

ORDINANCE NO. Z-4030

SPECIAL USE PERMIT NO. 2019-00034

AN ORDINANCE RELATING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY.

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

Section 1. Special Use Permit Granted. Pursuant to regulations set forth in the Overland Park Municipal Code, Section 18.370, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property, to-wit:

Legal Description:

Lot 24, Block 17, Westbrooke, a subdivision of land in the City of Overland Park, Johnson County, Kansas.

Section 2. That the real property hereinabove described shall hereafter allow a kennel, for a one-year period of time.

All Zoning Ordinances or Zoning Regulations of the City of Overland Park, Kansas, affecting the use of the real property hereinbefore described which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

Section 3. Conditions and Stipulations. The special use permit granted in Sections 1 and 2 hereinabove in addition to full compliance with any general provisions contained in Chapter 18.370 of the Overland Park Municipal Code, Unified Development Ordinance, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for revocation in addition to those specified in Section 18.370.050, to-wit:

- a. Notwithstanding the approved length of time for the special use permit, this permit shall automatically expire if the special animal/breeder permit is not renewed, or if the City Clerk and Animal Control revoke the special animal/breeder permit.
- b. The total number of adult dogs (six months of age or older) shall be limited to the number of adult dogs approved with the special animal/breeder permit issued in accordance with OPMC Chapter 6.04, provided, however, under no event shall the maximum number exceed seven adult dogs. This limit shall include personal adult dogs kept as pets.

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- c. The breeding of dogs shall not exceed two litters per year for the entire kennel.
- d. No animals shall be left outside unattended, nor shall they be outside of fenced areas on the property off-leash.
- e. The kennel shall be operated in a manner that prevents noise, odors, vermin, infestations, or other objectionable conditions from becoming a nuisance to neighboring properties.
- f. Animal wastes shall be disposed of in a fashion that does not create a nuisance to neighbors (i.e., weekly removal, use of sealed containers, and measures to prevent odors).
- g. The house on the property shall be used continuously as the applicant's primary place of residence.
- h. The kennel facilities shall be regularly cleaned, sanitized, and operated in a fashion that prevents the attraction of vermin, the growth of infectious bacteria, the communication of disease, or any other such related health problems.
- i. The kennel shall be continuously operated in compliance with all State of Kansas laws, regulations, and requirements for kennel operations, including licensure for the duration of the term of this permit.
- j. The kennel shall comply with any other requirements of its special animal/breeder permit issued pursuant to O.P.M.C. Section 6.04.050.

Section 4. Take Effect. 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 September, 2019.

APPROVED by the Mayor this 9th day of September, 2019.

CITY OF OVERLAND PARK, KANSAS

By: (s) Carl Gerlach
Carl Gerlach
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

By: (s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney