



City of Bonner Springs

KANSAS

Monday, February 14, 2022

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

WORKSHOP MEETING - 6:30 p.m.

REGULAR CITY COUNCIL MEETING - 7:30 p.m.

**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.**

WORKSHOP SESSION

1. Stormwater Program Review/Update

Action N/A

Recommendation N/A

Documents:

2. Unified Government Proposed County Emergency Operations Plan Presentation

Action NA

Recommendation NA

Documents:

CITY COUNCIL MEETING - 7:30 P.M.

CITIZEN CONCERNS ABOUT ITEMS NOT ON TODAY'S AGENDA. (COPIES OF MATERIAL PRESENTED TO THE CITY COUNCIL MUST ALSO BE PROVIDED TO THE CITY CLERK.)

This item is for comments and questions from the audience about items that are not included on today's agenda.

CONSENT AGENDA

1. Minutes of the January 24, 2022 City Council Meeting

Action Make a motion to approve the minutes.

Recommendation

Documents:

1. 01242022 CCM Minutes

2. Claims for City Operations

Action Make a motion to approve the Claims for City Operations.

Recommendation Staff recommends approval.

Documents:

1. SUPPLEMENT CHECK REGISTER
2. SUPPLEMENT EXPENSE APPROVAL REPORT
3. MAIN CHECK REGISTER
4. MAIN EXPENSE APPROVAL REPORT
5. UB REFUND CHECK REGISTER

3. Unified Government Contract For Senior Center Funds

Action Make a motion to approve the contract extension with the Unified Government of Wyandotte County for 2022 Mill Levy Senior Center Services.

Recommendation The Assistant City Manager recommends approval.

Documents:

1. 2021-2022 Contract Extension with Bonner Springs Senior Center RFP R24946, In Home Senior Care
2. 2022 Contract Extension for Bonner Springs Senior Center

4. Appointments to Boards and Commissions

Action Make a motion to approve the appointments to boards and commissions.

Recommendation

Documents:

5. Massage Therapy License Renewal Denial - Guang Wen Wang- Back and Body Massage

Action Make a motion to deny approval of the Massage Therapist license renewal.

Recommendation The City Clerk recommends approval to deny renewal of the Massage Therapist license

Documents:

OLD BUSINESS

NEW BUSINESS

1. Bond Ordinance authorizing issuance of Series 2022-A GO Bonds

Action Make a motion to approve an ordinance authorizing the issuance of Series 2022-A General Obligation Bonds

Recommendation The Finance Director recommends approval

Documents:

1. Ordinance No. ____ Authorizing Issuance - Bonner Springs KS GO Bonds Series 2022-A
2. Bid Tabulation - Bonner 22-A (Final)

2. Bond Resolution prescribing terms and details of Series 2022-A GO Bonds

Action Make a motion to approve a Bond Resolution prescribing the terms and details of Series 2022-A General Obligation Bonds

Recommendation The Finance Director recommends approval

Documents:

1. Bond Resolution No. ____ - Bonner Springs KS GO Bonds Series 2022-A

3. Water Meter Replacement Project Approval

Action Make a motion to approve the proposal for ultrasonic water meter equipment and annual communication component to AV Water Technologies, LLC in the amount of \$1,008,765.00 and authorize the City Manager to execute the documents.

Recommendation Public Works Director, Frank Abart, recommends approval.

Documents:

1. Bonner Springs KS 10430 updated 01152022

4. Sole Source Request - Plant Aerator/Mixer Unit Replacement

Action Make a motion to approve the request for sole source procurement with Ovivo USA, LLC for purchase of a replacement industrial grade aerator/mixing unit in the amount of \$177,350 and authorize the City Manager to execute the documents.

Recommendation The Public Works Director recommends approval of the sole source request.

Documents:

1. Photo of current aerator/mixer
2. Engineer's recommendation
3. OVIVO Proposal

5. BSCP-01-21 - Request to amend the Comprehensive Plans Future Land Use Map - 1401 S. 130th Street

Action Make a motion to adopt an ordinance amending the Future Land Use Map as currently shown within the Comprehensive Plan

Recommendation Staff and the Planning Commission (6-0) recommend approval

Documents:

1. Agenda Item-K7 and Nettleton-BSCP-Revised 1.14.22
2. BSCP-01-21 Excerpt of minutes
3. Ord. Comp Plan and Rezone 1401 S. 130th - K7 and Nettleton
4. K-7-Nettleton-Avenue-Block Presentation

6. BSRZ-03-21 - Request for Approval of a Zoning Change from A-1 (Agricultural District) and C-2 (General Business District) to the Zoning Category of I-1 (Light Industrial) for 1401 S. 130th Street.

Action Make a motion to adopt an ordinance approving the request for rezoning

Recommendation Staff and the Planning Commission (6-0) recommend approval

Documents:

1. Agenda Item-K7 and Nettleton-RZ-Revised 1.14.22
2. BSRZ-03-21 Excerpt of minutes
3. Ord. Comp Plan and Rezone 1401 S. 130th - K7 and Nettleton

7. BSZO-02-21 - Zoning Ordinance Amendment - Accessory Building size restrictions

Action Make a motion to adopt an ordinance authorizing BRSZ-02-21

Recommendation Staff and the Planning Commission (6-0) recommend approval

Documents:

1. Accessory Building Complete Agenda Item
2. Accessory Buildings V2
3. 1.18.22 PC Meeting excerpt of minutes
4. Ord. Accessory Buildings

8. BSZO-02-21 - Zoning Ordinance Amendment - Accessory Dwelling Units

Action Make a motion to adopt an ordinance allowing for Accessory Dwelling Units

Recommendation Staff and the Planning Commission (6-0) recommend approval

Documents:

1. Article XXII Section 4 - Supplementary Regulations - ADU's
2. Article XXVII Rules and Regulations - Definitions
3. designing-accessory-dwelling-unit-regulations
4. AARP ADU's
5. ADU REGULATIONS APPROVED BY THE BOCC Revised 04 15 2020
6. JoCo ADUs - General Information Revised 4 15 2020
7. Olathe ADU's
8. Lawrence ADU 2pgs
9. Ord. Accessory Dwelling Units

9. BSZO-02-21 - Zoning Ordinance Amendment - Architectural Design Standards

Action Make a motion to adopt an ordinance implementing Architectural Design Standards

Recommendation Staff and the Planning Commission (6-0) recommend approval

Documents:

1. Architectural Design Standards Agenda Complete Agenda Item
2. Arch Guidelines - Planning Principals and Design Guidelines V2 Accepted Revisions
3. Ord. Architectural Design Standards

REPORTS

1. City Manager's Report

Action

Recommendation

Documents:

1. City Managers Update 2-11-22
2. 2021-2022 Planning and Development CM spreadsheet
3. InCode Building Permit Report
4. InCode Code Enforcement Report

2. City Council Items

Action

Recommendation

Documents:

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Christina Brake

Subject: Minutes of the January 24, 2022 City Council Meeting

Recommendation:

Action: Make a motion to approve the minutes.

Background:

Discussion:

Financial Impact:

City Council Minutes – Regular Meeting – January 24, 2022

The Bonner Springs City Council met in regular session at 7:33 p.m.

Councilmembers present: Mayor Harrington, Shannon, Long, Thompson, Wood, Gurley, Kipp, Stephens and Reeves

City staff present: Sean Pederson, City Manager; Chris Brake, City Clerk; Amber Vogan, Assistant City Manager; Tillie LaPlante, Finance Director; Frank Abart, Public Works Director; Justine Spease, Recreation Manager; Billy Naff, Police Chief; Chris Jennings, Deputy Fire Chief/EMS Director and Kendra Anthony, Animal Control Officer

Others present: Tyler Ellsworth, Kutak Rock, City Bond Counsel; Cameron Duff, Scannell Properties Director of Development; Greg Kindle, Wyandotte County Economic Development Council President

The Mayor led the Pledge of Allegiance to the Flag of the United States of America and asked Councilmember Mike Thompson to lead the invocation.

Citizen Concerns about Items Not on Today's Agenda – None presented.

CONSENT AGENDA – The Mayor read the Consent Agenda Items and asked the staff, audience or City Council if they wished to remove an item for separate consideration. No items were removed.

1. Minutes of the January 10, 2022 City Council Meeting
2. Claims for City Operations
3. Appointments to Boards and Commissions

Reeves moved and Shannon seconded to approve the consent agenda as presented. Unanimous approval.

OLD BUSINESS – None Presented.

NEW BUSINESS –

1. **Public Hearing about Resolution of Intent to Issue Industrial Revenue Bonds for Scannell Building No. 2** – Shannon moved and Stephens seconded to open the public hearing for the Resolution on Intent to Issue Industrial Revenue Bonds for Scannell Building No.2 at 7:35 p.m. Unanimous approval. Tyler Ellsworth, Kutak Rock presented information regarding the proposed Bond issuances and Greg Kindle, WyEDC, spoke in support of the bond issuances. Gurley moved and Shannon seconded to close the Public Hearing at 7:43 p.m.
2. **Resolution of Intent to Issue Industrial Revenue Bonds for Scannell Building No. 2** – Shannon moved and Reeves seconded to Adopt a Resolution of Intent to Issue Industrial Revenue Bonds and Property Tax Abatement for Scannell Properties, LLC Building 2. Unanimous approval. Assigned Resolution No. 2022-01
3. **Public Hearing about Resolution of Intent to Issue Industrial Revenue Bonds for Scannell Building No. 3** – Shannon moved and Gurley seconded to open the public hearing for the Resolution on Intent to Issue Industrial Revenue Bonds for Scannell Building No.3 at 7:49 p.m. Unanimous approval.

Stephens moved and Reeves seconded to close the Public Hearing at 7:51 p.m.

4. **Resolution of Intent to Issue Industrial Revenue Bonds for Scannell Building No. 3** – Shannon moved and Gurley seconded to Adopt a Resolution of Intent to Issue Industrial Revenue Bonds and Property Tax Abatement for Scannell Properties, LLC Building 3. Unanimous approval. Assigned Resolution No. 2022-02

5. **Resolution Authorizing the Smart Water Meter Project** – Stephens moved and Thompson seconded to approve a resolution authorizing the Smart Water Meter Project. Unanimous approval. Assigned Resolution No. 2022-03
6. **Resolution Authorizing the Sale of General Obligation Bonds Series 2022-A** – Gurley moved and Stephens seconded to approve a resolution authorizing the sale of approximately \$980,000 principal amount of General Obligation Bonds. Unanimous approval. Assigned Resolution No. 2022-04
7. **Seasonal Employee Pay Scale** – Thompson moved and Shannon seconded to approve the updated Seasonal Employee Pay Scale. Unanimous approval.
8. **Great Plains SPCA Animal Service Agreement** – Shannon moved and Stephens seconded to authorize the City Manager to execute an agreement with Great Plains SPCA for animal related services. Unanimous approval.

REPORTS

Item No. 1: City Manager's Report

- The City is soliciting public input on the Unified Development Ordinance until the end of January.
- Animal Control Officer Anthony and Corporal Rector will be on the Kelly Clarkston show on February 2nd being interviewed regarding the incident with Lucy the camel.

Item No. 2: City Council Items

- Thompson asked if staff has an update on the “stealth bomber” area.
- Reeves asked if the Cemetery Advisory Committee can meet in February.

Item No. 3: Mayor's Report

- The Mayor stated it was a great weekend for sports
- The annual Martin Luther King Jr recognition program organizers experienced some setbacks this year but are trying to plan a modified celebration.
- A meeting is being set up soon with Representative Burroughs, Commissioner Stites and Mayor/CEO Garner

The meeting adjourned at 8:15 p.m.

Christina Brake, City Clerk

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Kim Mosier

Subject: Claims for City Operations

Recommendation: Staff recommends approval.

Action: Make a motion to approve the Claims for City Operations.

Background: Staff enclosed the supplement claims for City operations in the amount of \$ 301,182.54, regular claims in the amount of \$ 527,050.48 and UB Refunds in the amount of \$6,738.79.

Discussion:

Financial Impact:



Bonner Springs, KS

Check Report

By Check Number

Date Range: -

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP BANK-AP BANK						
2470	ATMOS ENERGY	01/21/2022	Regular	0.00	3,845.60	147663
0122	BONNER SPGS FIREFIGHTERS ASSC	01/21/2022	Regular	0.00	54.00	147664
0121	BONNER SPGS LIBRARY	01/21/2022	Regular	0.00	210,949.30	147665
7513	HSA BANK	01/21/2022	Regular	0.00	5,840.68	147666
0898	ICMA RETIREMENT CORPORATION	01/21/2022	Regular	0.00	1,496.64	147667
9879	MAINSTREET CREDIT UNION	01/21/2022	Regular	0.00	885.00	147668
7514	AXIOM INSTRUMENTATION SERVICES	01/26/2022	Regular	0.00	592.63	147669
6536	BANKCARD PROCESSING CENTER	01/26/2022	Regular	0.00	9,629.18	147670
0117	BOARD OF PUBLIC UTILITIES ATTN: ACCOUNTS	01/26/2022	Regular	0.00	26,620.14	147672
2755	FTC EQUIPMENT LLC	01/26/2022	Regular	0.00	6,036.44	147673
10304	INSTITUTE FOR BUILDING TECHNOLOGY AND S	01/26/2022	Regular	0.00	1,650.00	147674
6250	LEXIS NEXIS RISK DATA MGMT INC	01/26/2022	Regular	0.00	150.00	147675
3007	MUNICIPAL EMERGENCY SVCS INC	01/26/2022	Regular	0.00	72.50	147676
2924	OHD, LLLP	01/26/2022	Regular	0.00	7,870.00	147677
10030	QUALITY SPEAKS, LLC	01/26/2022	Regular	0.00	66.77	147678
4746	QUEEN'S PRICE CHOPPER ATTEN: ACCOUNTS R	01/26/2022	Regular	0.00	38.13	147679
9824	STRYKER SALES CORP	01/26/2022	Regular	0.00	11,354.40	147680
3025	U.S. VENTURE, INC	01/26/2022	Regular	0.00	346.36	147681
6819	UNIFIRST CORPORATION	01/26/2022	Regular	0.00	580.99	147682
8411	WILSON & COMPANY ENGINEERS	01/26/2022	Regular	0.00	4,483.48	147683
0122	BONNER SPGS FIREFIGHTERS ASSC	02/04/2022	Regular	0.00	6.00	147684
0121	BONNER SPGS LIBRARY	02/04/2022	Regular	0.00	94.28	147685
7513	HSA BANK	02/04/2022	Regular	0.00	6,028.18	147686
0898	ICMA RETIREMENT CORPORATION	02/04/2022	Regular	0.00	1,506.84	147687
9879	MAINSTREET CREDIT UNION	02/04/2022	Regular	0.00	885.00	147688
11546	UNITED WAY OF GREATER KANSAS CITY	02/04/2022	Regular	0.00	100.00	147689

Bank Code AP BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	51	26	0.00	301,182.54
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	51	26	0.00	301,182.54



Bonner Springs, KS

Expense Approval Report

By Vendor Name

Payment Dates 1/21/2022 - 2/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 2470 - ATMOS ENERGY				
P.O. BOX 740353				
CINCINNATI, OH 45274-0353				
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	223.27
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	223.26
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	1,308.61
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	223.27
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	786.84
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	205.36
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	786.84
ATMOS ENERGY	0001476	01/21/2022	GAS SERVICE	88.15
Vendor 2470 - ATMOS ENERGY Total:				3,845.60
Vendor: 7514 - AXIOM INSTRUMENTATION SERVICES				
5400 JOHNSON DRIVE, SUITE 161				
MISSION, KS 66205				
AXIOM INSTRUMENTATION SE	18-1241	12/31/2021	REPLACE O2 SENSOR & INSTALL/CALIBRATE 1 OX SENSOR	592.63
Vendor 7514 - AXIOM INSTRUMENTATION SERVICES Total:				592.63
Vendor: 6536 - BANKCARD PROCESSING CENTER				
PO BOX 6818				
CAROL STREAM, IL 60197-6818				
BANKCARD PROCESSING CEN	0001481	12/31/2021	BANKCARD VISA-F ABART 202	299.00
BANKCARD PROCESSING CEN	0001482	12/31/2021	WWTP PRINTER INK	11.99
BANKCARD PROCESSING CEN	0001483	01/26/2022	USPS	4.80
BANKCARD PROCESSING CEN	0001483	01/26/2022	AACE MEMBERSHIP FEE	75.00
BANKCARD PROCESSING CEN	0001483	01/26/2022	KTA-TOLL CHARGES	31.10
BANKCARD PROCESSING CEN	0001483	01/26/2022	AWWA MEMBERSHIP FEE	77.00
BANKCARD PROCESSING CEN	0001484	12/31/2021	HOMEGOODS-PRIZES	40.95
BANKCARD PROCESSING CEN	0001484	12/31/2021	EMPLOYEE HOLIDAY LUNCH	745.50
BANKCARD PROCESSING CEN	0001484	12/31/2021	HELZBERG	79.98
BANKCARD PROCESSING CEN	0001484	12/31/2021	WALMART-PRIZES	346.59
BANKCARD PROCESSING CEN	0001484	12/31/2021	TARGET-PRIZES	82.98
BANKCARD PROCESSING CEN	0001485	01/26/2022	CONF REG FOR KRPA-DREY	325.00
BANKCARD PROCESSING CEN	0001485	01/26/2022	CONF REG FOR KRPA- BRUNGARDT	325.00
BANKCARD PROCESSING CEN	0001486	12/31/2021	BATTER JUMP PACK PARTS	44.85
BANKCARD PROCESSING CEN	0001486	12/31/2021	BATTER JUMP PACK PARTS	29.38
BANKCARD PROCESSING CEN	0001487	12/31/2021	COSTCO-WIPER BLADES	27.96
BANKCARD PROCESSING CEN	0001487	12/31/2021	COSTCO-LG TV	399.99
BANKCARD PROCESSING CEN	0001487	12/31/2021	COSTCO-MATTRESSES 4 @ 249.99	999.96
BANKCARD PROCESSING CEN	0001488	12/31/2021	EMS CERTIFICATION	98.00
BANKCARD PROCESSING CEN	0001488	12/31/2021	KS BOARD OF EMS	180.00
BANKCARD PROCESSING CEN	0001488	12/31/2021	ADOBE TAX CHARGED CREDIT (1.48 X 5)	-7.40
BANKCARD PROCESSING CEN	0001488	12/31/2021	PRINT DEPT IID DECALS VEHICLE	74.00
BANKCARD PROCESSING CEN	0001488	12/31/2021	MONTHLY CARWASH	26.99
BANKCARD PROCESSING CEN	0001488	12/31/2021	PAINTING SUPPLIES	102.86
BANKCARD PROCESSING CEN	0001488	12/31/2021	EMS BAGS & SUPPORT GEAR	732.00
BANKCARD PROCESSING CEN	0001488	12/31/2021	STATION SUPPLIES	399.83
BANKCARD PROCESSING CEN	0001488	12/31/2021	RADIO HOLSTERS	320.68
BANKCARD PROCESSING CEN	0001488	12/31/2021	STORAGE BINS	248.57
BANKCARD PROCESSING CEN	0001489	01/26/2022	BANKCARD VISA- C JENNINGS	29.99

Expense Approval Report

Payment Dates: 1/21/2022 - 2/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
BANKCARD PROCESSING CEN	0001490	12/31/2021	ASP TRAINING	200.00
BANKCARD PROCESSING CEN	0001490	12/31/2021	WATER-PRICE CHOPPER	11.96
BANKCARD PROCESSING CEN	0001490	12/31/2021	ADBODE CREDIT FOR SALE TA	-16.64
BANKCARD PROCESSING CEN	0001491	01/26/2022	STREET COP TRAINING	249.00
BANKCARD PROCESSING CEN	0001491	01/26/2022	K9 CLEANING SUPPLIES	52.91
BANKCARD PROCESSING CEN	0001491	01/26/2022	RADIO CLIPS	125.00
BANKCARD PROCESSING CEN	0001491	01/26/2022	OPTISIGN-LOBBY MONITOR	7.50
BANKCARD PROCESSING CEN	0001492	01/26/2022	BENCH VISE FOR PARKS	99.99
			MAINT SHOP	
BANKCARD PROCESSING CEN	0001493	01/26/2022	KACP-ANNUAL DUES	100.00
BANKCARD PROCESSING CEN	0001494	12/31/2021	TRAINING-LEGAL UPDATES-KU	35.00
			CONTINUING ED	
BANKCARD PROCESSING CEN	0001494	12/31/2021	CREDIT REPORT	30.00
BANKCARD PROCESSING CEN	0001494	12/31/2021	BUSINESS CARDS	67.97
BANKCARD PROCESSING CEN	0001494	12/31/2021	NAME PLATES	20.00
BANKCARD PROCESSING CEN	0001495	01/26/2022	TRAINING--GLOCK	250.00
			PROFESSIONAL	
BANKCARD PROCESSING CEN	0001495	01/26/2022	MEMBERSHIP FOR KS PEACE	25.00
			OFFICER ASSOC	
BANKCARD PROCESSING CEN	0001496	12/31/2021	SC-JOHNNY & JUNE 18	589.00
			TICKETS/1 COMP 12/29/21	
BANKCARD PROCESSING CEN	0001497	01/26/2022	DOLLAR TREE-	25.00
			MISCELLANEOUS PURCHASE	
BANKCARD PROCESSING CEN	0001499	12/31/2021	RETURN BROKEN KEYLESS	-79.99
			DOOR HANDLE	
BANKCARD PROCESSING CEN	0001499	12/31/2021	DOOR KNOB-PW SHOP	86.99
BANKCARD PROCESSING CEN	0001499	12/31/2021	KEYLESS DOOR	494.33
			HANDLE,FAUCET, DOOR PART	
BANKCARD PROCESSING CEN	0001500	01/26/2022	COVER FOR MAG CHEM	29.98
			PUMP PW SNOW/ICE TREAT	
BANKCARD PROCESSING CEN	0001501	01/26/2022	CPRJ RENEWAL FOR JS	65.00
BANKCARD PROCESSING CEN	0001501	01/26/2022	CAMP CLASS FOR JS	20.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	25.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	9.99
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	45.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	10.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	15.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	115.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	10.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	25.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	80.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	15.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	20.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	30.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	5.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	5.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	5.00
BANKCARD PROCESSING CEN	0001502	12/31/2021	MICROSOFT EMAILS	15.00
BANKCARD PROCESSING CEN	0001503	01/26/2022	METRO FAX ANNUAL SUB-	79.50
			CITY HALL FAX LINE	
BANKCARD PROCESSING CEN	0001503	01/26/2022	METRO FAX ANNUAL SUB- HR	79.50
			FAX LINE	
BANKCARD PROCESSING CEN	0001503	01/26/2022	ANNUAL SOCIAL MEDIA	228.00
			MONITORING & SCH	
BANKCARD PROCESSING CEN	0001503	01/26/2022	METRO FAX ANNUAL SUB-	79.50
			PUBLIC WORKS FAX LINE	
BANKCARD PROCESSING CEN	0001504	01/26/2022	HULU TV SERVICES	92.14
Vendor 6536 - BANKCARD PROCESSING CENTER Total:				9,629.18

Expense Approval Report

Payment Dates: 1/21/2022 - 2/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 0117 - BOARD OF PUBLIC UTILITIES ATTN: ACCOUNTS PAYABLE				
P O BOX 219661				
KANSAS CITY, MO 64121-9661				
BOARD OF PUBLIC UTILITIES A	0001479	01/26/2022	WATER USAGE 12/3/2021-1/3/2022	26,620.14
Vendor 0117 - BOARD OF PUBLIC UTILITIES ATTN: ACCOUNTS PAYABLE Total:				26,620.14
Vendor: 0122 - BONNER SPGS FIREFIGHTERS ASSC				
BONNER SPRINGS, KS 66012				
BONNER SPGS FIREFIGHTERS	0001471	01/21/2022	FIRE DEPT DUES PAYROLL JANUARY 2022	54.00
BONNER SPGS FIREFIGHTERS	0001520	02/04/2022	OCTOBER DUE 2021 (UNDERPAID)	6.00
Vendor 0122 - BONNER SPGS FIREFIGHTERS ASSC Total:				60.00
Vendor: 0121 - BONNER SPGS LIBRARY				
201 N NETTLETON				
BONNER SPRINGS, KS 66012				
BONNER SPGS LIBRARY	0001477	01/21/2022	WY CO TAX DISTRIBUTION	210,949.30
BONNER SPGS LIBRARY	0001514	02/04/2022	LEAVENWORTH COUNTY TAX DISTRIBUTION`	94.28
Vendor 0121 - BONNER SPGS LIBRARY Total:				211,043.58
Vendor: 2755 - FTC EQUIPMENT LLC				
5238 WINNER ROAD				
KANSAS CITY, MO 64127				
FTC EQUIPMENT LLC	15058	12/31/2021	REPAIR FRONT HEAD, WEAR RING & VOLUTE GASKET Is#2	3,665.00
FTC EQUIPMENT LLC	15074	12/31/2021	REPAIR PUMP - LS #2	2,371.44
Vendor 2755 - FTC EQUIPMENT LLC Total:				6,036.44
Vendor: 7513 - HSA BANK				
PO BOX 939				
SHEBOYGAN, WI 53082-0939				
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	1,715.68
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	125.00
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	125.00
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	187.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	62.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	250.00
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	187.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	250.00
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	1,562.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	562.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	375.00
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	312.50
HSA BANK	0001473	01/21/2022	HEALTH SAVINGS ACCOUNT FOR 1/231/2022	125.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	1,715.68
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	125.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	125.00

Expense Approval Report

Payment Dates: 1/21/2022 - 2/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	187.50
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	62.50
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	250.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	187.50
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	250.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	1,750.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	562.50
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	375.00
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	312.50
HSA BANK	0001517	02/04/2022	HEALTH SAVINGS ACCOUNT FOR 2/4/2022	125.00
Vendor 7513 - HSA BANK Total:				11,868.86

Vendor: 0898 - ICMA RETIREMENT CORPORATION
P O BOX 64553

BALTIMORE, MD 21264-4553				
ICMA RETIREMENT CORPORA	0001474	01/21/2022	PR-457 VANTAGEPOINT TRANSFER AGENT 301961	1,121.64
ICMA RETIREMENT CORPORA	0001475	01/21/2022	PR-ROTH VANTAGEPOINT TRANSFER AGENT 706353	375.00
ICMA RETIREMENT CORPORA	0001518	02/04/2022	PR-457 VANTAGEPOINT TRANSFER AGENT 301961	1,131.84
ICMA RETIREMENT CORPORA	0001519	02/04/2022	PR-ROTH-VANTAGEPOINT TRANSFER AGENT 706353	375.00
Vendor 0898 - ICMA RETIREMENT CORPORATION Total:				3,003.48

Vendor: 10304 - INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY
45207 RESEARCH PLACE
ASHBURN, VA 20147

INSTITUTE FOR BUILDING TEC	R730-BK1-1221R	12/31/2021	PLAN REVIEW FEES FOR DECEMBER 2021	75.00
INSTITUTE FOR BUILDING TEC	R730-BK1-1221R	12/31/2021	INPSECTION FEE FOR DECEMBER 2021	1,575.00
Vendor 10304 - INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY Total:				1,650.00

Vendor: 6250 - LEXIS NEXIS RISK DATA MGMT INC
BILLING ID 1240964
28330 NETWORK PLACE
CHICAGO, IL 60673-1283

LEXIS NEXIS RISK DATA MGMT	1240964-20211231	12/31/2021	DECEMBER INVOICE	150.00
Vendor 6250 - LEXIS NEXIS RISK DATA MGMT INC Total:				150.00

Vendor: 9879 - MAINSTREET CREDIT UNION
ATTN: PYMT SYSTM DEPT-SEG PR
13001 W 95TH STREET
LENEXA, KS 66215

MAINSTREET CREDIT UNION	0001472	01/21/2022	PAYROLL FOR 1/21/2022	885.00
MAINSTREET CREDIT UNION	0001516	02/04/2022	PAYROLL FOR 2/4/2022	885.00
Vendor 9879 - MAINSTREET CREDIT UNION Total:				1,770.00

Vendor: 3007 - MUNICIPAL EMERGENCY SVCS INC
PO BOX 856892

MINNEAPOLIS, MN 55485-6892				
MUNICIPAL EMERGENCY SVCS	INI6660769	12/31/2021	THERMAL CAMERA TEATHERS	72.50
Vendor 3007 - MUNICIPAL EMERGENCY SVCS INC Total:				72.50

Expense Approval Report

Payment Dates: 1/21/2022 - 2/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 2924 - OHD, LLLP				
2687 JOHN HAWKINS PARKWAY				
HOOVER, AL 35244				
OHD, LLLP	79511	12/31/2021	Fit Testing Machine	7,870.00
Vendor 2924 - OHD, LLLP Total:				7,870.00
Vendor: 10030 - QUALITY SPEAKS, LLC				
LOCKBOX NUMBER 912738				
PO BOX 31001-2738				
PASADENA, CA 91110-2738				
QUALITY SPEAKS, LLC	6829092	12/31/2021	PHONE SERVICE	1.31
QUALITY SPEAKS, LLC	6829092	12/31/2021	PHONE SERVICE	65.46
Vendor 10030 - QUALITY SPEAKS, LLC Total:				66.77
Vendor: 4746 - QUEEN'S PRICE CHOPPER ATTEN: ACCOUNTS RECEIVABLE				
PRICE CHOPPER #10				
8 W. PEORIA STREET				
PAOLA, KS 66071-1303				
QUEEN'S PRICE CHOPPER ATT	0001480	12/31/2021	WATER & GATORADE (TIBLOW DAYS-BREAK ROOM)	38.13
Vendor 4746 - QUEEN'S PRICE CHOPPER ATTEN: ACCOUNTS RECEIVABLE Total:				38.13
Vendor: 9824 - STRYKER SALES CORP				
PO BOX 93308				
CHICAGO, IL 60673				
STRYKER SALES CORP	3254818M	12/31/2021	AED ANNUAL MAINTENANCE AGREEMENT 1/1-12/31/2021	11,354.40
Vendor 9824 - STRYKER SALES CORP Total:				11,354.40
Vendor: 3025 - U.S. VENTURE, INC				
7984 SOLUTION CENTER				
CHICAGO, IL 60677-7009				
U.S. VENTURE, INC	7802078	12/31/2021	VEHICLE TIRES	346.36
Vendor 3025 - U.S. VENTURE, INC Total:				346.36
Vendor: 6819 - UNIFIRST CORPORATION				
1801 N CORRINGTON AVE				
KANSAS CITY, MO 64120				
UNIFIRST CORPORATION	226-0686769	12/31/2021	BLDG. MAINT/RESTROOM SUPPLIES	18.02
UNIFIRST CORPORATION	226-0686769	12/31/2021	UNIFORM RENTALS	298.10
UNIFIRST CORPORATION	226-0686769	12/31/2021	UNIFORM RENTALS	104.61
UNIFIRST CORPORATION	226-0686769	12/31/2021	BLDG. MAINT/RESTROOM SUPPLIES	18.03
UNIFIRST CORPORATION	226-0686769	12/31/2021	UNIFORM RENTALS	142.23
Vendor 6819 - UNIFIRST CORPORATION Total:				580.99
Vendor: 11546 - UNITED WAY OF GREATER KANSAS CITY				
PO BOX 871400				
KANSAS CITY, MO 64187-1400				
UNITED WAY OF GREATER KA	0001515	02/04/2022	PAYROLL CONTRIBUTION 2/4/2022 PAYROLL	100.00
Vendor 11546 - UNITED WAY OF GREATER KANSAS CITY Total:				100.00
Vendor: 8411 - WILSON & COMPANY ENGINEERS				
PO BOX 75126				
CHICAGO, IL 60675-5126				
WILSON & COMPANY ENGINE	103198	12/31/2021	PLANNING-DEV REVIEW & MTGS-MTPLE PROJECTS	1,260.00
WILSON & COMPANY ENGINE	103198	12/31/2021	PW-STORMWATER SERVICE	3,223.48
Vendor 8411 - WILSON & COMPANY ENGINEERS Total:				4,483.48
Grand Total:				301,182.54



Bonner Springs, KS

Check Register

Packet: APPKT00342 - CHECK RUN FOR 2/8/2022

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP BANK-AP BANK						
6515	911 CUSTOM	02/10/2022	Regular	0.00	44.91	147690
0402	ALDEN-HARRINGTON FUNERAL HOM	02/10/2022	Regular	0.00	50.00	147691
10587	ALERT 360	02/10/2022	Regular	0.00	142.00	147692
11701	ALL COPY PRODUCTS INC	02/10/2022	Regular	0.00	673.16	147693
11819	ALYSSA TALLEY	02/10/2022	Regular	0.00	40.00	147694
10078	AMAZON CAPITAL SERVICES, INC AN	02/10/2022	Regular	0.00	1,252.55	147695
7449	APEX ENVIROTECH, INC.	02/10/2022	Regular	0.00	2,576.00	147696
3791	ARROWHEAD SCIENTIFIC INC	02/10/2022	Regular	0.00	81.30	147697
4413	AT & T 5001	02/10/2022	Regular	0.00	3,982.70	147698
5615	AT & T 5011	02/10/2022	Regular	0.00	291.58	147699
7913	AT&T	02/10/2022	Regular	0.00	69.55	147700
11698	AT&T 5019	02/10/2022	Regular	0.00	597.24	147701
11711	AV WATER TECHNOLOGIES	02/10/2022	Regular	0.00	4,978.80	147702
1113	AWWA	02/10/2022	Regular	0.00	338.00	147703
10015	AXON ENTERPRISES INC	02/10/2022	Regular	0.00	27,864.00	147704
11799	BARCODING INC	02/10/2022	Regular	0.00	999.00	147705
10140	BEVERLY S MILLS	02/10/2022	Regular	0.00	305.00	147706
7416	BG CONSULTANTS, INC	02/10/2022	Regular	0.00	8,410.00	147707
2798	BONNER SPRINGS AUTO REPAIR LLC	02/10/2022	Regular	0.00	611.25	147708
11759	BURNS & MCDONNELL	02/10/2022	Regular	0.00	52,329.00	147709
11659	CAPITAL ONE/WALMART COMMUN	02/10/2022	Regular	0.00	306.51	147710
10143	CAROLYN CAIHARR	02/10/2022	Regular	0.00	100.00	147711
11793	CHARTER COMMUNICATIONS HOLDIN	02/10/2022	Regular	0.00	324.98	147712
11597	CHRIS JENNINGS	02/10/2022	Regular	0.00	657.31	147713
10027	CINTAS	02/10/2022	Regular	0.00	630.42	147714
2410	CITY TREASURER KCK	02/10/2022	Regular	0.00	38,425.60	147715
3895	CLAYTON PAPER INC	02/10/2022	Regular	0.00	426.45	147716
0213	COLEMAN EQUIPMENT INC	02/10/2022	Regular	0.00	253.41	147717
0218	COMMENCO INC	02/10/2022	Regular	0.00	15.75	147718
10136	COMPLIANCEONE	02/10/2022	Regular	0.00	492.00	147719
0716	CORE & MAIN LP	02/10/2022	Regular	0.00	7,789.61	147720
0014	DEFFENBAUGH INDUSTRIES INC WM	02/10/2022	Regular	0.00	9,407.20	147721
7256	DEPARTMENT OF HEALTH & ENVIRC	02/10/2022	Regular	0.00	27,845.06	147722
6112	DOUBLED D INC	02/10/2022	Regular	0.00	27,966.40	147723
7994	DYNAMIC DISCS	02/10/2022	Regular	0.00	3,240.00	147724
11807	EASTWOOD 7 JAMES LLC	02/10/2022	Regular	0.00	295.23	147725
10964	EVERGY FKA KCP&L	02/10/2022	Regular	0.00	704.68	147726
10942	EVERGY KANSAS CENTRAL INC FKA I	02/10/2022	Regular	0.00	45,994.61	147727
10220	EVERLASTING SIGN INC	02/10/2022	Regular	0.00	966.85	147728
5516	EXECUTIVE MARKETING PROMOTIO	02/10/2022	Regular	0.00	1,301.00	147729
4342	FELDMANS	02/10/2022	Regular	0.00	629.21	147730
11792	FREESE AND NICHOLS, INC	02/10/2022	Regular	0.00	10,843.25	147731
2755	FTC EQUIPMENT LLC	02/10/2022	Regular	0.00	5,573.63	147732
10043	GOODCENTS	02/10/2022	Regular	0.00	359.94	147733
1942	GRASS PAD INC	02/10/2022	Regular	0.00	63.60	147734
1532	GT DISTRIBUTORS	02/10/2022	Regular	0.00	1,167.36	147735
1532	GT DISTRIBUTORS	02/10/2022	Regular	0.00	670.33	147736
0021	HACH COMPANY	02/10/2022	Regular	0.00	96.90	147737
4275	HAYNES EQUIPMENT CO INC	02/10/2022	Regular	0.00	837.48	147738
10326	HUBER & ASSOCIATES, INC	02/10/2022	Regular	0.00	785.00	147739
7720	IBEC, LLC	02/10/2022	Regular	0.00	60.00	147740
6581	INLAND TRUCK PARTS CO.	02/10/2022	Regular	0.00	321.83	147741
3108	JC COMMUNICATIONS BEST RSVP IN	02/10/2022	Regular	0.00	74.00	147742
0359	JIMS LOCK & SAFE SERVICE	02/10/2022	Regular	0.00	205.00	147743

Check Register

Packet: APPKT00342-CHECK RUN FOR 2/8/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5345	JOHNSON COUNTY WASTEWATER	02/10/2022	Regular	0.00	439.35	147744
10523	K & K CHEMICAL SUPPLY LLC	02/10/2022	Regular	0.00	2,832.61	147745
5308	KANSAS ONE-CALL SYSTEM, INC C/O	02/10/2022	Regular	0.00	93.60	147746
3699	KANSAS STATE FIRE FIGHTERS ASSO	02/10/2022	Regular	0.00	626.40	147747
10214	KC AUCTION DIRECT LLC	02/10/2022	Regular	0.00	1,500.64	147748
1999	KRWA	02/10/2022	Regular	0.00	3,226.00	147749
3003	LAKE OF THE FOREST INC	02/10/2022	Regular	0.00	247.00	147750
10114	LEATHAM FAMILY, LLC	02/10/2022	Regular	0.00	265.00	147751
11253	LEAVENWORTH COUNTY HUMANE S	02/10/2022	Regular	0.00	1,820.00	147752
11619	LESLIE LLOYD HAROLD	02/10/2022	Regular	0.00	640.00	147753
6250	LEXIS NEXIS RISK DATA MGMT INC	02/10/2022	Regular	0.00	162.50	147754
8179	LINK-LITE NETWORKING INC	02/10/2022	Regular	0.00	600.00	147755
1836	LOWE'S CREDIT SERVICES	02/10/2022	Regular	0.00	492.14	147756
7587	MCANANY OIL CO., INC.	02/10/2022	Regular	0.00	4,730.83	147757
7347	MCGUIRE ELECTRIC, LLC	02/10/2022	Regular	0.00	8,240.00	147758
7774	METRO AIR CONDITIONING CO	02/10/2022	Regular	0.00	2,218.04	147759
6137	METRO COURIER INC	02/10/2022	Regular	0.00	56.94	147760
8001	MIDWEST PUBLIC RISK	02/10/2022	Regular	0.00	84,252.00	147761
7935	NANCY L. GOSS	02/10/2022	Regular	0.00	160.50	147762
10545	NANCY VARDIJAN	02/10/2022	Regular	0.00	100.00	147763
7206	NATIONAL INSURANCE MARKETING	02/10/2022	Regular	0.00	1,239.43	147764
3094	NORRIS EQUIPMENT CO LLC	02/10/2022	Regular	0.00	1,104.71	147765
11818	OKLAHOMA STATE UNIVERSITY	02/10/2022	Regular	0.00	69.98	147766
0947	O'REILLY AUTO STORES INC	02/10/2022	Regular	0.00	380.45	147767
3393	PACE ANALYTICAL	02/10/2022	Regular	0.00	5,644.00	147768
11541	PEREGRINE CORPORATION	02/10/2022	Regular	0.00	1,399.28	147769
3531	PERRY & TRENT LLC	02/10/2022	Regular	0.00	28,658.00	147770
7022	POSTMASTER	02/10/2022	Regular	0.00	364.00	147771
7889	PREMIER AUTOMOTIVE OF BS LLC	02/10/2022	Regular	0.00	1,775.55	147772
0646	PUSHWATER ENTERPRISES INC	02/10/2022	Regular	0.00	121.50	147773
10030	QUALITY SPEAKS, LLC	02/10/2022	Regular	0.00	62.63	147774
8031	REDDI SERVICES INC	02/10/2022	Regular	0.00	120.00	147775
10641	REDISHRED KANSAS INC PROSHRED	02/10/2022	Regular	0.00	52.00	147776
6838	REJIS COMMISSION REGIONAL JUSTI	02/10/2022	Regular	0.00	582.99	147777
11689	RICK LEDGERWOOD	02/10/2022	Regular	0.00	100.00	147778
11820	ROCHELLE MARTINEZ	02/10/2022	Regular	0.00	150.00	147779
11817	RYAN THENO	02/10/2022	Regular	0.00	3,534.82	147780
10388	SALTUS TECHNOLOGIES, LLC	02/10/2022	Regular	0.00	16,837.63	147781
11743	SAMSARA INC.	02/10/2022	Regular	0.00	136.00	147782
7670	STAPLES CONTRACT & COMMERCIA	02/10/2022	Regular	0.00	500.72	147783
11823	STATE TRACTOR & EQUIPMENT, CO,	02/10/2022	Regular	0.00	151.20	147784
10879	TEUTONIC HOLDINGS LLC SYNDEO L	02/10/2022	Regular	0.00	207.00	147785
5375	TG TECHNICAL SERVICES	02/10/2022	Regular	0.00	195.00	147786
10854	THE JATH GROUP, INC	02/10/2022	Regular	0.00	4,950.00	147787
6802	TOTAL ELECTRIC CONTRACTORS INC	02/10/2022	Regular	0.00	419.65	147788
7105	TRAVEL INDUSTRY ASSOCIATION OF	02/10/2022	Regular	0.00	300.00	147789
11556	U.S. BANK EQUIPMENT FINANCE	02/10/2022	Regular	0.00	913.02	147790
5824	ULINE, INC.	02/10/2022	Regular	0.00	1,150.24	147791
6819	UNIFIRST CORPORATION	02/10/2022	Regular	0.00	1,150.88	147792
11039	UNIFIRST SERVICES	02/10/2022	Regular	0.00	117.26	147793
3078	USA BLUE BOOK	02/10/2022	Regular	0.00	154.81	147794
3088	VANCE BROTHERS, INC	02/10/2022	Regular	0.00	552.00	147795
0915	VERIZON WIRELESS	02/10/2022	Regular	0.00	200.05	147796
0712	W W GRAINGER	02/10/2022	Regular	0.00	834.15	147797
7375	WATCHMEN SECURITY SERVICES	02/10/2022	Regular	0.00	164.00	147798
10057	WESTECH ENGINEERING, INC	02/10/2022	Regular	0.00	565.99	147799
11618	WESTERN DIESEL SERVICES INC	02/10/2022	Regular	0.00	407.00	147800
11601	WESTPORT POOLS INC	02/10/2022	Regular	0.00	36,000.00	147801
10586	WICHITA STATE UNIVERSITY ATTN: J	02/10/2022	Regular	0.00	75.00	147802

Check Register

Packet: APPKT00342-CHECK RUN FOR 2/8/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
8411	WILSON & COMPANY ENGINEERS	02/10/2022	Regular	0.00	8,539.35	147803

Bank Code AP BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	238	114	0.00	527,050.48
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	238	114	0.00	527,050.48



Bonner Springs, KS

Expense Approval Report

By Vendor Name

Post Dates 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 6515 - 911 CUSTOM				
6970 W 152ND TER				
OVERLAND PARK, KS 66223				
911 CUSTOM	48530	02/08/2022	UNIT 54	44.91
Vendor 6515 - 911 CUSTOM Total:				44.91
Vendor: 0402 - ALDEN-HARRINGTON FUNERAL HOME				
220 OAK STREET				
BONNER SPRINGS, KS 66012				
ALDEN-HARRINGTON FUNERA	2307	02/08/2022	FLOWERS-COLL	50.00
Vendor 0402 - ALDEN-HARRINGTON FUNERAL HOME Total:				50.00
Vendor: 10587 - ALERT 360				
P.O. BOX 67612				
DALLAS, TX 75267-6172				
ALERT 360	12548046	02/08/2022	ALARM SYSTEM 2/1-2/28/2022	47.33
ALERT 360	12548046	02/08/2022	ALARM SYSTEM 2/1-2/28/2022	47.34
ALERT 360	12548046	02/08/2022	ALARM SYSTEM 2/1-2/28/2022	47.33
Vendor 10587 - ALERT 360 Total:				142.00
Vendor: 11701 - ALL COPY PRODUCTS INC				
PO BOX 41602				
PHILADELPHIA, PA 19101-1602				
ALL COPY PRODUCTS INC	75038737	02/08/2022	USAGE COPY CHARGES	76.60
ALL COPY PRODUCTS INC	75038737	02/08/2022	LEASE/LATE FEE	596.56
Vendor 11701 - ALL COPY PRODUCTS INC Total:				673.16
Vendor: 11819 - ALYSSA TALLEY				
1740 S. 94TH STREET				
EDWARDSVILLE, KS 66111-				
ALYSSA TALLEY	33484481	02/08/2022	REFUND-VOLLEYBALL MINUS ADMIN FEE	40.00
Vendor 11819 - ALYSSA TALLEY Total:				40.00
Vendor: 10078 - AMAZON CAPITAL SERVICES, INC AMAZON CAPITAL SERVICES				
PO BOX 035184				
SEATTLE, WA 98124-5184				
AMAZON CAPITAL SERVICES, I	11DX-W9FY-1KQX	02/08/2022	DRIED FRUIT FOR LUNCH & LEARN	85.25
AMAZON CAPITAL SERVICES, I	139L-CTJG-TF4D	02/08/2022	LOCKING TAGS-SAFETY GLASSES-VELCRO-ORBITAL POLISHE	250.76
AMAZON CAPITAL SERVICES, I	139L-CTJG-TF4D	02/08/2022	LOCKING TAGS-SAFETY GLASSES-VELCRO-ORBITAL POLISHE	48.37
AMAZON CAPITAL SERVICES, I	139L-CTJG-TF4D	02/08/2022	LOCKING TAGS-SAFETY GLASSES-VELCRO-ORBITAL POLISHE	12.42
AMAZON CAPITAL SERVICES, I	1CN4-QJ1M-HVNX	02/08/2022	POWER CABLES FOR LAPTOP	129.95
AMAZON CAPITAL SERVICES, I	1DWM-JDKG-J91M	02/08/2022	2-OFFICE CHAIRS--WWTP	258.00
AMAZON CAPITAL SERVICES, I	1NP4-76MH-K1W1	02/08/2022	COFFEE CUPS-TOURNIQUETS-TOURNIQUET HOLDERS	18.99
AMAZON CAPITAL SERVICES, I	1NP4-76MH-K1W1	02/08/2022	COFFEE CUPS-TOURNIQUETS-TOURNIQUET HOLDERS	120.95
AMAZON CAPITAL SERVICES, I	1PC3-1HTW-J73Q	02/08/2022	WALKING CHALLENGE PRIZES	29.99
AMAZON CAPITAL SERVICES, I	1PQM-7TKX-PQLI	02/08/2022	DRIVE CAR-STREETE SIGN	59.81
AMAZON CAPITAL SERVICES, I	1PQM-7TKX-PQLI	02/08/2022	OFFICE SUPPLIES-WW	147.40

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
AMAZON CAPITAL SERVICES, I	1T3Q-YPGM-VFDV	02/08/2022	1ST AID SUPPLIES WWTP	24.48
AMAZON CAPITAL SERVICES, I	1YJW-WMYH-WXCD	02/08/2022	SUPPLIES-1ST AID KIT-WWTP	66.18
Vendor 10078 - AMAZON CAPITAL SERVICES, INC AMAZON CAPITAL SERVICES Total:				1,252.55

Vendor: 7449 - APEX ENVIROTECH, INC.7111 W. 151 ST
#338**OVERLAND PARK, KS 66223-2231**

APEX ENVIROTECH, INC.	CSM03.001-DEC 2021	02/08/2022	SCM SAMPLING-DECEMBER 2021	2,576.00
Vendor 7449 - APEX ENVIROTECH, INC. Total:				2,576.00

Vendor: 3791 - ARROWHEAD SCIENTIFIC INC11006 STRANG LINE RD
LENEXA, KS 66215-2113

ARROWHEAD SCIENTIFIC INC	144669	02/08/2022	EVIDENCE MATERIALS-TEST KITS	81.30
Vendor 3791 - ARROWHEAD SCIENTIFIC INC Total:				81.30

Vendor: 4413 - AT & T 5001

P O BOX 5001

CAROL STREAM, IL 60197-5001

AT & T 5001	0001523	02/08/2022	PHONE SERVICE	1,997.99
AT & T 5001	0001523	02/08/2022	PHONE SERVICE-CREDIT	-6.64
AT & T 5001	0001524	02/08/2022	PHONE SERVICE-FIRE DEPT	1,991.35
Vendor 4413 - AT & T 5001 Total:				3,982.70

Vendor: 5615 - AT & T 5011

P O BOX 5011

CAROL STREAM, IL 60197-5011

AT & T 5011	0790469593-012522	02/08/2022	SPECIAL CIRCUITS & ALARMS 1/25-25/24/2022	17.59
AT & T 5011	0790469593-012522	02/08/2022	SPECIAL CIRCUITS & ALARMS 1/25-25/24/2022	134.00
AT & T 5011	0790469593-012522	02/08/2022	SPECIAL CIRCUITS & ALARMS 1/25-25/24/2022	139.99
Vendor 5615 - AT & T 5011 Total:				291.58

Vendor: 11698 - AT&T 5019

P.O. BOX 5019

CAROL STREAM, IL 60197-5019

AT&T 5019	3361137603	02/08/2022	MONTHLY FIBER OPTICS SERVICE	298.62
AT&T 5019	3361137603	02/08/2022	MONTHLY FIBER OPTICS SERVICE	298.62
Vendor 11698 - AT&T 5019 Total:				597.24

Vendor: 7913 - AT&T

PO BOX 5014

CAROL STREAM, IL 60197-5014

AT&T	1170799761 JAN 2022	02/08/2022	INTERNET SERV 1/10-2/9/2022 POOL	69.55
Vendor 7913 - AT&T Total:				69.55

Vendor: 11711 - AV WATER TECHNOLOGIES12332 CUTTEN ROAD
HOUSTON, TX 77066-

AV WATER TECHNOLOGIES	AVWT-6006	02/08/2022	DIST MAINT-WATER METER LIDS	4,978.80
Vendor 11711 - AV WATER TECHNOLOGIES Total:				4,978.80

Vendor: 1113 - AWWA

P O BOX 972997

DALLAS, TX 75397-2997

AWWA	MEEMBER#00652351	02/08/2022	AWWA MEMBERSHIP RENEWAL-ABART-4/1/22-3/31/23	169.00
------	------------------	------------	--	--------

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
AWWA	MEEMBER#00652351	02/08/2022	AWWA MEMBERSHIP RENEWAL-ABART-4/1/22- 3/31/23	169.00
Vendor 1113 - AWWA Total:				338.00
Vendor: 10015 - AXON ENTERPRISES INC				
PO BOX 29661				
DEPT 2018				
PHOENIX, AZ 85038-9661				
AXON ENTERPRISES INC	INUS047780	02/08/2022	FLEET CAMERA LEASE/SVC	27,864.00
Vendor 10015 - AXON ENTERPRISES INC Total:				27,864.00
Vendor: 11799 - BARCODING INC				
3840 BANK STREET				
BALTIMORE, MD 21224-				
BARCODING INC	INVO124567	02/08/2022	CAPTURETECH LICENSE FEE	999.00
Vendor 11799 - BARCODING INC Total:				999.00
Vendor: 10140 - BEVERLY S MILLS				
634 N NETTLETON				
BONNER SPRINGS, KS 66012				
BEVERLY S MILLS	21-203	02/08/2022	MARION VAUGHN AWARD PLAQUE-HANKS/HUBBEL	176.00
BEVERLY S MILLS	21-311	02/08/2022	COUNCIL ROOM SIGN-NAME PLATE-RETIREMENT PLAQUE	129.00
Vendor 10140 - BEVERLY S MILLS Total:				305.00
Vendor: 7416 - BG CONSULTANTS, INC				
1405 WAKARUSA DRIVE				
LAWRENCE, KS 66049				
BG CONSULTANTS, INC	20-1413L (16)	02/08/2022	Owners Representative Services - Water Plant Proj	4,410.00
BG CONSULTANTS, INC	21-1398L (1)	02/08/2022	Lift Station No. 2 Replacement Preliminary Desi	4,000.00
Vendor 7416 - BG CONSULTANTS, INC Total:				8,410.00
Vendor: 2798 - BONNER SPRINGS AUTO REPAIR LLC				
13040 CANAAN DRIVE				
BONNER SPRINGS, KS 66012				
BONNER SPRINGS AUTO REPA	20544	02/08/2022	OIL CHANGE-VID #519	55.42
BONNER SPRINGS AUTO REPA	20562	02/08/2022	REPAIR SHIFT TUBE, REPLACE STARTER ASSEM VID#585	555.83
Vendor 2798 - BONNER SPRINGS AUTO REPAIR LLC Total:				611.25
Vendor: 11759 - BURNS & MCDONNELL				
9400 WARD PARKWAY				
KANSAS CITY, MO 64114-				
BURNS & MCDONNELL	3	02/08/2022	Phase I Design/Build Agreement for Water Plant	52,329.00
Vendor 11759 - BURNS & MCDONNELL Total:				52,329.00
Vendor: 11659 - CAPITAL ONE/WALMART COMMUNITY CARD				
P.O. BOX 60506				
CITY OF INDUSTRY, CA 91716-0506				
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	SURGE PROTECTOR EXT	33.99
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	CABLES FOR WORK STATION	
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	DISH SOAP, VINEGAR (DESCALING)	21.32
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	WATER,DRINKS,TISSUE FOR FUNERAL SERVICE	77.84
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	TIRE CLEANER	15.84
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	UNIT 47	44.76
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	DISH SOAP	16.75
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	WINDSHIELD WASHER & 2022 CALENDARS	27.22
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	FLASHLIGHT BATTERIES	16.46
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	MISC SUPPLIES-WATER LAB TESTING	28.76

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	FLASHLIGHT BATTERIES	16.45
CAPITAL ONE/WALMART CO	1639879824	02/08/2022	WINTER CAMP FOOD CRAFT	7.12
Vendor 11659 - CAPITAL ONE/WALMART COMMUNITY CARD Total:				306.51
Vendor: 10143 - CAROLYN CAIHARR				
10550 RIVERVIEW AVE				
EDWARDSVILLE, KS 66111				
CAROLYN CAIHARR	34920765	02/08/2022	REFUND DEPOSIT-GYM RENTAL 2/4/2022	100.00
Vendor 10143 - CAROLYN CAIHARR Total:				100.00
Vendor: 11793 - CHARTER COMMUNICATIONS HOLDINGS, LLC				
PO BOX 6030				
CAROL STREAM, IL 60197-6030				
CHARTER COMMUNICATIONS H	100622011722	02/08/2022	SERVICE FEE	324.98
Vendor 11793 - CHARTER COMMUNICATIONS HOLDINGS, LLC Total:				324.98
Vendor: 11597 - CHRIS JENNINGS				
804 168TH STREET				
BASEHOR, KS 66007-8225				
CHRIS JENNINGS	0001521	02/08/2022	FOOD FOR HONOUR FUNDERAL	129.97
CHRIS JENNINGS	0001521	02/08/2022	FOOD FOR HONOUR FUNDERAL	129.97
CHRIS JENNINGS	0001521	02/08/2022	MATTERESS PURCHASE AT COSTCO	397.37
Vendor 11597 - CHRIS JENNINGS Total:				657.31
Vendor: 10027 - CINTAS				
P.O. BOX 88005				
CHICAGO, IL 60680-1005				
CINTAS	4108137698	02/08/2022	BUILDING SUPPLIES	172.81
CINTAS	4108141478	02/08/2022	MATS,SCREENS-CITY HALL	142.40
CINTAS	4109530959	02/08/2022	BUILDING SUPPLIES	172.81
CINTAS	4109534340	02/08/2022	MATS, SCREENS-CITY HALL	142.40
Vendor 10027 - CINTAS Total:				630.42
Vendor: 2410 - CITY TREASURER KCK				
701 N 7TH ST				
MIKE TOBIN PW DEPUTY DIRECTOR				
KANSAS CITY, KS 66101				
CITY TREASURER KCK	FEBRUARY 2022	02/08/2022	TRASH REFUSE CONTRACT FOR CITY OF BONNER	38,425.60
Vendor 2410 - CITY TREASURER KCK Total:				38,425.60
Vendor: 3895 - CLAYTON PAPER INC				
1302 S. 58TH ST.				
ST JOSEPH, MO 64507				
CLAYTON PAPER INC	158552	02/08/2022	COPY PAPER-10 CASES	426.45
Vendor 3895 - CLAYTON PAPER INC Total:				426.45
Vendor: 0213 - COLEMAN EQUIPMENT INC				
P O BOX 456				
BONNER SPRINGS, KS 66012				
COLEMAN EQUIPMENT INC	506808	02/08/2022	TUNE-UP KITS FOR STIHL EQUIPMENT	162.72
COLEMAN EQUIPMENT INC	506863	02/08/2022	PARTS CLEANER, GREASE FOR TRIMMERS	21.05
COLEMAN EQUIPMENT INC	507448	02/08/2022	SUPPLIES-WTP	59.48
COLEMAN EQUIPMENT INC	508541	02/08/2022	WAIST EXTENDER FOR SAFETY CHAPS	10.16
Vendor 0213 - COLEMAN EQUIPMENT INC Total:				253.41

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 0218 - COMMENCO INC				
4901 BRISTOL AVE				
KANSAS CITY, MO 64129				
COMMENCO INC	837874	02/08/2022	MICROPHONE BELT CLIIP	15.75
Vendor 0218 - COMMENCO INC Total:				15.75
Vendor: 10136 - COMPLIANCEONE				
2121 SW CHELSEA DRIVE				
TOPEKA, KS 66614				
COMPLIANCEONE	289136	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT G45452	191.25
COMPLIANCEONE	289136	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT G45452	106.25
COMPLIANCEONE	289136 A	02/10/2022	NON 5 PANEL URINE	48.00
COMPLIANCEONE	289321	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT CI4050	5.50
COMPLIANCEONE	289321	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT CI4050	27.50
COMPLIANCEONE	289321	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT CI4050	33.00
COMPLIANCEONE	289321	02/10/2022	JAN 2022 DRUG POOL MONTHLY CHARGE ACCT CI4050	5.50
COMPLIANCEONE	289321 A	02/10/2022	DOT 5 SUBSTANCE URINE PANEL	75.00
Vendor 10136 - COMPLIANCEONE Total:				492.00
Vendor: 0716 - CORE & MAIN LP				
PO BOX 28330				
ST. LOUIS, MO 63146				
CORE & MAIN LP	Q087488	02/08/2022	DIST MAINT PARTS	4,177.60
CORE & MAIN LP	Q087543	02/08/2022	DIST MAINT PARTS	1,912.74
CORE & MAIN LP	Q181456	02/08/2022	DIST MAINT PARTS	777.20
CORE & MAIN LP	Q190231	02/08/2022	DIST MAINT PARTS	350.25
CORE & MAIN LP	Q198147	02/08/2022	DIST MAINT PARTS	107.64
CORE & MAIN LP	Q210945	02/08/2022	DIST MAINT PARTS	464.18
Vendor 0716 - CORE & MAIN LP Total:				7,789.61
Vendor: 0014 - DEFFENBAUGH INDUSTRIES INC WM CORPORATE SERVICES INC				
AS PAYMENT AGENT				
PO BOX 4648				
CAROL STREAM, IL 60197-4648				
DEFFENBAUGH INDUSTRIES I	14968-4861-3	02/08/2022	SLUDGE HAULING 12/16- 12/31/2021	3,878.36
DEFFENBAUGH INDUSTRIES I	15077-4861-2	02/08/2022	SLUDGE HAULING 1/14- 1/15/2022	3,372.43
DEFFENBAUGH INDUSTRIES I	6629912-4858-1	02/08/2022	CITY HALL/COMM CTR/POLICE DUMP & RECYCL	650.07
DEFFENBAUGH INDUSTRIES I	6633974-4858-5	02/08/2022	20 YD DUMPSTER SERV 12021 KAW DR 12/1-12/31/2021	30.58
DEFFENBAUGH INDUSTRIES I	6634022-4858-2	02/08/2022	DUMPSTER SER 12/1- 12/31/21 AQUATIC PARK	545.60
DEFFENBAUGH INDUSTRIES I	6646962-4858-5	02/08/2022	20 YRD DUMPSTER SERV- 12021 KAW DR 12/1-12/31-2	3.84
DEFFENBAUGH INDUSTRIES I	6656413-4858-6	02/08/2022	CITY HALL /COMM CTR/POLIC DUMPSTER & RECYCL	499.02
DEFFENBAUGH INDUSTRIES I	6660472-4858-6	02/08/2022	DUMPSTER SERVICE 1/1- 1/31/2022	427.30
Vendor 0014 - DEFFENBAUGH INDUSTRIES INC WM CORPORATE SERVICES INC Total:				9,407.20

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 7256 - DEPARTMENT OF HEALTH & ENVIRO				
CURTIS STATE OFFICE BUILDING				
1000 SW JACKSON, STE 420				
TOPEKA, KS 66612-1367				
DEPARTMENT OF HEALTH & E	2453-12/20/2021	02/08/2022	KDHE LOAN#1 PRINCIPAL INT AND SVC FEE	27,266.06
DEPARTMENT OF HEALTH & E	3067	02/08/2022	KDHE LOAN #2-INT DURING PROJ CONST	579.00
Vendor 7256 - DEPARTMENT OF HEALTH & ENVIRO Total:				27,845.06
Vendor: 6112 - DOUBLED D INC				
P O BOX 12541				
KANSAS CITY, KS 66112				
DOUBLED D INC	01780	02/08/2022	300 Tons of Roadway Salt	26,400.00
DOUBLED D INC	01780 (A)	02/08/2022	ROADWAY SALT	1,566.40
Vendor 6112 - DOUBLED D INC Total:				27,966.40
Vendor: 7994 - DYNAMIC DISCS				
840 OVERLANDER ROAD				
SUITE A				
EMPORIA, KS 66801-				
DYNAMIC DISCS	140200	02/08/2022	8 DIS GOLD BASKETS & 8 DIRECTIONAL ARROWS	3,240.00
Vendor 7994 - DYNAMIC DISCS Total:				3,240.00
Vendor: 11807 - EASTWOOD 7 JAMES LLC				
15455 161ST STREET				
BONNER SPRINGS, KS 66012-				
EASTWOOD 7 JAMES LLC	2	02/08/2022	JANUARY CAR WASHES	295.23
Vendor 11807 - EASTWOOD 7 JAMES LLC Total:				295.23
Vendor: 10964 - EVERGY FKA KCP&L				
PO BOX 219330				
KANSAS CITY, MO 64121-9330				
EVERGY FKA KCP&L	5302265559 JAN 2022	02/08/2022	SIREN 631 N. 125TH STREET	55.91
EVERGY FKA KCP&L	8816867433-JAN 2022	02/08/2022	MUNICIPAL STREET LIGHT-LED -2MILL	438.01
EVERGY FKA KCP&L	9359-44-2971 JAN 2022	02/08/2022	SIREN 708 S. 122ND STREET	53.51
EVERGY FKA KCP&L	JANUARY 2022	02/08/2022	SER ADDRESS 12730 STATE 12/15/21-1/18/2022	137.21
EVERGY FKA KCP&L	JANUARY 2022-949	02/08/2022	SERV ADDRESS 949 N 142ND ST 12/15/21-1/18/2022	20.04
Vendor 10964 - EVERGY FKA KCP&L Total:				704.68
Vendor: 10942 - EVERGY KANSAS CENTRAL INC FKA WESTAR ENERGY INC				
PO BOX 219915				
KANSAS CITY, MO 64121-9915				
EVERGY KANSAS CENTRAL INC	0001522	02/08/2022	STREET LIGHTS	12,791.50
EVERGY KANSAS CENTRAL INC	0001526	02/08/2022	ELECTRICAL SERVICE	66.37
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	5,090.65
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	146.40
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	1,164.89
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	1,269.49
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	74.34
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	1,652.64
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	636.03
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	13,481.24
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	5,077.32
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	396.37
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	63.50
EVERGY KANSAS CENTRAL INC	0001530	02/10/2022	ELECTRIC SERVICE-MULTIPLE	584.94
EVERGY KANSAS CENTRAL INC	67055909546	02/08/2022	POWER BILL	3,498.93
Vendor 10942 - EVERGY KANSAS CENTRAL INC FKA WESTAR ENERGY INC Total:				45,994.61

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 10220 - EVERLASTING SIGN INC				
8400 W 81ST STREET				
OVERLAND PARK, KS 66204				
EVERLASTING SIGN INC	18504	02/08/2022	UNIT 69	872.75
EVERLASTING SIGN INC	18510	02/08/2022	UNIT 66	94.10
Vendor 10220 - EVERLASTING SIGN INC Total:				966.85
Vendor: 5516 - EXECUTIVE MARKETING PROMOTIONS				
10601 N AMBASSADOR DRIVE K				
KANSAS CITY, MO 64153				
EXECUTIVE MARKETING PRO	80572	02/08/2022	BASKETBALL UNIFORMS & COACHES SHIRTS	1,301.00
Vendor 5516 - EXECUTIVE MARKETING PROMOTIONS Total:				1,301.00
Vendor: 4342 - FELDMANS				
1332 W KANSAS ST				
LIBERTY, MO 64068-2379				
FELDMANS	321129	02/08/2022	GREASE,SHOP TOWELS, CLEANER,WASHER FLUID	57.46
FELDMANS	321142	02/08/2022	RACHET STRAP HOOKS-SPREADERS	103.92
FELDMANS	321143	02/08/2022	RACHET STRAP HOOKS-SPREADERS	51.96
FELDMANS	321145	02/08/2022	TARP FOR ASPHALT BIN	63.99
FELDMANS	321152	02/08/2022	SHOVEL,WREACKING BAR VID #469	46.98
FELDMANS	321158	02/08/2022	2-SPRAYERS-SHOP RAGS	143.96
FELDMANS	321159	02/08/2022	RETURNED TWO SPRAYERS	-117.98
FELDMANS	321163	02/08/2022	SHOP SUPPLIES-CEMETERY	25.97
FELDMANS	321173	02/08/2022	SAFETY GLOVES	49.90
FELDMANS	321209	02/08/2022	GLOVES	29.48
FELDMANS	321221	02/08/2022	EXTENSION CORD	59.99
FELDMANS	3321227	02/08/2022	SHOP SUPPLIES	74.94
FELDMANS	689424	02/08/2022	CHAINSAW SHARPENING, PAINT, GLOVE, MISC	31.65
FELDMANS	SP-729647	02/08/2022	CHAINSAW BAR COVER	6.99
Vendor 4342 - FELDMANS Total:				629.21
Vendor: 11792 - FREESE AND NICHOLS, INC				
801 CHERRY STREET, SUITE 2800				
FORT WORTH, TX 76102-				
FREESE AND NICHOLS, INC	1332114	02/10/2022	Unified Development Ordinance - Phase 1	10,843.25
Vendor 11792 - FREESE AND NICHOLS, INC Total:				10,843.25
Vendor: 2755 - FTC EQUIPMENT LLC				
5238 WINNER ROAD				
KANSAS CITY, MO 64127				
FTC EQUIPMENT LLC	15116	02/10/2022	Pool Slide Pump Backup Unit	5,573.63
Vendor 2755 - FTC EQUIPMENT LLC Total:				5,573.63
Vendor: 10043 - GOODCENTS				
630 S 130TH ST				
BONNER SPRINGS, KS 66012				
GOODCENTS	20285	02/08/2022	SANDWICHES FOR LUNCH AND LEARN	359.94
Vendor 10043 - GOODCENTS Total:				359.94
Vendor: 1942 - GRASS PAD INC				
425 N RAWHIDE DR				
OLATHE, KS 66061				
GRASS PAD INC	540413	02/08/2022	STRAW BALES	63.60
Vendor 1942 - GRASS PAD INC Total:				63.60

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 1532 - GT DISTRIBUTORS				
1124 NEW MEISTER LANE, SUITE 100				
PFLUGERVILLE, TX 78660-				
GT DISTRIBUTORS	INV0884601	02/08/2022	UNIFORM ITEMS	362.43
GT DISTRIBUTORS	INV0884708	02/08/2022	UNIFORM ITEMS	129.10
GT DISTRIBUTORS	INV0885081	02/08/2022	UNIFORM ITEMS	178.80
GT DISTRIBUTORS	INV0885331	02/08/2022	UNIFORM ITEMS	405.00
GT DISTRIBUTORS	INV0885464	02/08/2022	UNIFORM ITEMS	94.50
GT DISTRIBUTORS	INV0885526	02/08/2022	UNIFORM ITEMS	5.00
GT DISTRIBUTORS	INV0885528	02/08/2022	UNIFORM ITEMS	240.05
GT DISTRIBUTORS	INV0885529	02/08/2022	UNIFORM ITEMS	221.36
GT DISTRIBUTORS	INV0885963	02/08/2022	UNIFORM ITEMS	99.46
GT DISTRIBUTORS	INV0886342	02/08/2022	UNIFORM ITEMS	80.99
GT DISTRIBUTORS	INV0886924	02/08/2022	UNIFORM ITEMS	6.50
GT DISTRIBUTORS	INV0887498	02/08/2022	UNIFORM ITEMS	14.50
Vendor 1532 - GT DISTRIBUTORS Total:				1,837.69
Vendor: 0021 - HACH COMPANY				
2207 COLLECTIONS CENTER DR				
CHICAGO, IL 60693				
HACH COMPANY	12822836	02/08/2022	CYLINDER	96.90
Vendor 0021 - HACH COMPANY Total:				96.90
Vendor: 4275 - HAYNES EQUIPMENT CO INC				
15725 PFLUMM RD				
OLATHE, KS 66062				
HAYNES EQUIPMENT CO INC	27250E	02/08/2022	REPAIR PUMP-1709 S 138TH STREET	837.48
Vendor 4275 - HAYNES EQUIPMENT CO INC Total:				837.48
Vendor: 10326 - HUBER & ASSOCIATES, INC				
1400 EDGEWOOD DRIVE				
JEFFERSON CITY, MO 65109				
HUBER & ASSOCIATES, INC	CW184856	02/08/2022	ENTERPOL INTERFACE MAINT-DIGI TICKET	785.00
Vendor 10326 - HUBER & ASSOCIATES, INC Total:				785.00
Vendor: 7720 - IBEC, LLC				
C/O ALARM CONNECTIONS PYMT CTR 1326				
PO BOX 936942				
ATLANTA, GA 31193-6942				
IBEC, LLC	7039628	02/08/2022	FIRE ALARM MONITORING	60.00
Vendor 7720 - IBEC, LLC Total:				60.00
Vendor: 6581 - INLAND TRUCK PARTS CO.				
1370 S HAMILTON CIRCLE				
OLATHE, KS 66061				
INLAND TRUCK PARTS CO.	IN-1054635	02/08/2022	REPAIRS- VID #525	321.83
Vendor 6581 - INLAND TRUCK PARTS CO. Total:				321.83
Vendor: 3108 - JC COMMUNICATIONS BEST RSVP INC				
407 CLARIBORNE SUITE 208				
OLATHE, KS 66062				
JC COMMUNICATIONS BEST R	2871A151	02/08/2022	AFTER HOURS ANSWERING SERVICE- 1/28-2/24/2022	24.66
JC COMMUNICATIONS BEST R	2871A151	02/08/2022	AFTER HOURS ANSWERING SERVICE- 1/28-2/24/2022	24.67
JC COMMUNICATIONS BEST R	2871A151	02/08/2022	AFTER HOURS ANSWERING SERVICE- 1/28-2/24/2022	24.67
Vendor 3108 - JC COMMUNICATIONS BEST RSVP INC Total:				74.00
Vendor: 0359 - JIMS LOCK & SAFE SERVICE				
2005 N 77TH ST				
KANSAS CITY, KS 66109				
JIMS LOCK & SAFE SERVICE	111694	02/08/2022	SEIZED VEHICLE KEY	205.00
Vendor 0359 - JIMS LOCK & SAFE SERVICE Total:				205.00

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 5345 - JOHNSON COUNTY WASTEWATER				
PO BOX 219948				
KANSAS CITY, MO 64121-9948				
JOHNSON COUNTY WASTEWATER	0001529	02/08/2022	WW CHARGES 1/1-1/31/2022	439.35
Vendor 5345 - JOHNSON COUNTY WASTEWATER Total:				439.35
Vendor: 10523 - K & K CHEMICAL SUPPLY LLC				
P.O. Box 650				
EDWARDSVILLE, IL 62025-				
K & K CHEMICAL SUPPLY LLC	70452	02/08/2022	DIST MAINT SUPPLIES	1,050.33
K & K CHEMICAL SUPPLY LLC	70452	02/08/2022	DIST MAINT SUPPLIES	1,782.28
Vendor 10523 - K & K CHEMICAL SUPPLY LLC Total:				2,832.61
Vendor: 5308 - KANSAS ONE-CALL SYSTEM, INC C/O MORGAN STANLEY WEALTH MGMT				
7223 Parkway Drive, Ste 210				
Hanover, MD 21076-				
KANSAS ONE-CALL SYSTEM, I	2010165	02/08/2022	JANUARY LOCATES (78)	93.60
Vendor 5308 - KANSAS ONE-CALL SYSTEM, INC C/O MORGAN STANLEY WEALTH MGMT Total:				93.60
Vendor: 3699 - KANSAS STATE FIRE FIGHTERS ASSOC				
PO BOX 3866				
TOPEKA, KS 66604-				
KANSAS STATE FIRE FIGHTERS	507	02/08/2022	CLASS TEXTBOOK (FIRE FIGHTER)	313.20
KANSAS STATE FIRE FIGHTERS	508	02/08/2022	CLASS TEXTBOOK (FIRE FIGHTER)	156.60
KANSAS STATE FIRE FIGHTERS	509	02/08/2022	CLASS TEXTBOOK (FIRE FIGHTER)	156.60
Vendor 3699 - KANSAS STATE FIRE FIGHTERS ASSOC Total:				626.40
Vendor: 10214 - KC AUCTION DIRECT LLC				
715 S 130TH STREET				
BONNER SPRINGS, KS 66012				
KC AUCTION DIRECT LLC	21588	02/08/2022	UNIT 49	529.00
KC AUCTION DIRECT LLC	21640	02/08/2022	UNIT 47	731.69
KC AUCTION DIRECT LLC	21641	02/08/2022	UNIT 63	175.00
KC AUCTION DIRECT LLC	21644	02/08/2022	UNIT 67	64.95
Vendor 10214 - KC AUCTION DIRECT LLC Total:				1,500.64
Vendor: 1999 - KRWA				
C/O COREFIRST BANK				
ATTN: TRUST OPERATIONS				
3035 S. TOPEKA BLVD				
TOPEKA, KS 66611-				
KRWA	2022-1	02/08/2022	ANNUAL DISTRICT CONTRACTUAL BUDGET	3,226.00
Vendor 1999 - KRWA Total:				3,226.00
Vendor: 3003 - LAKE OF THE FOREST INC				
P.O. BOX 1424				
TREASURER OF THE BOARD				
BONNER SPRINGS, KS 66012				
LAKE OF THE FOREST INC	FEBRUARY 2022	02/08/2022	REFUSE SUBSIDY	247.00
Vendor 3003 - LAKE OF THE FOREST INC Total:				247.00
Vendor: 10114 - LEATHAM FAMILY, LLC				
6083 SOUTH 1550 EAST				
OGDEN, UT 84405				
LEATHAM FAMILY, LLC	0415676-IN	02/08/2022	BADGES X 2 W/ SHIPPING	265.00
Vendor 10114 - LEATHAM FAMILY, LLC Total:				265.00
Vendor: 11253 - LEAVENWORTH COUNTY HUMANE SOCIETY, INC				
ATTN: TREASURER				
100 W. GILMAN ROAD				
LANSING, KS 66043				
LEAVENWORTH COUNTY HU	BS-0122	02/08/2022	ANIMAL SHELTER TRANSFERS	1,000.00

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
LEAVENWORTH COUNTY HU	BS-2112	02/08/2022	ANIMAL SHELTER TRANSFER	820.00
Vendor 11253 - LEAVENWORTH COUNTY HUMANE SOCIETY, INC Total:				1,820.00
Vendor: 11619 - LESLIE LLOYD HAROLD 614 E. NORTHVIEW STREET OLATHE, KS 66061-				
LESLIE LLOYD HAROLD	1568	02/08/2022	COLLECTIONS MAINT.-WWTP LIFT STATION	640.00
Vendor 11619 - LESLIE LLOYD HAROLD Total:				640.00
Vendor: 6250 - LEXIS NEXIS RISK DATA MGMT INC BILLING ID 1240964 28330 NETWORK PLACE CHICAGO, IL 60673-1283				
LEXIS NEXIS RISK DATA MGMT	1240964-20220131	02/08/2022	JANUARY INVOICE	162.50
Vendor 6250 - LEXIS NEXIS RISK DATA MGMT INC Total:				162.50
Vendor: 8179 - LINK-LITE NETWORKING INC 6006 N CHESTNUT AVE GLADSTONE, MO 64119				
LINK-LITE NETWORKING INC	4392	02/08/2022	OFFSITE BACKUPS- YEARLY	600.00
Vendor 8179 - LINK-LITE NETWORKING INC Total:				600.00
Vendor: 1836 - LOWE'S CREDIT SERVICES P O BOX 530954 ATLANTA, GA 30353-0954				
LOWE'S CREDIT SERVICES	904186	02/08/2022	SUPPLIES TO FIX MAG PUMP	40.05
LOWE'S CREDIT SERVICES	904226	02/08/2022	SUPL TO REPAIR SIGN-KR PARK; TAPE MEASURE	56.36
LOWE'S CREDIT SERVICES	904305	02/08/2022	HINGES-COMM CTR/MENS RESTROOM DOOR	38.40
LOWE'S CREDIT SERVICES	904309	02/08/2022	12' STEP LAD,TAPE,TUBING FOR WIRING-LIGHT BAR VID#	276.66
LOWE'S CREDIT SERVICES	904843	02/08/2022	ELECT SUPL TO WIRE LGTS & FUEL TANKS PARKS MAINT	80.67
Vendor 1836 - LOWE'S CREDIT SERVICES Total:				492.14
Vendor: 7587 - MCANANY OIL CO., INC. PO BOX 906 OLATHE, KS 66051				
MCANANY OIL CO., INC.	7522	02/08/2022	DIESEL-FUEL TANKS	4,730.83
Vendor 7587 - MCANANY OIL CO., INC. Total:				4,730.83
Vendor: 7347 - MCGUIRE ELECTRIC, LLC P.O. BOX 402 TONGANOXIE, KS 66086				
MCGUIRE ELECTRIC, LLC	3952	02/08/2022	REPAIR CHLORINE PUMP-WTP	850.00
MCGUIRE ELECTRIC, LLC	3975	02/08/2022	REPAIR GUYMASIUM LIGHTS X 2	3,450.00
MCGUIRE ELECTRIC, LLC	3976	02/08/2022	REPAIR SLUDGE PUMP ROOM HEATER-WWTP	3,940.00
Vendor 7347 - MCGUIRE ELECTRIC, LLC Total:				8,240.00
Vendor: 7774 - METRO AIR CONDITIONING CO 8151 MCCOY SHAWNEE, KS 66227				
METRO AIR CONDITIONING C	640961	02/08/2022	HVAC REPAIR	2,218.04
Vendor 7774 - METRO AIR CONDITIONING CO Total:				2,218.04
Vendor: 6137 - METRO COURIER INC P O BOX 175 WICHITA, KS 67201				
METRO COURIER INC	13580	02/08/2022	SAMPLE DELIVERIES-1/5- 1/12/2022	37.96
METRO COURIER INC	14194	02/08/2022	SAMPLE DELIVERIES 1/19/202	18.98
Vendor 6137 - METRO COURIER INC Total:				56.94

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 8001 - MIDWEST PUBLIC RISK				
19400 E VALLEY VIEW PARKWAY				
INDEPENDENCE, MO 64055				
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	1,440.00
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	11,219.68
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	603.68
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	130.40
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	5,781.17
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	1,276.45
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	1,462.30
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	3,935.86
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	7,307.29
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	1,879.35
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	2,600.00
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	23,154.74
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	8,363.06
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	5,691.85
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	4,861.45
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	1,480.40
MIDWEST PUBLIC RISK	0001525	02/08/2022	FEBRUARY HEALTH, DENTAL & VISION INSURANCE	3,064.32
Vendor 8001 - MIDWEST PUBLIC RISK Total:				84,252.00
Vendor: 7935 - NANCY L. GOSS				
15803 154TH ST				
BONNER SPRINGS, KS 66012				
NANCY L. GOSS	020122-A	02/08/2022	QUARTERLY PEST/RODENT CONTROL-WWTP BLDG.	88.00
NANCY L. GOSS	020122-B	02/08/2022	QUARTERLY PEST/RODENT CONTROL- WTP BLDG.	72.50
Vendor 7935 - NANCY L. GOSS Total:				160.50
Vendor: 10545 - NANCY VARDIJAN				
16369 149TH STREET				
BONNER SPRINGS, KS 66012				
NANCY VARDIJAN	34257534	02/08/2022	REFUND DEPOSIT-SUNFLOWER ROOM 1/23/22	100.00
Vendor 10545 - NANCY VARDIJAN Total:				100.00
Vendor: 7206 - NATIONAL INSURANCE MARKETING BROKERS, LLC				
BENEFITS DIRECT				
4551 W. 107TH STREET STE 310				
OVERLAND PARK, KS 66207				
NATIONAL INSURANCE MARK	A012144	02/08/2022	FEBRUARY BENEFITS DIRECT INSURANCE	1,239.43
Vendor 7206 - NATIONAL INSURANCE MARKETING BROKERS, LLC Total:				1,239.43

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 3094 - NORRIS EQUIPMENT CO LLC				
604 E MAIN				
GARDNER, KS 66030				
NORRIS EQUIPMENT CO LLC	67726	02/08/2022	REPLACEMENT PARTS-GRASSHOPPER	404.85
NORRIS EQUIPMENT CO LLC	67779	02/08/2022	MISC PARTS FOR GRASSHOPPER MOWERS	306.96
NORRIS EQUIPMENT CO LLC	67837	02/08/2022	MISC PARTS FOR GRASSHOPPER MOWERS	67.90
NORRIS EQUIPMENT CO LLC	67852	02/08/2022	NEW BROOM (SNOW REMOVAL) GRASSHOPPER	325.00
Vendor 3094 - NORRIS EQUIPMENT CO LLC Total:				1,104.71
Vendor: 11818 - OKLAHOMA STATE UNIVERSITY				
FIRE PROTECTION PUBLICAITONS				
930 N. WILLIS				
STILLWATER, OK 74078-8045				
OKLAHOMA STATE UNIVERSIT	196362	02/08/2022	HAZMAT ONLINE CLASS	69.98
Vendor 11818 - OKLAHOMA STATE UNIVERSITY Total:				69.98
Vendor: 0947 - O'REILLY AUTO STORES INC				
P O BOX 9464				
SPRINGFIELD, MO 65801-9464				
O'REILLY AUTO STORES INC	0264-129037	02/08/2022	UNIT 49	7.98
O'REILLY AUTO STORES INC	264-123443	02/08/2022	FUSES-GRASSHOPPER MOWE	17.96
O'REILLY AUTO STORES INC	264-124195	02/08/2022	WIPER FLUID	23.96
O'REILLY AUTO STORES INC	264-124587	02/08/2022	REPLACE BATTERY-VID #479	124.62
O'REILLY AUTO STORES INC	264-124641	02/08/2022	CONNECTOR-TRAILER VID #70	14.99
O'REILLY AUTO STORES INC	264-125680	02/08/2022	SHOP SUPPLIES	30.98
O'REILLY AUTO STORES INC	264125866	02/08/2022	AIR FILTER VID #552	27.17
O'REILLY AUTO STORES INC	264-125931	02/08/2022	WIPER BLADES	19.98
O'REILLY AUTO STORES INC	264-126322	02/08/2022	FUEL STABILIZER ADDITIVE	7.49
O'REILLY AUTO STORES INC	264-126394	02/08/2022	BLUE DEF & WIPER BLADES VID #562	76.77
O'REILLY AUTO STORES INC	264-126411	02/08/2022	RETURNED WIPER BLADES	-60.78
O'REILLY AUTO STORES INC	264-126976	02/08/2022	COOLANT, TIRE DEPTH GAUGE, GREASE GUN COUPLE	33.97
O'REILLY AUTO STORES INC	264-127390	02/08/2022	SHOP SUPPLIES- TAPE	34.01
O'REILLY AUTO STORES INC	264-127602	02/08/2022	BATTERY CABLE/WARRANTY VID #480	21.35
Vendor 0947 - O'REILLY AUTO STORES INC Total:				380.45
Vendor: 3393 - PACE ANALYTICAL				
PO BOX 684056				
CHICAGO, IL 60695-4056				
PACE ANALYTICAL	2260150157	02/08/2022	MONTHLY SAMPLING-WTP	21.00
PACE ANALYTICAL	2260150755	02/08/2022	WELL ANALYSIS	1,684.00
PACE ANALYTICAL	2260150956	02/08/2022	MONTHLY SAMPLING-WTP	395.00
PACE ANALYTICAL	2260151108	02/08/2022	WELL ANALYSIS	1,772.00
PACE ANALYTICAL	2260151242	02/08/2022	WELL ANALYSIS	1,772.00
Vendor 3393 - PACE ANALYTICAL Total:				5,644.00
Vendor: 11541 - PEREGRINE CORPORATION				
PO BOX 14190				
MONROE, LA 71207-4190				
PEREGRINE CORPORATION	460713	02/08/2022	SECT 2 JAN UTIL BILLS (1013/972)	512.26
PEREGRINE CORPORATION	462000	02/08/2022	SEC4 JAN UTIL BILLS (1047/1012)	532.61
PEREGRINE CORPORATION	462266	02/08/2022	SECT 5 JAN UTIL BILLS (703/672)	354.41
Vendor 11541 - PEREGRINE CORPORATION Total:				1,399.28

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 3531 - PERRY & TRENT LLC				
132 OAK STREET				
BONNER SPRINGS, KS 66012-				
PERRY & TRENT LLC	1688	02/08/2022	MUNICIPAL COURT 7/1-7/31/2021	6,860.00
PERRY & TRENT LLC	1791	02/08/2022	MUNICIPAL COURT 8/1-8/31/2021	7,700.00
PERRY & TRENT LLC	1925	02/08/2022	MUNICIPAL COURT 10/1-10/31/2021	7,028.00
PERRY & TRENT LLC	2103	02/08/2022	MUNICIPAL COURT 1/11-11/31/2021	7,070.00
Vendor 3531 - PERRY & TRENT LLC Total:				28,658.00
Vendor: 7022 - POSTMASTER				
135 CEDAR				
BONNER SPRINGS, KS 66012-9998				
POSTMASTER	2022 PO BOX	02/08/2022	12 MONTH LEASE FOR PO BOX 38	364.00
Vendor 7022 - POSTMASTER Total:				364.00
Vendor: 7889 - PREMIER AUTOMOTIVE OF BS LLC				
1800 N 100TH TERR				
KANSAS CITY, KS 66109				
PREMIER AUTOMOTIVE OF BS	634334	02/08/2022	REPAIR-TRUCK VID #575	1,775.55
Vendor 7889 - PREMIER AUTOMOTIVE OF BS LLC Total:				1,775.55
Vendor: 0646 - PUSHWATER ENTERPRISES INC				
ROBERT VILE				
109 EAST 2ND ST				
BONNER SPGS, KS 66012				
PUSHWATER ENTERPRISES IN	19965	02/08/2022	WHITE #10 ENVELOPES (NON-WINDOW)	121.50
Vendor 0646 - PUSHWATER ENTERPRISES INC Total:				121.50
Vendor: 10030 - QUALITY SPEAKS, LLC				
LOCKBOX NUMBER 912738				
PO BOX 31001-2738				
PASADENA, CA 91110-2738				
QUALITY SPEAKS, LLC	6866891	02/08/2022	PHONE BILL- PD	62.63
Vendor 10030 - QUALITY SPEAKS, LLC Total:				62.63
Vendor: 8031 - REDDI SERVICES INC				
4011 BONNER INDUSTRIAL DR				
SHAWNEE, KS 66226				
REDDI SERVICES INC	131219560	02/08/2022	TEST BACKFLOW-CEDAR RIDGE DISC GOLF COURSE	120.00
Vendor 8031 - REDDI SERVICES INC Total:				120.00
Vendor: 10641 - REDISHRED KANSAS INC PROSHRED SECURITY				
3052 S 24TH STREET				
KANSAS CITY, KS 66106				
REDISHRED KANSAS INC PROS	100297602	02/08/2022	SHREDDING SERVICES	52.00
Vendor 10641 - REDISHRED KANSAS INC PROSHRED SECURITY Total:				52.00
Vendor: 6838 - REJIS COMMISSION REGIONAL JUSTICE INFORMATION				
4255 W PINE BLVD.,				
ST. LOUIS, MO 63108-2803				
REJIS COMMISSION REGIONA	476940	02/08/2022	REJIS MONTHLY SUBSCRIPTION FEES	582.99
Vendor 6838 - REJIS COMMISSION REGIONAL JUSTICE INFORMATION Total:				582.99
Vendor: 11689 - RICK LEDGERWOOD				
1150 EDWARDSVILLE DR.				
EDWARDSVILLE, KS 66111-				
RICK LEDGERWOOD	687138-01	02/08/2022	SINK REPAIR (FAUCET)	100.00
Vendor 11689 - RICK LEDGERWOOD Total:				100.00

