



City of Bonner Springs

KANSAS

Monday, June 6, 2022

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

CITY COUNCIL/PLANNING COMMISSION SPECIAL MEETING - 6:00 p.m.

The meeting is open to the public.

We will follow safety precautions recommended by the Centers for Disease Control and Prevention, the Kansas Department of Health and Environment, and local health officers.

Attendees are strongly encouraged to wear masks.

CITY COUNCIL/PLANNING COMMISSION JOINT MEETING - 6:00 P.M.

NEW BUSINESS

1. Unified Development Ordinance

Action

Recommendation

Documents:

Present and review the Unified Development Ordinance Diagnostic Report

Action Review the attached Diagnostic Report and have all questions or concerns prepared to discuss on Monday evening.

Recommendation None at this time

Documents:

1. UDO Diagnostic - Final 2022.05.13
2. CC-PC Memo - UDO Diagnostic Report

Memorandum

Date: June 6, 2022
To: Mayor and City Council
From:

Subject: Unified Development Ordinance

Recommendation:

Action:

Background: The next step in the Uniform Development Ordinance (UDO) is to have a joint workshop with the Planning Commission and the City Council to discuss the diagnostic findings and proposed updates.

Discussion:

Financial Impact:

Memorandum

Date: June 6, 2022
To: Mayor and City Council
From: Mark Lee, Amber Vogan

Subject: Present and review the Unified Development Ordinance Diagnostic Report

Recommendation: None at this time

Action: Review the attached Diagnostic Report and have all questions or concerns prepared to discuss on Monday evening.

Background: Assistant City Manager, Amber Vogan along with City Planner, Mark Lee have worked alongside the consulting firm of Freese and Nichols to complete Phase 1 for development of a Unified Development Ordinance (UDO). The UDO is a set of regulations that will take the place of the current Zoning, Subdivision, Sign regulations and land development regulations; placing them into one easy to navigate document.

For Phase 1, Freese and Nichols has reviewed our current regulations and ordinances to prepare a diagnostic report and analysis of those documents. The report is used to determine conflicts and redundancies, make recommendations for updates to procedures, correct typos, update graphics and correct other common types of errors. The attached report provides an outline based on the review of the existing codes and plans, including the Vision 2025 Comprehensive Plan and the Parks and Recreation Master Plan.

Discussion: During this joint session of the Governing Body and the Planning Commission, Freese and Nichols will present the diagnostic report to the respective bodies and bring them up to date on the processes that have been undertaken thus far. Members of the Governing Body and Planning Commission will have the opportunity to discuss any questions and concerns they have regarding the report or process.

This is the first of three phases to complete and implement the Unified Development Ordinance. Following this review, Freese and Nichols will prepare an estimate and timeline for consideration to complete the next two phases of the process.

Financial Impact: NA

City of Bonner Springs UDO Diagnostic Report

May 16, 2022



City of Bonner Springs
KANSAS



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Introduction

This Code Diagnostic Report aims to outline the proposed revisions to the existing Zoning Ordinance, Subdivision Regulations, and Sign Regulations (land development regulations). This report serves as a coordination and consensus-building tool to ensure that all parties have a consistent understanding of the anticipated revisions to the regulations before preparing the amendments. The following list of items will guide the update of the development regulations and the creation of a Unified Development Ordinance (UDO); however, it is important to note that this list is not exhaustive, as additional issues may be identified during the update process and will be addressed accordingly. Common issues (e.g., correcting typos, removing conflicts, updating graphics) will also be addressed through this update. Many of the issues noted herein include sample resolutions from other cities across the country. These are included as highlights of best practices, which may be appropriate for Bonner Springs, subject to modifications and customization in most cases. These highlights are not proposed as exact amendment text. Additionally, all graphics and illustrations included herein are intended for illustrative purposes only.

This outline has been prepared based on a review of the existing codes and plans, including the Vision 2025 Comprehensive Plan, and the Parks and Recreation Master Plan. The Vision 2025 Comprehensive Plan includes approximately 32 recommended actions which are anticipated to be addressed in the updated Unified Development Ordinance (UDO).

The first action item in the Comprehensive Plan related to Land Use and Development is to “update the city’s zoning and subdivision regulations to implement the policies of the Comprehensive Plan,” which is achieved through this amendment process.

This report also reflects input from code administrators and frequent users. Input was solicited from representatives from the following entities:

- City staff
- City Councilmembers and Planning Commissioners
- Local builders, developers, and design professionals

A Community Open House was conducted virtually to invite the community to learn more about the code and the update process, provide input, and submit questions. As of April 15, 2022, the website has received 463 visits from 77 unique visitors and 5 comments or ideas have been submitted. Although the virtual Community Open House was initially intended to close at the end of December 2021, City staff and the consultant team recommend leaving the input option open for the foreseeable future to allow additional comments. Another Virtual Community Open House will be conducted later in the process.

General

This section of the Diagnostic Report evaluates the overall document framework for potential improvements. The code's organization plays an important role in ensuring that the code is easy to navigate, and that the user can quickly find the desired information. Combining Zoning, Subdivision, and Sign regulations into a single Unified Development Ordinance (UDO) provides opportunities to remove duplication, ensure consistency, and remove and prevent conflicts by consolidating similar information into a single location.

Layout and Organization

1. New Outline

Issue

The City's existing Zoning Ordinance contains several chapters with separate regulations, including a separate chapter for each established zoning district.

Resolution

The UDO should use a consistent numbering structure, and should be revised to follow the proposed outline:

- Chapter 1: General Provisions
 - Establishment
 - Approval and Appeal Authorities
 - Universal Procedures
 - Relief Procedures
- Chapter 2: Zoning Regulations
 - General Provisions
 - Zoning Procedures
 - Zoning Districts
 - Use Regulations
 - Nonconforming Uses, Lots, and Structures
- Chapter 3: Subdivision Regulations
 - General Provisions
 - Subdivision Procedures
 - Subdivisions Standards
- Chapter 4: Development Standards
 - Parking and Loading
 - Landscaping, Buffering, and Screening
 - Tree Preservation
 - Fences and Walls
 - Signs
 - Parks, Trails, and Open Space
 - Outdoor Lighting
- Chapter 5: Definitions

Style and User-Friendliness

A typical ordinance user desires to quickly find information or answers to questions they may have. It is commonly accepted that an ordinance for any community is scanned by readers and is not intended to be read from cover to cover; therefore, it is important to design a document that meets the “scan-ability” desire of its users.

2. Numbering Structure

Issue

The current Zoning Ordinance is separated into 33 articles and two appendices. Articles use a roman numeral numbering convention; however, some articles deviate from this standard (such as Article V-A, “AG” Agricultural District). This leads to inconsistencies later in the document, where the assigned roman numeral convention does not correlate to the actual sequence of the article. For example, the “R-2” Duplex Residential District is assigned Article X in its title but is the twelfth article in the ordinance. This leads to confusion when cross-referencing between chapters and creates conflict between the titling and order of the articles.

Resolution

The updated code should use a consistent, intuitive numbering structure in order to promote usability and ease of cross-referencing. Likewise, Sections that are repeated in several zoning district articles (Height Regulations, Yard Regulations, Screening Requirements, etc.) should be consolidated into one overarching Development Standards section for ease of reference. The following structure is recommended:

Chapter 10. Heading 1
Section 10.1 Heading 2
A. Heading 3
1. Heading 4
a. Heading 5
(1) Heading 6
(a) Heading 7
(i) Heading 8

Figure 10-1.1 Caption
Table 10: Caption

3. Consolidate Articles and Remove Duplication of Content

Issue

The current Zoning Ordinance and Subdivision Regulations operate individually, but cover similar content regarding applicability, regulations, and definitions. The Zoning Ordinance has similar standards included within multiple chapters, which can cause confusion and result in conflicts. The duplication of this content results in a lengthy document that is difficult for unexperienced users to navigate.

Resolution

Consolidate several similar articles to streamline the UDO. The recommended consolidations include the following:

Consolidate Articles V-A through XXI into a Zoning Regulations Chapter.

These articles within the Zoning Ordinance reference the development regulations of each zoning district. Consolidation of these articles and their development criteria will create a central location where individuals may find the applicable regulations for all districts.

Consolidate Articles XXIII Off-Street Parking and Loading, XXX Landscaping, and XXXI Sign Regulations into a Development Standards Chapter.

These articles within the Zoning Ordinance are directly related to new development standards but are separated by other code sections. Consolidation of these articles will establish a single section for users to find the expected development standards for new and existing projects. Definitions should be removed from this consolidation and grouped in a different chapter at the end of the UDO.

Consolidate Articles V General Provisions, XXV Amendments, XXVI Board of Zoning Appeals, XXVIII Rules and Regulations, and XXIX Administration into a General Provisions Chapter.

These articles within the Zoning Ordinance establish procedural functions of review boards and the document's implementation. Consolidation of these articles will establish a single section for individuals to reference procedural components of the UDO, including approval authority, appellate procedures, and rules of interpretation.

4. Consolidate all Definitions

Issue

Various articles within the current Zoning Ordinance include their own definitions. This can lead to conflicting definitions for terms that are used throughout the code, such as setbacks, lot width/depth, or floodplain.

Resolution

All definitions within the UDO should be consolidated within the code document. One exception is recommended: definitions for the use categories should be included within the recommended Zoning Regulations chapter.

Overall Development Process

The Development Process can have many different steps, varying from jurisdiction to jurisdiction. Many readers of the UDO will not be experienced with the City's standard processes, or potentially zoning ordinances at all. It is important to clearly outline the procedural expectations for developers, Staff, and the public alike.

5. Determination of Completeness

Issue

The current code does not adequately address the determination of a complete application. This ambiguity may lead to inconsistent review procedures and untimely City staff review or applicant response, impacting overall application quality and development timelines.

Resolution

The UDO should establish a clear and understandable process for City staff to determine whether an application is complete, and for an applicant to provide any missing information if necessary. Moreover, the UDO should clearly establish the minimum application requirements (e.g., document size, application format, and required exhibits) or reference an external document, such as a handbook or checklist, that does so.

6. Process Overviews

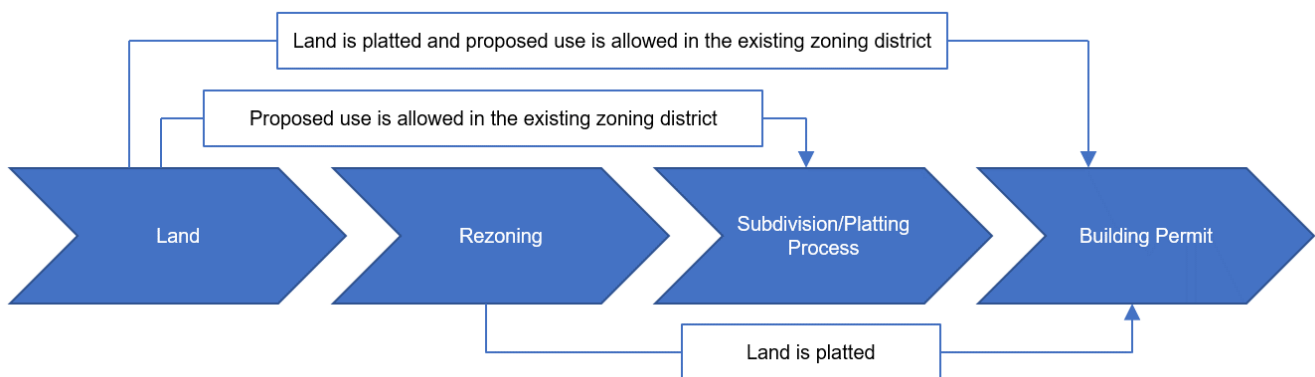
Issue

The current Zoning Ordinance can be difficult for users to interpret and quickly understand the application, review, approval, and appeals processes for various application types.

Resolution

The UDO's General Provisions chapter should include a Universal Procedures section with associated flowcharts that outlines the development process from the date of application to issuance of the Certificate of Occupancy. Associated flowcharts should cross-reference applicable chapters when mentioning zoning and subdivision procedures and timelines.

Example of Development Process Flowchart



7. Expedited Reviews for Encouraged Development

Issue

The City of Bonner Springs would like to encourage housing variety and low impact development.

Resolution

Evaluate potential “fast track” options to encourage developers and other applicants to incorporate these elements in future developments. Ensure a variety of housing types are permitted in multiple zoning districts.

8. Approval and Appeal Authorities

Issue

Each application type described within the code is accomplished through a series of actions and must be reviewed and approved by designated review entities. These entities include City staff, the Planning Commission, the Board of Zoning Appeals, and the City Council. It can be difficult for users to quickly determine the responsible approval and appeal authority for each type of application. Moreover, current City practice requires Site and Landscape Plan submittals to be acted on by the Planning Commission, adding time to development submittals that are often handled at an administrative level

Resolution

Include a table to summarize the responsibilities of each review (and appeals) entity and any associated public notification requirements. Flow charts should also be considered to explain the review, approval, and appeal processes in a concise format. The UDO should also clarify the composition, authority, and purpose of the Development Review Team.

Evaluate the existing approval authority of each development application. Consider delegating the approval authority of Site and Landscape Plan submittals to City staff with a regular report of administrative approvals provided to the Planning Commission. Granting City staff the ability to handle applications at an administrative level streamlines the process and can reduce costs for potential developing partners. Ensure that authority remains with the Planning Commission and City Council when mandated by State statutes.

Example of Approval Authority Table

Application Types	City Commission	Planning & Zoning Commission	Board of Adjustment	Historic Preservation Commission	City Staff	Required Noticing	UDC Section
R = Review or Recommending Body DM = Decision-Making Body (final decision) <> = Public Hearing Required Hearing Notice(s): N = Newspaper; M = Mail [#] = Refer to notes section							
SUBDIVISION RELATED							
Preliminary Plat	-	DM	-	-	R	-	3.2.1
Final Plat	-	-	-	-	DM[1]	-	3.2.2
Minor Plat	-	-	-	-	DM	-	3.2.3
Amending Plat	-	-	-	-	DM	-	3.2.5
Replat (Nonresidential)	-	DM	-	-	R	-	3.2.4
Replat (Residential)	-	<DM>[2]	-	-	R	M, N	3.2.4

9. Move Site Plan Process from Zoning

Issue

Per the Zoning Ordinance, Site Plans and Landscape Plans are required for new buildings or additions constructed in the R-3, MX, C-1, C-2, C-S, I-1, I-2, Special Use, and Planned zoning districts. This exempts most residential zoning districts from the Site Plan review process.

Resolution

Require Site Plan review, including Landscape and Lighting Plans, for all new development, excluding single-lot residential homes, and expansions of existing non-residential buildings beyond 20% of the floor area. Conducting Site Plan review, even for residential districts, will provide the City with further oversight on design and will ensure development is consistent with the objectives of the Comprehensive Plan.

10. Strengthen Requirements

Issue

The current Zoning Ordinance uses permissive words such as "should," "may," and "encourage." Permissive words can imply that a requirement is mandatory and can create confusion for the applicant.

Resolution

The UDO should utilize mandatory words such as "shall," "will," or "required." Mandatory words indicate that code standards are required, resulting in less ambiguity and a more enforceable ordinance.

11. Consolidate Public Meeting and Notification Requirements

Issue

Application types that require public hearings or notification are not located in one place within the current Zoning Ordinance.

Resolution

All public hearing and notification requirements should be consolidated into the General Provisions chapter of the UDO and referenced in any Development Process Flowchart or outline that may be used.

12. Clarify the Hierarchy of Applicable Regulations

Issue

There is not guidance in the current Application of Regulations section to address conflicting requirements.

Resolution

Include a section to clarify the hierarchy of applicable regulations and how to address UDO provisions that conflict with state or federal Regulations, with other City regulations, or with private agreements and covenants.

General Content

13. Include Reference to Applicable Technical Manuals

Issue

The existing Zoning Ordinance and Subdivision Regulations make limited reference to all applicable external manuals and documents.

Resolution

The UDO should include policy guidance referring to all applicable technical design manuals and external documents, including the City's Design Criteria Manual, KCAPWA - Storm Drainage Systems and Facilities Standards, and adopted International Building Codes.

Design Standards

Design standards generally apply to all types of development applications. This section of the UDO will provide direction for new development and redevelopment activities. Applicability statements within each subsection will clarify which standards will be applied and how they are to be measured.

General

14. Review Level of Flexibility/Authority of Staff

Issue

The Development Review Team and Community Development Department are responsible for receiving development applications, reviewing them for compliance with the current Zoning Ordinance and Subdivision Regulations, and often providing a recommendation to a higher decision-making body (Planning Commission, Board of Zoning Appeals, or City Council). The more items that City staff have the guidance and authority to approve, the less time is spent on presenting the item to additional decision-making authorities.

Resolution

Evaluate additional application types that City staff may administratively approve without the need to make a recommendation to an additional decision-making authority where allowed by law.

15. Review and Integrate New Architectural Design Guidelines into UDO

Issue

The City of Bonner Springs recently adopted a series of Architectural Design Standards intended to regulate building form and establish guidelines for development within the R-3, MX, Commercial, and Industrial zoning districts. These standards have been placed within the Supplementary District Regulations (Article XXII, Section 12) and address development criteria related to open space amenities, parking location and layout, and building design features independent of existing Zoning Ordinance sections. Moreover, this section does not follow the established numbering structure used throughout the Zoning Ordinance, which leads to inconsistency in formatting and cross-referencing.

Resolution

Evaluate and redistribute the content of the Architectural Design Standards section into the proposed Development Standards subchapters of the UDO, including Parking and Loading, Landscaping, Buffering, and Screening, and Parks, Trails, and Open Space. Distributing the adopted requirements within the existing Architectural Design Standards section will assist in organizing applicable code sections for ease of reference for readers and City Staff alike.

Environmental Management

The City of Bonner Springs is home to natural amenities such as the Kansas River, Wolf Creek basin, and several smaller tributaries that feed these water bodies. As the City continues to build out, it is critical to codify enforceable protections against the impacts of urbanization, including adverse water runoff, pollutants, and the heat island effect.

16. Stream Buffer Regulations consistent with KCAPWA Sec. 5600

Issue

The City of Bonner Springs recognizes the significance of preserving critical streams and watersheds from the impacts of urbanization, such as erosion and pollution. Existing environmental assets to the City of Bonner Springs include the Kansas River, the Wolf Creek basin, and other minor tributaries. These corridors are desired to be preserved as permanent open space amenities for current and future residents.

Resolution

Codify a series of Stream Buffer Regulations, including a minimum buffer width of 100 feet, to mitigate the adverse environmental impacts that development can have on the natural environment. Consider reducing the fee in lieu of parkland dedication discussed above for developments that elect to preserve designated floodplain corridors. Undulating easement widths (e.g., 100–150 feet) should be implemented based on the size of the corridor to limit the encroachment of structures and impermeable surfaces. Ensure consistency with Section 5600 of the KCAPWA - Storm Drainage Systems and Facilities Standards adopted by the City.

17. Retain Natural Environment and Visual Character

Issue

The City of Bonner Springs values the existing natural environment and visual character of the greater Kansas City Area; however, current development standards do not encourage the integration of natural site features.

Resolution

Promote development that integrates existing site features, including topography, mature tree stands, and visual corridors. Explore development incentives that encourage enhanced landscaping installation and tree preservation for new development.

18. Preserve Environmentally Sensitive Areas

Issue

Environmentally Sensitive Areas (ESAs), such as floodplains, wetlands, and wildlife habitats, are not readily defined or protected. This leads to floodplain encroachment and damages the integrity of riparian corridors that encourage infiltration and healthy habitats.

Resolution

Define setbacks/buffers for floodplains and other ESAs. The UDO should include restrictions on ESA encroachment for new developments unless proper studies are performed by the applicant. Stricter tree preservation requirements such as increased mitigation costs or required conservation easements should be considered when drafting the revised landscaping requirements.

19. Increase Stormwater Infiltration Before Discharge

Issue

Stormwater management practices are not readily defined or discussed beyond runoff levels in the current Zoning Ordinance. This lack of detail leads to oversight regarding the impacts of water infiltration into public resources prior to discharge.

Resolution

Establish minimum standards related to infiltration levels of stormwater infrastructure prior to discharge. Consider implementing and encouraging creative on-site stormwater infrastructure, including bioswales, bioretention facilities, rain gardens, and pervious groundcovers.

20. Provide Flexibility in Lot Configuration, Lot Size, Building Setbacks, and Other Development Standards to Preserve Open Space and Natural Resources

Issue

Rigidity in minimum lot dimensions increases the likelihood of tree removal and mass grading. Minimum dimensions, while important to ensure development is consistent in scale and character with the built environment, offer little flexibility regarding open space design and preservation.

Resolution

Offer mechanisms to deviate from development standards such as minimum lot dimensions when done so to preserve the existing natural and visual character of a site.

Infrastructure

Development can only excel as far as its supporting infrastructure will allow. The UDO should include a series of regulations related to parking, roads, sidewalks, and utilities that promote quality development that will last for successive uses and residents.

21. Require New Development to Connect to Public Water Supply

Issue

The current Zoning Ordinance requires all new “principal structures” to connect to a public water system, however, does not specify the scope, location, or impact of the connection.

Resolution

Expand on the requirement to connect new development to the public water system, including a graphic showing the typical location of the utility and references to the City Design Standards. Clearly define what constitutes as “new development,” and identify the required impact fees and when they will be assessed. Ensure new systems are subject to best practice standards and are sized appropriately for future build-out.

22. Require Infrastructure Built to Urban Standards Within Growth Areas

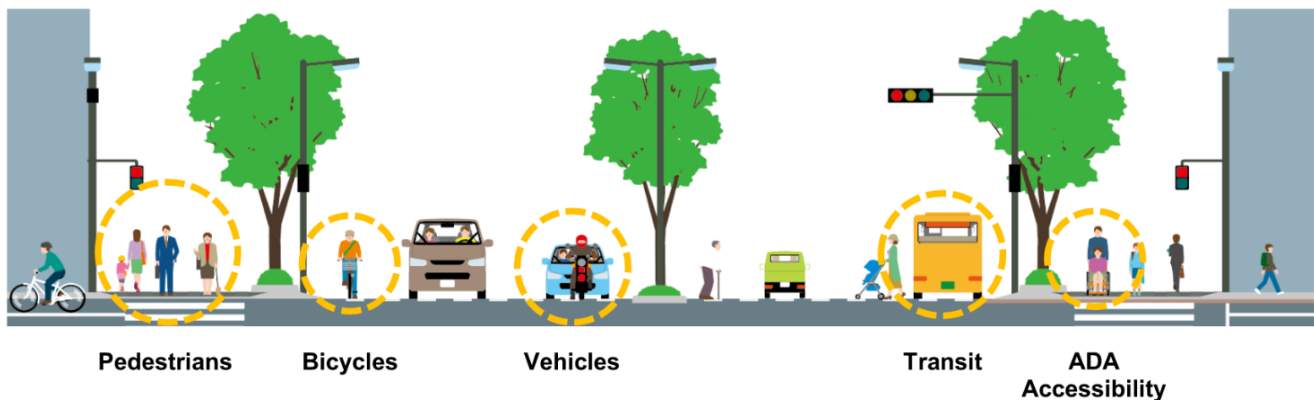
Issue

One of the goals of the Comprehensive Plan is to provide enhanced infrastructure systems throughout the City. The City adopted a Complete Street Policy in 2017 to guide transportation and infrastructure design. Complete Streets focus on the safe and enjoyable use of streets by not only vehicular traffic, but pedestrians and bicyclists. The Zoning Ordinance does not reference this policy.

Resolution

Develop and codify street cross sections that align with best practices and promote alternative modes of transportation such as walking and bicycling. Ensure strong, enforceable language is included in the UDO that requires compliance with the adopted Major Transportation Plan Map for future development adjacent to identified thoroughfares. Implement the City's Complete Streets Policy adopted in 2017 by encouraging green streetscapes, street trees within wells, and protected sidewalks that focus on the delineation of vehicular and pedestrian realms. Update sidewalk requirements (Article 7 of current Subdivision Regulations) to a minimum width of six (6) feet to provide better pedestrian facilities with new development.

Example of Complete Street Elements



23. Require Residential Development Located Within Close Proximity of Sewer and Water Utilities to Extend Municipal Services

Issue

Historic development in areas of the City such as the Wolf Creek basin has been rural-residential in nature. Lower density development can occupy large portions of undeveloped property and impose an obstacle to fulfilling City planned improvements such as sanitary sewer and water line extensions. Current requirements mandate that properties connect to municipal sanitary sewer lines if located within 200 feet, however there is not a similar provision for water services. Furthermore, the applicability of the existing sanitary sewer connection requirement is vague and difficult to enforce.

Resolution

Evaluate the effectiveness of the current 200-foot sanitary sewer connection requirement clearly articulate the minimum distance that requires connection to the City's sewer and water networks. Specify if the distance is measured from the property line or proposed structure. Solidify the qualifying criteria within a purpose statement to remove ambiguity on when the connections are required.

Landscaping, Buffering, and Screening

Landscaping, buffering, and screening requirements play several important roles within a zoning ordinance, such as enhancing the aesthetic view from the street, supporting stormwater management, providing shade for pedestrians, and reducing urban heat island effects. Establishing clear guidelines on the use of landscaping is critical to ensuring the orderly installation, and protecting adverse impacts caused by incompatible land use types.

24. Include Residential Adjacency Standards that Apply to Nonresidential Uses

Issue

The current screening and landscaping standards require a 6-foot screen between higher and lower intensity zoning districts, however, the elements, dimensions, and spacing of this screen are ambiguous. Likewise, it is unclear if additional landscaping is required between incompatible use types, such as industrial and residential uses.

Resolution

A strong applicability subsection should be developed to clarify when landscaping is required, and all landscape terms should be clearly defined in the definitions section. Non-residential uses developing adjacent to residential uses or zoning districts should be required to incorporate additional landscaping elements, such as more frequent trees, additional shrubbery, and walls or fences to mitigate the impact of incompatible land uses.

Examples of Landscaping and Screening Methods



25. Clarify Applicability of Screening Requirements by Development Type

Issue

Screening requirements are currently segmented and discussed individually per zoning section. This ordinance structure can be repetitive, difficult for the reader to locate, and cumbersome for City staff to cite during development review.

Resolution

The UDO should consolidate all standards related to screening into a new Landscaping, Buffering, and Screening section within the Design Standards chapter. A centralized section on screening will be easier to locate and reference.

26. Include Table for Minimum Tree Requirements

Issue

The minimum requirements for tree plantings include spacing, caliper size, and species. These requirements are not located within the same section and are represented in bulleted lists. This formatting can lead to difficulty referencing all applicable criteria for new tree plantings.

Resolution

Consolidate the minimum requirements for tree plantings into a centralized matrix or table within a proposed Landscaping, Buffering, and Screening section. Cells within the table should be formatted with the number representation of the requirements where applicable. The table should include the minimum tree spacing, caliper, and height for new development.

27. Update and Maintain Recommended Tree List Separately

Issue

The only existing recommended tree list is incorporated into the Code of Ordinances and is specific to street tree plantings. This limits the City's ability to reference the material and requires City Council action to update the list over time to ensure that the most appropriate plant species are included. Furthermore, there are additional instances of tree plantings beyond street trees that should be included.

Resolution

Remove the street tree plant list from the Code of Ordinances and maintain within a referenced external manual to allow for administrative updates. Review the list of approved materials to ensure that permitted plant materials are native and appropriate to the climate. Consider engaging stakeholders and professionals periodically for direction on desirable and available tree species in the area and ensure that the list is applicable to all tree planting scenarios.

Outdoor Lighting

Outdoor lighting regulations should permit the use of outdoor lighting that promotes safety, security, and productivity; however, lighting should also be used in a way that does not adversely affect others' enjoyment of the night sky due to light pollution or nuisances due to glare. Additionally, outdoor lighting regulations can help to reduce energy consumption and limit impacts on the natural environment and local wildlife.

28. Adopt Lighting Standards that Prevent Light Pollution

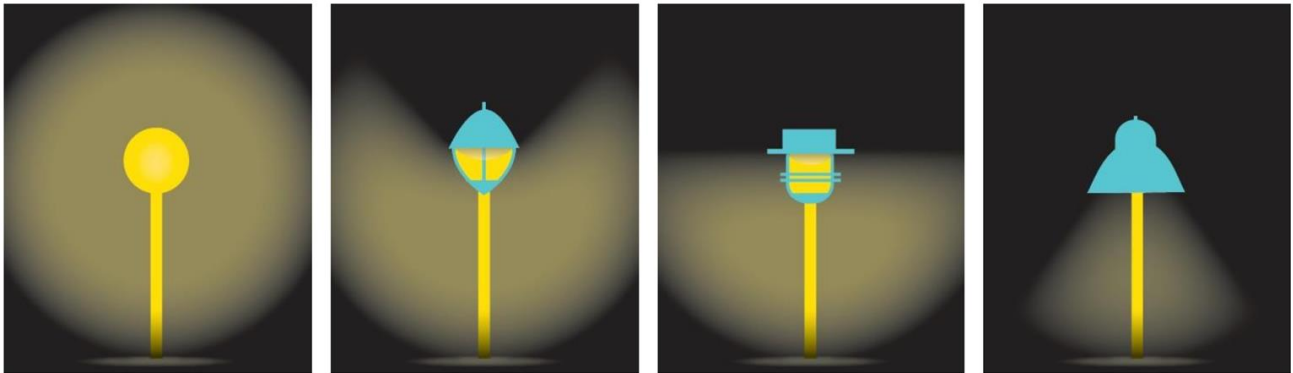
Issue

Existing lighting regulations place emphasis on mounted lighting height, spillover onto adjacent properties, and Lighting Plan requirements. Different lighting types (e.g., wall packs, pole lights) are not explored, and little consideration is given to upward lighting levels or light pollution mitigation.

Resolution

New development should provide outdoor lighting that addresses security needs and is also context sensitive. Light fixture type and shielding standards should be clearly articulated to prevent pollution on adjacent properties and buildings. Additional measures should be put in place when commercial or industrial developments are adjacent to single-family homes or residentially zoned property, such as mounting height restrictions and more acute cutoff angles.

Examples of Different Lighting Cutoff Angles



Parks, Trails, and Open Space

The provision of accessible and useable parkland is critical to a community's quality of life. Access to parks, interconnected trails, and privately maintained open spaces is important to promoting equitable and healthy communities.

29. Pursue Land and Easement Dedications for Trails and Bike Lanes

Issue

Pedestrian connectivity between private open spaces, public parks, and natural amenities such as the Kansas River are not incentivized or required under the existing Zoning Ordinance. Trails serve an important connectivity function for bicyclists and pedestrians. The City of Bonner Springs has identified the expansion of City and county trails systems as an objective of the Comprehensive Plan; however, the City does not have a codified requirement to dedicate land for future trails.

Resolution

Identify target areas for trail connectivity, such as between parks and along dedicated rights-of-way. Secure land and trail construction through the dedication of easements or property within new developments in accordance with a Master Trail Plan. Address trail maintenance within private developments to lessen the burden on City resources. Require sidewalk installation along internal streets and adjacent to existing or future parks and civic spaces. Clearly specify the minimum width of required sidewalks or trails, as well as the acceptable materials (e.g., decomposed granite, concrete).

30. Review and Update Parkland Dedication Criteria

Issue

The City of Bonner Springs seeks to provide parks and open spaces that preserve natural resources and for the use and enjoyment of residents and visitors. Parkland dedication is often required by cities to ensure that adequate park space is available for the population that is being added by a new subdivision.

Resolution

Implement a parkland dedication or minimum open space requirement for new development. Alternatively, a fee in lieu of dedication may be accepted based on certain circumstances (e.g., park service levels) and at the City's discretion. Smaller parks (i.e., those smaller than two acres) should generally be privately maintained by an HOA unless the park provides unique amenities not available in other City parks.

Upon adoption of a Master Trail Plan, this program may be expanded to include right of way dedication and construction of trail amenities when demand for the facilities is generated through new development.

Signs

Sign regulations pertain to all commercial and residential exterior signage. Sign regulations are important to reduce visual clutter along corridors and to promote a positive image of the City. When unchecked, sign installation may lead to sub-par installation techniques, material usage, or lighting levels that can be a detriment to the safety and enjoyment of the community.

31. Prevent New Billboards Along All Roadways and Highways

Issue

Outdoor Advertising Signs, or Billboards, are currently permitted by Special Use Permit.

Resolution

Remove the provision allowing Billboards along street frontages through the Special Use Permit process. Ensure that existing billboards are treated as legally non-conforming following adoption of the UDO, limiting expansion or major alterations while permitting continued operation of these signs.

32. Ensure Content Neutrality

Issue

Reed v. Town of Gilbert, decided on by the United States Supreme Court in 2015, invalidated a municipality's ability to restrict the content of signs within its jurisdiction. The current Sign Ordinance specifies regulations based on sign content (e.g., Real Estate, Election, Obscene, Subdivision) and may be in violation of the ruling of Reed v. Gilbert. Likewise, the differentiation between on- and off-premises signage should be reviewed for consistency with U.S. Supreme Court rulings.

Resolution

The UDO should restrict signage based on dimensional criteria (area, width, and height) and type (pylon, wall, monument, etc.) and not by content so as to not violate the ruling of Reed v. Gilbert.

33. Add Illustrations and Photos

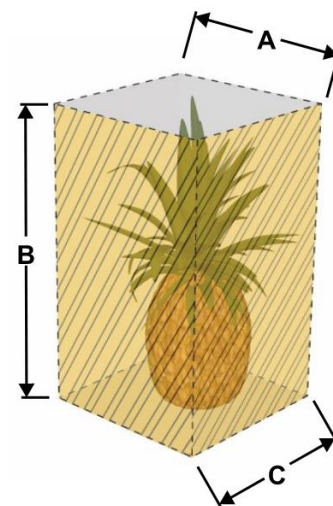
Issue

The current sign ordinance is descriptive; however, it does not offer illustrations of preferred sign types or examples.

Resolution

Illustrations depicting permissible and high-quality signage should be included in the UDO and cross-referenced with the appropriate definition. Dimensional diagrams showing the measurement standards for irregular sign types and setback criteria should also be included.

Example of Irregular Sign Measurement Graphic



Zoning

A property's zoning district determines the allowable uses, required dimensional standards (e.g., lot size, setbacks, height), and other supplemental standards. The zoning map is the graphic depiction of the districts. A property's zoning district can be changed through initiation by the property owner or by the City through the rezoning process.

Zoning Districts

The City is divided into fourteen (14) base zoning districts and eight (8) additional special or planned districts. This UDO drafting process will include a review of these districts to ensure that the requirements are simplified and incorporate recommendations from the Comprehensive Plan.

34. Evaluate and Update the Application of Mixed-Use

Issue

The City of Bonner Springs recognizes the need to adapt to current market trends and demand for mixed-use commercial and residential development. The current Zoning Ordinance establishes an "MX" Mixed Use District, which is intended to allow for a variety of uses within a single development. This District is not intended to replace a residential Planned District (PD); however, the current Zoning Ordinance does not make this distinction clear.

Resolution

Reclassify the "MX" Mixed Use District to clearly outline applicability between residential and non-residential developments. Consider establishing Residential and Non-Residential Planned Development Districts to make this distinction clearer. Codify clear design criteria for these Districts to promote high-quality development. Articulate individual guidelines such as minimum residential density and commercial area on site. Consolidate development requirements, including open space and trail installation. Focus on the pedestrian experience to encourage walkability, discouraging frequent vehicle trips to multiple locations within the same district.

Example of Mixed-Use Development



35. Update District Nomenclature to be More Descriptive

Issue

Existing zoning classification abbreviations and purpose statements do not offer much elaboration on the associated design criteria or uses. Likewise, there are inconsistencies with the naming convention between similar use types. For example, the commercial districts increase in intensity numerically from C-1 to C-2 but change to C-S for the high-intensity Highway Service District.

Resolution

Evaluate the naming convention of all zoning districts to ensure the intensity of use is easily discernable for the reader. Address consistency in zoning abbreviations based on allowable intensity.

36. Establish a Density Range or Maximum for Each Residential Zoning District

Issue

Density is an important metric to consider when projecting future population and City utility demands. Density metrics (units/homes per acre) are not consistently identified for each residential zoning district.

Resolution

Establish a density range or maximum for each residential zoning classification, considering the minimum lot dimensions such as area, width, and depth. Specify whether the density will be measured as gross or net and specify if any land uses are to be omitted from the calculation (e.g., roads, open spaces, detention areas).

37. Clarify Difference(s) Between R-1 And R-1A; Additional Smaller Lot Residential Districts May Be Needed

Issue

There are two single-family zoning districts (R-1 and R-1A) that are intended to allow for medium-density residential development on lots no less than 7,000 square feet. The R-1A District allows for a mixture of single- and multi-family uses by SUP while the R-1 District does not; however, this differentiation is not clearly made within the existing Zoning Ordinance.

Resolution

Clearly state the differences within these zoning classifications, including the allowable uses within the proposed Use Chart. Given recent single-family development trends, consideration should be given to establishing an additional single-family zoning district of lots no less than 5,000 square feet.

38. Reclassify the Two MH Districts as Residential Land Uses

Issue

There are two Manufactured Home zoning districts (M-H and M-P) intended to allow for the construction of manufactured homes and manufactured home parks, respectively. Within the Permitted Use Chart, both districts permit similar uses, largely related to ancillary residential and institutional development. Having two zoning classifications related to similar residential land uses lengthens the existing Zoning Ordinance and complicates the Zoning Map. Additionally, the terms "mobile" and "manufactured" homes are used interchangeably within the Zoning Ordinance, which leads to confusion on the applicable definition.

Resolution

The term “mobile home” refers to a factory-built home that was constructed prior to June 15, 1976. Since that time, Housing and Urban Development (HUD) established construction standards and issued certifications for these newer models, now referred to as “manufactured homes.” Reclassify the Manufactured Home zoning districts as land uses within the Permitted Use Chart and reference specific design criteria within the proposed Use Regulations subchapter. Consider allowing Manufactured Parks within less-dense, rural zoning districts. Moreover, exclude Mobile Homes from the Permitted Use Chart, as the allowance of this residential use type is not recommended.

Example of Mobile Home



Example of Manufactured Home



39. Infill Standards to Accommodate New and Redevelopment Proposals

Issue

As the City of Bonner Springs continues to build out, increasing focus will shift to irregular vacant parcels and redevelopment opportunities. Strict compliance with the existing zoning district standards may prove challenging, resulting in frequent rezoning or variance requests. The current Zoning Ordinance does not address these infill standards for existing undeveloped parcels.

Resolution

Recognize areas of that pose challenges to fulfilling the minimum development criteria of the existing zoning classifications. Establish infill and redevelopment standards that provide flexibility in the application of existing criteria and explore the possibility of relaxing requirements when development proposals address goals of the Comprehensive Plan. Review administrative authority to allow deviations or alternatives when full compliance with development criteria is burdensome.

Example of Residential Infill Development



40. Evaluate a Percentage-Based Calculation for Front and Rear Setback

Issue

Existing front and rear yard setbacks are static, and not adjusted by the lot dimensions.

Resolution

Evaluate the need to assign setbacks based on lot dimensions, such as 25% of the lot depth. This methodology allows for more site-specific development and variation in lot utilization rather than assigning a set metric to all lots.

Overlay Districts and Special Standards

Overlay Districts and Special Standards allow for heightened development standards and levels of oversight in target or sensitive areas. Such overlays act in concert with base zoning designations and can be used to require development criteria that is isolated to specific regions or neighborhoods without creating a different zoning district. Examples of overlay restrictions include reduced height within a designated range of a single-family development.

41. Require Higher Development Standards for Areas Along City Entrances, Commercial and Industrial Districts, and New Mixed-Use Districts

Issue

The recently adopted Architectural Guidelines for commercial, industrial, and mixed-use districts are not directly associated with the applicable zoning districts. This may lead to confusion or difficulty referencing the information. Additionally, the City of Bonner Springs would like to place emphasis on strategically located developments, such as those at major City entrances and exits.

Resolution

Reevaluate the location and content of the Architectural Guidelines to ensure they are effective in promoting higher development standards. Reorganize this section to be clearly associated with the applicable zoning classification.

Examples of Higher Development Standards



Permitted Uses

A Permitted Use Chart will outline the use classifications that are permitted within each zoning district, along with any associated conditional standards. Uses are permitted either by right or by Special Use Permit, which requires approval by the City Council to determine whether the proposed use is appropriate for the location. Associated conditional standards include parking requirements and supplemental regulations by use.

42. Update Permitted Use Chart

Issue

The current Zoning Ordinance addresses permitted land use types in two locations - a permitted use chart in table format and a list of the permitted uses in each district's section. This approach frequently results in conflicts. Furthermore, as supplementary regulations are adopted, new uses introduced should be included in the Permitted Use Chart where applicable.

Resolution

The UDO should use a Permitted Use Chart in tabular format within the Zoning Regulations chapter for ease of reference. Review uses within the Permitted Use Chart for relevance with current and emerging development trends. Confirm that uses permitted by-right and by Special Use Permit are in keeping with the City's Comprehensive Plan objectives.

43. Ensure that a Farmers Market is Permitted at Centennial Park

Issue

Ensure that the City is capable of operating and promoting a Farmers Market at Centennial Park.

Resolution

Allow the Publicly Operated Farmers Market land use by-right within all zoning districts. Consider establishing a Temporary Use allowance for a Privately Operated Farmers Market within commercial districts.

44. Address New and Unlisted Uses within the Use Chart

Issue

As development trends evolve and new, innovative uses become mainstream, it is important to adapt the Use Chart to accommodate current market trends. However, often the formal revision process cannot be conducted proactively prior to development submittals for unlisted uses. The current Zoning Ordinance does not address new or unlisted uses within the individual zoning district descriptions or the existing Use Chart.

