles. Where such surface parking areas lie within 50 feet of one another, a mutual access easement acceptable to the Director shall be executed. Site configurations existing pre-Code (2010) are exempt from this requirement.

B. On-Street Parking

1. A parking space located on a public street may be included in the calculation of shared parking requirements if it is adjacent to the building site (where more than 50% of the space is fronting).
2. Each on-street parking space may only be counted once.

C. Off-Site Parking

1. Off-site parking must be located within a walking distance of 1,300 feet walking distance from the building entrance of the site it is serving.
2. The off-site parking shall be located within the Form District.
3. The off-site parking must be the subject of a long-term lease approved as to form by the City Attorney, or permanently dedicated for off-site parking use.

D. Tandem Parking

1. Tandem parking is only allowed for:
 - a. Single-family residential projects; and
 - b. Multifamily projects and the residential component of mixed use projects.
2. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.
3. Up to 75% of the total required off-street parking spaces provided may incorporate tandem parking.
4. Tandem spaces shall be assigned to the same dwelling unit. Tandem parking shall not be used to provide guest parking.