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 11820 - ROCHELLE MARTINEZ 847 S. LINDENWOOD DRIVE OLATHE, KS 66062-				
ROCHELLE MARTINEZ	34971410	02/08/2022	REFUND DEPOSIT SOUTH PARK 1/22/2022	150.00
Vendor 11820 - ROCHELLE MARTINEZ Total:				150.00
Vendor: 11817 - RYAN THENO 18605 METRO AVENUE TONGANOXIE, KS 66086-				
RYAN THENO	39	02/08/2022	SEED FERT. & MULCH CULVERT REPAIR-KNIPP FA	3,534.82
Vendor 11817 - RYAN THENO Total:				3,534.82
Vendor: 10388 - SALTUS TECHNOLOGIES, LLC 907 S DETROIT #820 TULSA, OK 74120				
SALTUS TECHNOLOGIES, LLC	2202-17	02/08/2022	DIGITICKET LICENSE (MAR 2022 - FEB 2023)	16,837.63
Vendor 10388 - SALTUS TECHNOLOGIES, LLC Total:				16,837.63
Vendor: 11743 - SAMSARA INC. 1990 ALAMEDA STREET, FLOOR 5 SAN FRANCISCO, CA 94103-				
SAMSARA INC.	31051792595	02/08/2022	6 MONTH FLEET MAINT SYSTEM-STREETS	45.34
SAMSARA INC.	31051792595	02/08/2022	6 MONTH FLEET MAINT SYSTEM-WW	45.33
SAMSARA INC.	31051792595	02/08/2022	6 MONTH FLEET MAINT SYSTEM-WATER	45.33
Vendor 11743 - SAMSARA INC. Total:				136.00
Vendor: 7670 - STAPLES CONTRACT & COMMERCIAL STAPLES BUSINESS ADVANTAGE PO BOX 660409 DALLAS, TX 75266-0409				
STAPLES CONTRACT & COMM	8064825237 A	02/08/2022	OFFICE SUPPLIES	161.85
STAPLES CONTRACT & COMM	8064901338	02/08/2022	HP 305 A TONER 4 PACK	338.87
Vendor 7670 - STAPLES CONTRACT & COMMERCIAL STAPLES BUSINESS ADVANTAGE Total:				500.72
Vendor: 11823 - STATE TRACTOR & EQUIPMENT, CO, INC. PO BOX 12542 KANSAS CITY, KS 66112-				
STATE TRACTOR & EQUIPMEN	13120	02/08/2022	REPAIR PLOW HYDRAULICS FOR 2015 DUMP TRUCK VID#	151.20
Vendor 11823 - STATE TRACTOR & EQUIPMENT, CO, INC. Total:				151.20
Vendor: 10879 - TEUTONIC HOLDINGS LLC SYNDEO LLC DBA BROADVOICE LOCKBOX NUMBER 912726 PO BOX 31001-2726 PASADENA, CA 91110				
TEUTONIC HOLDINGS LLC SYN	216226	02/08/2022	PHONE SERV-200 E. 3RD 2/7- 3/6/2022	207.00
Vendor 10879 - TEUTONIC HOLDINGS LLC SYNDEO LLC DBA BROADVOICE Total:				207.00
Vendor: 5375 - TG TECHNICAL SERVICES PO BOX 775 LEES SUMMIT, MO 64063				
TG TECHNICAL SERVICES	22993	02/08/2022	QUARTERLY CALIBRATION OF DRAGER MONITOR-WWTP	195.00
Vendor 5375 - TG TECHNICAL SERVICES Total:				195.00
Vendor: 10854 - THE JATH GROUP, INC PO BOX 9258 OVERLAND PARK, KS 66201-				
THE JATH GROUP, INC	55661	02/08/2022	CITY HALL CUSTODIAL CLEANING-FEBRUARY	1,870.00
THE JATH GROUP, INC	55662	02/08/2022	JANITORIAL SERVICE-2/1- 2/28/2022	1,480.00

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
THE JATH GROUP, INC	55663	02/08/2022	JANITORIAL CLEANING 2/1-2/28/2022	148.34
THE JATH GROUP, INC	55663	02/08/2022	JANITORIAL CLEANING 2/1-2/28/2022	148.33
THE JATH GROUP, INC	55663	02/08/2022	JANITORIAL CLEANING 2/1-2/28/2022	148.33
THE JATH GROUP, INC	55664	02/08/2022	CLEANING SERVICE	1,155.00
Vendor 10854 - THE JATH GROUP, INC Total:				4,950.00

Vendor: 6802 - TOTAL ELECTRIC CONTRACTORS INC

PO BOX 13247

EDWARDSVILLE, KS 66113

TOTAL ELECTRIC CONTRACTO	11777	02/08/2022	TRAFFIC SIGNAL-K-7 & CANAAN CTR DR 1/5/2022	419.65
Vendor 6802 - TOTAL ELECTRIC CONTRACTORS INC Total:				419.65

Vendor: 7105 - TRAVEL INDUSTRY ASSOCIATION OF KANSAS

825 S KANSAS, SUITE 502

TOPEKA, KS 66612

TRAVEL INDUSTRY ASSOCIATI	DUES 2022	02/08/2022	ANNUAL MEMBERSHIP DUES 2022	300.00
Vendor 7105 - TRAVEL INDUSTRY ASSOCIATION OF KANSAS Total:				300.00

Vendor: 11556 - U.S. BANK EQUIPMENT FINANCE

P.O. BOX 790448

ST. LOUIS, MO 63179-0448

U.S. BANK EQUIPMENT FINAN	463307454	02/08/2022	MONTHLY COPIER RENTAL 1/17-2/17/2022	139.78
U.S. BANK EQUIPMENT FINAN	463307454	02/08/2022	MONTHLY COPIER RENTAL 1/17-2/17/2022	139.77
U.S. BANK EQUIPMENT FINAN	463734525	02/08/2022	PRINTER LEASE	633.47
Vendor 11556 - U.S. BANK EQUIPMENT FINANCE Total:				913.02

Vendor: 5824 - ULINE, INC.

PO BOX 88741

ATTN: ACCOUNTS RECEIVABLE

CHICAGO, IL 60680-1741

ULINE, INC.	143455377	02/08/2022	SAFETY GAS CAN CABINET-PW SHOP	1,150.24
Vendor 5824 - ULINE, INC. Total:				1,150.24

Vendor: 6819 - UNIFIRST CORPORATION

1801 N CORRINGTON AVE

KANSAS CITY, MO 64120

UNIFIRST CORPORATION	226 0687938	02/08/2022	COVERALLS/JACKETS-JENKINS/RHODES/CARPENTE	302.94
UNIFIRST CORPORATION	226 0688405	02/08/2022	BLDG MAINT/RESTROOM SUPPLIES	18.02
UNIFIRST CORPORATION	226 0688405	02/08/2022	UNIFORMS	56.77
UNIFIRST CORPORATION	226 0688405	02/08/2022	UNIFORMS	21.60
UNIFIRST CORPORATION	226 0688405	02/08/2022	BLDG MAINT/RESTROOM SUPPLIES	18.03
UNIFIRST CORPORATION	226 0688405	02/08/2022	UNIFORMS	51.52
UNIFIRST CORPORATION	226 0689137	02/08/2022	BLDG MAINT/RESTROOM SUPPLIES-WWTP	55.58
UNIFIRST CORPORATION	226 0689217	02/08/2022	BLDG MAINT/RESTROOM SUPPLIES	40.51
UNIFIRST CORPORATION	226 0689217	02/08/2022	UNIFORMS	44.99
UNIFIRST CORPORATION	226 0689217	02/08/2022	UNIFORMS	20.24
UNIFIRST CORPORATION	226 0689217	02/08/2022	BLDG MAINT/RESTROOM SUPPLIES	40.50
UNIFIRST CORPORATION	226 0689217	02/08/2022	UNIFORMS	59.61
UNIFIRST CORPORATION	226 0690032	02/08/2022	BLGD MAINT/RESTROOM SUPPLIES	18.02
UNIFIRST CORPORATION	226 0690032	02/08/2022	UNIFORM RENTALS	51.26
UNIFIRST CORPORATION	226 0690032	02/08/2022	UNIFORM RENTALS	27.94

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
UNIFIRST CORPORATION	226 0690032	02/08/2022	BLGD MAINT/RESTROOM SUPPLIES	18.03
UNIFIRST CORPORATION	226 0690032	02/08/2022	UNIFORM RENTALS	43.89
UNIFIRST CORPORATION	226 0690761	02/08/2022	BLDG MAINT/RESTROOMM SUPPLIES WWTP	55.58
UNIFIRST CORPORATION	226 0690839	02/08/2022	BLDG MAINT/RESTROOMM SUPPLIES	40.51
UNIFIRST CORPORATION	226 0690839	02/08/2022	UNIFORM RENTALS	54.44
UNIFIRST CORPORATION	226 0690839	02/08/2022	UNIFORM RENTALS	20.24
UNIFIRST CORPORATION	226 0690839	02/08/2022	BLDG MAINT/RESTROOMM SUPPLIES	40.50
UNIFIRST CORPORATION	226 0690839	02/08/2022	UNIFORM RENTALS	50.16
Vendor 6819 - UNIFIRST CORPORATION Total:				1,150.88

Vendor: 11039 - UNIFIRST SERVICES**PO BOX 270405****KANSAS CITY, MO 64127-0405**

UNIFIRST SERVICES	2959462	02/08/2022	FLOOR MATT SERVICES	117.26
Vendor 11039 - UNIFIRST SERVICES Total:				117.26

Vendor: 3078 - USA BLUE BOOK**P O BOX 9004****GURNEE, IL 60031-9004**

USA BLUE BOOK	842985	02/08/2022	REBUILD KIT FOR PUMP @ BOOSTER STATION	154.81
Vendor 3078 - USA BLUE BOOK Total:				154.81

Vendor: 3088 - VANCE BROTHERS, INC**P O BOX 877366****KANSAS CITY, MO 64187-7366**

VANCE BROTHERS, INC	IG00012761	02/08/2022	BULK PATCH	552.00
Vendor 3088 - VANCE BROTHERS, INC Total:				552.00

Vendor: 0915 - VERIZON WIRELESS**P.O. BOX 16810****NEWARK, NJ 07101-6810**

VERIZON WIRELESS	9896924643	02/08/2022	MONTHLY CHG/LIFT STATIONS COMM 12/10-1/9/2022	200.05
Vendor 0915 - VERIZON WIRELESS Total:				200.05

Vendor: 0712 - W W GRAINGER**P O BOX 419267****DEPT.804771590****KANSAS CITY, MO 64141-6267**

W W GRAINGER	9168049915	02/08/2022	CHEMICAL PUMP-IC EMELT	58.09
W W GRAINGER	9169981694	02/08/2022	25' PACKING SEATL-WWTP	476.53
W W GRAINGER	9171135925	02/08/2022	AIR FILTERS-FIRE/EMS	59.62
W W GRAINGER	9171135933	02/08/2022	AIR FILTERS-PARK & REC	104.77
W W GRAINGER	9171135941	02/08/2022	AIR FILTERS- PUBLIC WORKS	4.90
W W GRAINGER	9171135958	02/08/2022	AIR FILTERS- WATER DEPT	7.31
W W GRAINGER	9171135966	02/08/2022	AIR FILTERS-LIBRARY	94.49
W W GRAINGER	9171971071	02/08/2022	MISC PLANT MAINT SUPPLIES -WWTP	28.44
Vendor 0712 - W W GRAINGER Total:				834.15

Vendor: 7375 - WATCHMEN SECURITY SERVICES**10312 E. 63RD TERRACE****RAYTOWN, MO 64133**

WATCHMEN SECURITY SERVIC	62479	02/08/2022	MONTHLY MONIRORING COMM CTR- FEBRUARY 22	114.00
WATCHMEN SECURITY SERVIC	62938	02/08/2022	SECURITY ALARM MONITORING FOR POOL	50.00
Vendor 7375 - WATCHMEN SECURITY SERVICES Total:				164.00

Expense Approval Report

Post Dates: 1/1/2022 - 2/10/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Vendor: 10057 - WESTECH ENGINEERING, INC				
PO BOX 65068				
SALT LAKE CITY, UT 84165-0068				
WESTECH ENGINEERING, INC	85105	02/08/2022	FILTER GASKETS-WTP	565.99
Vendor 10057 - WESTECH ENGINEERING, INC Total:				565.99
Vendor: 11618 - WESTERN DIESEL SERVICES INC				
P.O. BOX 790379				
ST. LOUIS, MO 63179-				
WESTERN DIESEL SERVICES IN	SV11003730	02/08/2022	SERVICE CALL-GENERATOR-WWTP	407.00
Vendor 11618 - WESTERN DIESEL SERVICES INC Total:				407.00
Vendor: 11601 - WESTPORT POOLS INC				
156 WELDON PARKWAY				
MARYLAND HEIGHTS, MO 63043-				
WESTPORT POOLS INC	469894	02/10/2022	Pool Filter Replacement	36,000.00
Vendor 11601 - WESTPORT POOLS INC Total:				36,000.00
Vendor: 10586 - WICHITA STATE UNIVERSITY ATTN: ACCOUNTS RECEIVABLE				
1845 FAIRMOUNT ST				
PO BOX 0038				
WICHITA, KS 67260-0038				
WICHITA STATE UNIVERSITY A	351457	02/08/2022	KSGFOA 2022 MEMBERSHIP	75.00
Vendor 10586 - WICHITA STATE UNIVERSITY ATTN: ACCOUNTS RECEIVABLE Total:				75.00
Vendor: 8411 - WILSON & COMPANY ENGINEERS				
PO BOX 75126				
CHICAGO, IL 60675-5126				
WILSON & COMPANY ENGINE	103203	02/08/2022	INSPECTION FEES-OLD DOMINION FL	8,539.35
Vendor 8411 - WILSON & COMPANY ENGINEERS Total:				8,539.35
Grand Total:				527,050.48



Bonner Springs, KS

Refund Check Register

Refund Check Detail

UBPKT00915 - 1-25-2021 MH All Routes Security Deposit Refunds

Account	Name	Date	Check #	Amount	Code	Receipt	Amount	Type
02-13673-06	DeLeon, Zane	2/10/2022	147804	55.38			55.38	Generated From Billing
04-10955-07	Mindedahl, Austin D	2/10/2022	147805	20.12			20.12	Deposit
04-15349-09	Smith, Jeanne M	2/10/2022	147806	14.90			14.90	Generated From Billing
04-15358-13	Macinnis, Dean T	2/10/2022	147807	4.42			4.42	Generated From Billing
05-12416-01	Feyerherm Construction Inc	2/10/2022	147808	1,271.68			1271.68	Generated From Billing
05-13149-07	Ulbright, Traci Elaine	2/10/2022	147809	114.77			114.77	Generated From Billing
05-14935-18	Van Meter, Elvin W II	2/10/2022	147810	57.32			57.32	Generated From Billing
05-15414-02	Emery Sapp & Sons	2/10/2022	147811	1,414.38			1414.38	Generated From Billing
05-15415-03	L&M Aerial & Underground LLC	2/10/2022	147812	2,846.48			2846.48	Generated From Billing
05-15421-00	Heartland Midwest LLC	2/10/2022	147813	939.34			939.34	Generated From Billing
Total Refunds: 10				Total Refunded Amount:	6,738.79			

Revenue Code Summary

Revenue Code	Amount
996 - UNAPPLIED CREDITS	6738.79
Revenue Total:	6738.79

General Ledger Distribution

Posting Date: 01/10/2022

	Account Number	Account Name	Posting Amount	IFT
Fund:	430 - Water Treat & Distribu			
	430-000-000-011999	Claim On Cash	-6,738.79	Yes
	430-000-000-021205	Unapplied Utility Credits	6,738.79	
	430 Total:		0.00	
Fund:	999 - POOLED CASH			
	999-000-000-011100	Cash In Bank	-6,738.79	
	999-000-000-021500	Due To Other Funds	6,738.79	Yes
	999 Total:		0.00	
	Distribution Total:		0.00	

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Amber Vogan

Subject: Unified Government Contract For Senior Center Funds

Recommendation: The Assistant City Manager recommends approval.