Resolution

Establish a procedure for City staff to evaluate development applications for new uses. Consider requiring a Special Use Permit for uses not currently listed in the Use Chart, allowing the City Council and staff the ability to evaluate said uses on a case-by-case basis. The SUP process will ensure that the surrounding built environment and public input is accounted for prior to approving an unlisted use. Should frequent applications for a specific, unlisted use be received, consider permanently placing the use within the Use Chart through the formal UDO amendment process.

45. Establish Permitted Districts and Standards for Shipping Container Structures

Issue

The City has recently received applications for the installation of Shipping Containers as accessory buildings. The current Zoning Ordinance does not address Shipping Container standards, such as foundation requirements or contextual aesthetic treatments.

Resolution

In the wake of recent applications, the UDO should establish clear development criteria for Shipping Container structures within the proposed Use Regulations subchapter. Requirements should include permanent concrete foundation criteria, wind-load tolerance, and aesthetic treatments such as siding and roofing materials to ensure compatibility with the built environment.

46. Define and Regulate Accessory Dwelling Units (ADUs) and Tiny Homes

Issue

Current standards regarding Accessory Dwelling Units are within the Supplemental Regulations of the Zoning Ordinance. This results in standards that are difficult to locate and cross-reference with other accessory structure requirements. Additionally, tiny homes are permitted as ADUs but are not defined or otherwise regulated.

Resolution

Relocate ADU requirements within the Use Regulations subchapter. Clearly define ADUs, including tiny homes, and consider including these as uses within the proposed Use Chart. As the general population continues to age, establish clear requirements and expectations for retrofitting existing homes with ADUs, specifying the impact on minimum dwelling areas governed by the zoning district and parking spaces. Ensure that standalone tiny homes are subject to the minimum dwelling criteria based on the applicable zoning district.

Examples of Accessory Dwelling Units above Garages



Parking

Many development codes across the country include parking minimums (i.e., the minimum number of parking spaces that must be provided based on the use type and building square footage). Many codes have outdated requirements that result in massive, paved parking surfaces that are underutilized for much of the year.

47. Review Parking Minimums/Maximums for Best Practices

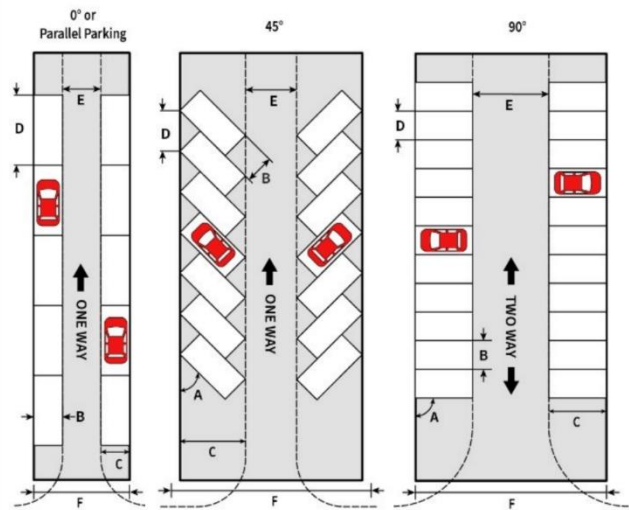
Issue

Overparking often results in negative impacts such as the urban heat island effect and increased stormwater runoff and results in higher development costs.

Resolution

Review and update the minimum parking standards as necessary. Ensure parking requirements are consistent with the scale of uses allowed within the Permitted Use Chart. Provide illustrations for different layouts (e.g., parallel, 45 degrees, 90 degrees) of the parking spaces. Create shared parking criteria, including application method and review processes, for adjacent uses with different peak operating hours. Allow for abutting on-street parking spaces to count towards the on-site minimum in certain contexts (such as Mixed-Use developments), and include a deviation process for applicants to seek relief from the Board of Zoning Appeals via the public hearing process.

Examples of Parking Dimension Graphics



48. Include Minimum Parking Requirements in Permitted Use Chart

Issue

The minimum parking standards are separated by land use type but are not associated with the Permitted Use Chart.

Resolution

Include a column in the Permitted Use Chart dedicated to the minimum parking ratio for each use type. Consolidating this information will result in fewer code sections to reference and will ensure periodic changes to the chart are reflected accurately in all applicable sections.

Subdivisions

Bonner Springs' Subdivision Regulations were adopted in 2006 and have been amended many times in the years since. A comprehensive review of these regulations will ensure they are modernized and integrated into the UDO.

General

49. Include a Procedure for Administrative Approval of Platting Errors

Issue

There is not a procedure for administratively correcting errors on a subdivision plat as permitted by K.S.A. 12-420.

Resolution

Establish clear procedural requirements and processes for lot amendments to approved subdivision plats in alignment with State Legislature.

50. Move Vesting of Development Rights into General Provisions for UDO

Issue

The vesting of development rights is typically discussed within the General Provisions of a UDO.

Resolution

Vesting of Development Rights should be located as separate section within the General Provisions chapter of the UDO, exclusive of the Subdivision Regulations Chapter.

51. Codify Updated Platting Process

Issue

The most recent amendment to the platting process was implemented in 2017, however, this amendment is not reflected in the Subdivision Regulations.

Resolution

Include the 2017 updates to the platting process in the Subdivision Regulations chapter of the UDO.

Plat Types

Subdivision of land is accomplished using various types of plats. This section of the UDO should include an overview of the types of plats and how they may be used to divide property, dedicate public rights-of-way or easements, adjust property lines, consolidate property, and create legal lots suitable for development within the jurisdiction. This section should address the required steps, notifications, and public hearings required for each plat type.

52. Establish a Minor Plat Type and Process

Issue

The Subdivision Regulations specify three plat types: Preliminary, Final, and Replat. Final Plats require action by the Planning and Zoning Commission within 60 days after the first meeting of the commission following the date of plat submission, regardless of the scope of the subdivision. Smaller projects that do not require the dedication of property to the City (e.g., rights-of-way, alleys, parkland) are required to follow the Final Platting process.

Resolution

Consider establishing a Minor Platting process for subdivisions involving five (5) or fewer lots, including minor lot line adjustments between adjoining properties. Clearly establish applicability criteria, including application processes and approval authority. Consider expediting the review of Minor Plats by the Planning and Zoning Commission to 30-45 days following the date of application.

Lots and Blocks

Property is separated into individual lots, which are often sectioned by rights-of-way or streets into larger block networks. The enforcement of minimum dimensions related to lot area, length, and depth is critical to ensuring blocks are usable by multiple means of transportation (e.g., vehicle, pedestrian, bicycle). Likewise, lot and block regulations ensure that large tracts can be subdivided in a manner that promotes desirable, predictable development.

53. Review Maximum Block Length to Support Walkability

Issue

The minimum design standards of the Subdivision Regulations allow blocks with maximum lengths of 1,000 feet. This is not in alignment with best practices within denser residential and mixed-use areas to promote alternative modes of transportation such as walking and bicycling.

Resolution

Consider establishing a maximum block per zoning district. Lengths of 400-600 feet are recommended in districts aimed toward walkable, denser developments. Rural areas are more appropriate for the existing block lengths of 1,000 feet.

54. Align Dimensional Requirements with Zoning Districts

Issue

Development criteria for block lengths, lot dimensions, and subdivision design are governed by both the existing Subdivision Regulations and Zoning Ordinance. This leads to difficulty referencing the applicable regulations and may lead to conflicts between the two documents.

Resolution

Consolidate the applicable development criteria in the zoning district requirements within the UDO. This will lead to fewer conflicts of standards and a centralized location for all applicable information related to subdivision requirements.

Streets and Sidewalks

Streets, sidewalks, and trails serve as the primary connection of lots, blocks, and people in communities. As development trends evolve and best practices point towards multi-modal transportation methods, it is important to review design criteria related to street sections and sidewalk standards.

55. Codify Guidelines for Traffic Impact Analyses

Issue

The Comprehensive Plan calls for Traffic Impact Analyses (TIAs) to be conducted for larger developments to determine the effect on surrounding road networks. The current Zoning Ordinance does not establish this process.

Resolution

The UDO should clearly define a TIA and establish minimum requirements for when the study will be required. Likewise, additional mitigation methods should be put into place if it is found that the proposed development may have an adverse impact on the surrounding road network.

56. Update Sidewalk Width and Connectivity Requirements

Issue

Sidewalk requirements are outlined in Article 7 of the existing Subdivision Regulations, and only require 4-foot-wide sidewalks on both sides of select thoroughfare types throughout the City. Sidewalk materials and connectivity are not addressed in the Subdivision Regulations.

Resolution

Update the sidewalk standards to require a 5-foot minimum width, with sidewalks required on both sides of newly platted rights-of-way. Sidewalks should be designed to connect to other sidewalks or regional trails, and the UDO should include enforceable language to achieve this goal.

Other

This section of the Diagnostic Report provides examples of best practices or recommendations related to topics that are discussed in the Comprehensive Plan and are related to development but are not regulations that will be a part of the resulting UDO.

Annexation Policy

Annexation is how a municipality expands its jurisdictional boundaries. As the City of Bonner Springs continues to develop, strong annexation policies and ordinances will ensure the orderly growth occurs. As outlined in the Comprehensive Plan, annexation of surrounding areas is strongly encouraged prior to development.

57. Adopt a Policy to Guide Implementation of Annexation Agreements

Issue

There is no existing annexation policy codified or adopted by the City of Bonner Springs. As the City continues to develop, the Loring Service Area and portions of adjacent Leavenworth County may be opportunities for growth.

Resolution

Codify an annexation process in compliance with other local and state requirements, focusing on property within the Loring Service Area and Leavenworth County properties that are served by City utilities. Ensure that, when annexed, the full right-of-way width of County roads are adopted by the City as stated in the Comprehensive Plan.

Low Impact Development (LID)

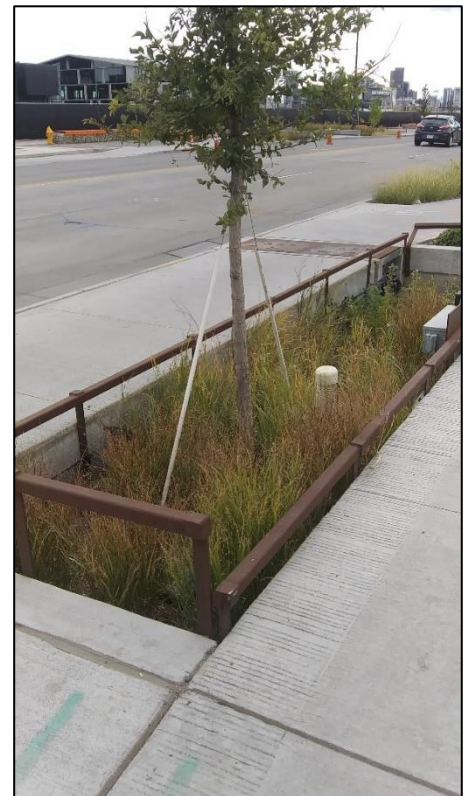
58. Promote Utilization of Low Impact Development Design Standards

Issue

The City of Bonner Springs wants to promote the use of low impact development; however, a way to incentivize the use of such practices is not in place.

Resolution

Consider the use of a funding mechanism to promote the use of low impact development standards. Many communities offer credit toward fees as an incentive when green infrastructure/low impact standards are utilized on a site. Explore other incentives such as development incentives, rebates and installation financing, and awards and recognitions programs.



Example of a Bioretention Facility

Zoning Map Revisions

59. Expand the Municipal Industrial Park

Issue

It is an objective of the Comprehensive Plan to focus industrial development on the existing Bonner Springs Industrial Park to the southeast of the City; however, the Park is largely built-out and cannot accommodate any new or relocated development.

Resolution

Confirm that the Zoning Map is updated and supports this objective to limit the area industrial uses may develop by right. Provide strong intent statements and processes for revising the Zoning Map to assist the Planning Commission in making recommendations on rezoning requests to industrial districts.

60. Review and Amend the Official Zoning Map

Issue

Following the adoption of the UDO, the City's Official Zoning Map will reference outdated zoning districts and may not account for new land uses established in the update.

Resolution

Revise the Official Zoning Map to reference the appropriate zoning classifications adopted within the UDO. Ensure the new zoning boundaries and classifications are in alignment with the Comprehensive Plan objectives and other City initiatives and documents (e.g., Future Land Use Map, Major Transportation Plan Map).

Staff Report – Joint Meeting

June 1, 2022

To: Mayor, City Council, and Planning Commission
Thru: Sean Pederson, City Manager
From: Mark Lee, Planning Director; Amber Vogan, Assistant City Manager
Subject: **Unified Development Ordinance**

Assistant City Manager, Amber Vogan along with City Planner, Mark Lee have worked alongside the consulting firm of Freese and Nichols to complete Phase 1 for development of a Unified Development Ordinance (UDO). The UDO is a set of regulations that will take the place of the current Zoning, Subdivision, Sign regulations and land development regulations; placing them into one easy to navigate document.

For Phase 1, Freese and Nichols has reviewed our current regulations and ordinances to prepare a diagnostic report and analysis of those documents. The report is used to determine conflicts and redundancies, make recommendations for updates to procedures, correct typos, update graphics and correct other common types of errors. The attached report provides an outline based on the review of the existing codes and plans, including the Vision 2025 Comprehensive Plan and the Parks and Recreation Master Plan.

Exhibits:

Bonner Springs UDO Diagnostic Report from Freese and Nichols

Discussion:

During this joint session of the Governing Body and the Planning Commission, Freese and Nichols will present the diagnostic report to the respective bodies and bring them up to date on the processes that have been undertaken thus far. Members of the Governing Body and Planning Commission will have the opportunity to discuss any questions and concerns they have regarding the report or process.

This is the first of three phases to complete and implement the Unified Development Ordinance. Following this review, Freese and Nichols will prepare an estimate and timeline for consideration to complete the next two phases of the process.

Action:

Review the attached Diagnostic Report and have all questions or concerns prepared to discuss on Monday evening.