Action: Make a motion to approve the contract extension with the Unified Government of Wyandotte County for 2022 Mill Levy Senior Center Services.

Background:

Discussion: The Unified Government recently submitted the enclosed extension agreement for the City to extend the current contract for January 1 through December 31. The amount of funds to be received is \$6,450 which is unchanged from previous years.

Financial Impact: The city receives funds totaling \$6,450 from the Unified Government of Wyandotte County for Senior Center Services.



Department of Procurement & Contract Compliance

Sharon Reed, Manager

Municipal Office Building
701 North 7th Street, 6th Floor
Kansas City, Kansas 66101-3064

Phone: (913) 573-5440

Fax: (913) 573-5444

December 21, 2020

City of Bonner Springs
205 E. 2nd, PO Box 38
Bonner Springs, Kansas 66012
Amber McCullough, City Clerk
cityclerk@bonnersprings.org

RE: Senior Center Services to the Elderly of Wyandotte County

Currently your firm has a contract with the Unified Government of Wyandotte County/Kansas City Kansas. The current contract period was from July 1, 2020 through June 30, 2021 for SCA and October 1, 2020 through September 30, 2021 for Older Americans Act and January 1, 2021 through December 31, 2021 for the Mill Levy Funding.

At this time the Unified Government requests to continue service with your company for the 3rd of 3 extension periods for Senior Center Services to the Elderly of Wyandotte County beginning on July 1, 2021 through June 30, 2022 for SCA, October 1, 2021 through September 30, 2022 for Older Americans Act and January 1, 2022 through December 31, 2022 for the Mill Levy Funding. All terms, conditions and pricing will remain the same as agreed upon in the initial contract.

Vendor understands and agrees that this extension is made in reliance on the representations and assurances made by the Vendor in the original agreement.

Please sign this extension agreement and return a copy along with a current copy of your Bi-Annual Certificate of Compliance and a current copy of your Certificate of Insurance naming the Unified Government as Additional Insured, to the Purchasing Department of the Unified Government at 701 N. 7th St., Suite 649, Kansas City, Kansas 66101.

City of Bonner Springs

Date _____

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Sharon Reed, Manager

Date _____

Best Regards

Kelly P. Regan

Kelly P. Regan

cc after execution Contract File
Betty Ewell, Area Agency on Aging



Department of Procurement & Contract Compliance

Sharon Reed, Manager

Municipal Office Building
701 North 7th Street, 6th Floor
Kansas City, Kansas 66101-3064

Phone: (913) 573-5440
Fax: (913) 573-5444

February 2, 2022

Amber McCullough, City Clerk
City of Bonner Springs
205 E 2nd St., PO Box 38
Bonner Springs, KS 66012

RE: 2022 Mill Levy Services – Senior Center Services

Currently your firm has a contract with the Unified Government of Wyandotte County/Kansas City Kansas to provide Senior Center Services to the Elderly of Wyandotte County. The initial contract period was from January 1, 2021 through December 31, 2021. This contract has the option to be extended for two additional years.

At this time the Unified Government requests to continue service with your company for the period from January 1, 2022 through December 31, 2022. All terms and conditions will remain the same as agreed upon in the initial contract. The amounts for this term will not exceed (\$6,450.00) Six Thousand Four Hundred and Fifty Dollars and Zero Cents for Senior Center Services and will be paid for as the service occur. Please note that these amounts are subject to change if there are changes to the mill levy and state funding. Vendor understands and agrees that this extension is made in reliance on the representations and assurances made by the Vendor in the original agreement.

Please sign and return this extension agreement along with your current certificates of insurance for your general liability, workman's compensation.

Sincerely,

Kelly P. Regan

Kelly P. Regan

Bonner Springs Senior Center

_____ Date _____

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

_____ Date _____
Sharon Reed, Manager

cc: Betty Ewell

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Christina Brake

Subject: Appointments to Boards and Commissions

Recommendation:

Action: Make a motion to approve the appointments to boards and commissions.

Background: Cemetery Advisory Board - Reappoint Elaine Berg, Sara May, Gayla Reeves, Jim Jenkins and Robin Harris for three-year terms.

Parks and Recreation Advisory Board – Reappoint Angie Thomas and Steve Williams for three-year terms

Library Board - Reappoint Madison Clark and John Mackey for full four-year terms, both recently filled positions that were vacated early.

Discussion:

Financial Impact:

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Christina Brake

Subject: Massage Therapy License Renewal Denial - Guang Wen Wang- Back and Body Massage

Recommendation: The City Clerk recommends approval to deny renewal of the Massage Therapist license

Action: Make a motion to deny approval of the Massage Therapist license renewal.

Background: Guang Wen Wang, Back and Body Massage, submitted an application to renew her massage therapist license. The applicant was denied a license in Overland Park and was prohibited from applying for a license again in Olathe.

The Bonner Springs Code of Ordinances Chapter V. Business Regulations, Section 5-1011 (c) prohibits approval of an applicant if, "The applicant had a massage establishment or therapist permit or license denied, revoked or suspended or involuntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application."

Discussion:

Financial Impact:

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Tillie LaPlante

Subject: Bond Ordinance authorizing issuance of Series 2022-A GO Bonds

Recommendation: The Finance Director recommends approval

Action: Make a motion to approve an ordinance authorizing the issuance of Series 2022-A General Obligation Bonds

Background: At the Council Meeting on January 24, the City Council authorized the sale of General Obligation Bonds Series 2022-A in the amount of \$980,000 to finance new ultrasonic water meters throughout the City.

Discussion: On February 9, 2022, the City received four bids for the purchase of the bonds. JPMorgan Chase offered the lowest interest cost.

Financial Impact: The bonds will be paid back over 10 years beginning in March of 2023 and will be paid through the Water Fund.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$980,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2022-A, OF THE CITY OF BONNER SPRINGS, KANSAS; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE.

WHEREAS, the City of Bonner Springs, Kansas (the “City”), is a city of the second class, created, organized and existing under the laws of the State of Kansas (the “State”);

WHEREAS, pursuant to K.S.A. 65-163d through 65-163u, as amended, and all applicable provisions of the laws of the State and proceedings of the City, the Governing Body of the City has authorized certain improvements to the City’s water supply system consisting of the acquisition and construction of smart water meters and all related appurtenances (the “Improvements”);

WHEREAS, the Improvements do not include any project related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501 and amendments thereto;

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the Governing Body of the City now finds and determines that the total cost of the Improvements and related expenses is at least \$980,000;

WHEREAS, the Governing Body of the City is authorized to issue general obligation bonds of the City to finance the costs of the Improvements;

WHEREAS, the Governing Body of the City has published a notice of intent to seek private placement of its general obligation bonds issued to finance the Improvements in accordance with K.S.A. 10-106 and, at a meeting held in the City on this date, has awarded or will award the sale of such bonds to the lowest bidder; and

WHEREAS, the Governing Body of the City finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$980,000 to pay the costs of the Improvements, including the costs of issuance of the Bonds;

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

Section 1. Definitions of Words and Terms.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the City for its general obligation bonds.

“**Bonds**” means the City’s General Obligation Bonds, Series 2022-A, authorized by this Ordinance in the aggregate principal amount of \$980,000, and dated March 9, 2022.

“**City**” means the City of Bonner Springs, Kansas.

“**City Clerk**” means the appointed and acting City Clerk or, in the City Clerk’s absence, the appointed acting City Clerk of the City.

“**City Treasurer**” means the appointed and acting City Treasurer or, in the City Treasurer’s absence, the appointed acting City Treasurer of the City.

“**Code**” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“**Improvements**” means the improvements referred to in the recitals to this Ordinance or any Substitute Improvements, as defined in the Resolution.

“**Mayor**” means the elected and acting Mayor of the City or, in the Mayor’s absence, the appointed acting Mayor of the City.

“**Ordinance**” means this Ordinance of the City authorizing the issuance of the Bonds.

“**Resolution**” means the Resolution of the City containing the terms and details of the Bonds.

“**State**” means the State of Kansas.

Section 2. Authorization of and Security for the Bonds. There shall be issued and are authorized and directed to be issued the General Obligation Bonds, Series 2022-A, of the City in the principal amount of \$980,000, for the purpose of providing funds to pay the cost of the Improvements, including payment of the costs of issuance of the Bonds.

The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to maturity and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Resolution adopted by the Governing Body of the City.

Section 4. Levy and Collection of Annual Tax. The Governing Body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is authorized and directed to pay the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

Section 5. Further Authority. The Mayor, Finance Director, City Clerk and other City officials are further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make alterations, changes or additions in the agreements, statements, instruments and other documents approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of the necessity or advisability thereof.

Section 6. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

[remainder of page intentionally left blank]

PASSED by the Governing Body of the City of Bonner Springs, Kansas, and approved by the Mayor on February 14, 2022.

CITY OF BONNER SPRINGS, KANSAS

Jeff Harrington, Mayor

(Seal)

ATTEST:

Christina Brake, City Clerk

\$980,000
City of Bonner Springs, Kansas
General Obligation Bonds
Series 2022-A

Bid Tabulation Sheet

Bid Date: February 9, 2022
Dated and Delivery: March 9, 2022
First Interest Payment Date: March 1, 2023
First Principal Payment Date: March 1, 2023
Final Principal Payment Date: March 1, 2032
First Call Date: March 1, 2029

Bidder	True Interest Cost*	Total Interest to Maturity*
1. JPMorgan Chase	2.0461%	\$109,201.48
2. Commerce Bank	2.1375%	\$118,516.31
3. Key Bank	2.2877%	\$126,939.79
3. US Bank	2.5363%	\$140,254.62

* Includes impact of any additional costs legal costs associated with bid.

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Tillie LaPlante

Subject: Bond Resolution prescribing terms and details of Series 2022-A GO Bonds

Recommendation: The Finance Director recommends approval

Action: Make a motion to approve a Bond Resolution prescribing the terms and details of Series 2022-A General Obligation Bonds

Background: At the Council Meeting on January 24, the City Council authorized the sale of General Obligation Bonds Series 2022-A in the amount of \$980,000 to finance new ultrasonic water meters throughout the City.

Discussion: On February 9, 2022, the City received four bids for the purchase of the bonds. JPMorgan Chase offered the lowest interest cost.

Financial Impact: The bonds will be paid back over 10 years beginning in March of 2023 and will be paid through the Water Fund.

RESOLUTION NO. 2022-____

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND
AUTHORIZING THE DELIVERY OF \$980,000 PRINCIPAL AMOUNT OF
GENERAL OBLIGATION BONDS, SERIES 2022-A, OF THE CITY OF
BONNER SPRINGS, KANSAS, PREVIOUSLY AUTHORIZED BY AN
ORDINANCE OF THE CITY.**

WHEREAS, the City of Bonner Springs, Kansas (the “City”), has passed the Ordinance (as herein defined) authorizing the issuance of the Bonds (as herein defined); and

WHEREAS, the Ordinance authorized the Governing Body of the City to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF BONNER SPRINGS, KANSAS, AS FOLLOWS:**

**ARTICLE I
DEFINITIONS**

Section 1.01. Definitions of Words and Terms.

“**Act**” shall mean the Constitution and Statutes of the State including, but not limited to, K.S.A. 65-153d through 65-153u, as amended.

“**Amortization Schedule**” means the schedule that sets forth the principal and interest payments on the Bonds, in substantially the form attached hereto as *Schedule I*, as may be amended or supplemented with any final such schedule provided by the Purchaser, which schedule shall also be printed on or attached to each Bond.

“**Authorized Costs**” means the amount of expenditures for an improvement, including interest during construction and Costs of Issuance, which has been authorized to be paid by the City by an ordinance or resolution of the City, less any Authorized Costs which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

“**Authorized Denominations**” means \$5,000 and any integral multiple thereof, or any amount of principal stated to be paid pursuant to the Amortization Schedule.

“**Authorized Investments**” means those investments authorized by K.S.A. 10-131, as amended and supplemented, and by other provisions of State law applicable to the City.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the City for its general obligation bonds.

“Bond Counsel” means the firm of Kutak Rock LLP, or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the City.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser where the Original Purchaser agrees to purchase the Bonds and the City agrees to sell the Bonds pursuant to the terms set forth therein.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, Topeka, Kansas, and any successors and assigns.

“Bonds” means the City’s General Obligation Bonds, Series 2022-A, in the aggregate principal amount of \$980,000, and dated March 9, 2022.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operation.

“City” means the City of Bonner Springs, Kansas.

“City Clerk” means the appointed and acting City Clerk of the City or, in the City Clerk’s absence, the appointed acting City Clerk of the City.

“City Treasurer” means the appointed and acting City Treasurer of the City or, in the City Treasurer’s absence, the appointed acting City Treasurer of the City.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“Costs of Issuance” shall mean all costs of issuing the Bonds, including all publication, preparation, signing and mailing expenses, registration fees, all legal fees and expenses of Bond Counsel and other legal counsel, all fees and expense of the financial advisor, and all fees of the Attorney General of the State.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Determination of Taxability” means and shall be deemed to have occurred on the first to occur of the following:

(a) on the date when the City files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;

(b) on the date when the Owner or any former Owner notifies the City that it has received a written opinion by a nationally recognized firm of attorneys of substantial expertise on the subject of tax exempt municipal finance to the effect that an Event of Taxability shall have occurred;

(c) on the date when the City shall be advised in writing by the Commissioner of the Internal Revenue Service or the Director of Tax Exempt Bonds of the Tax Exempt and Government Entities Division of the Internal Revenue Service (or any other government official exercising the same or a substantially similar function from time to time, including an employee subordinate to one of these officers who has been authorized to provide such advice) that, based upon filings of the City, or upon any review or audit of the City or upon any other ground whatsoever, an Event of Taxability shall have occurred; or

(d) on the date when the City shall receive notice from the Owner or any former Owner that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such Owner or such former Owner the interest on the Bonds due to the occurrence of an Event of Taxability;

provided, however, no Determination of Taxability shall occur under subparagraphs (b), (c), or (d) hereunder unless the City has been afforded the opportunity, at its expense, to contest any such assessment, and, further, no Determination of Taxability shall occur until such contest, if made, has been finally determined.

“Event of Taxability” means a (i) change in law or fact or the interpretation thereof, or the occurrence or existence of any fact, event or circumstance (including, without limitation, the taking of any action by the City, or the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of the Bonds) which has the effect of causing interest paid or payable on the Bonds to become includable, in whole or in part, in the gross income of the Owner or any former Owner for federal income tax purposes or (ii) the entry of any decree or judgment by a court of competent jurisdiction, or the taking of any official action by the Internal Revenue Service or the Department of the Treasury, which decree, judgment or action shall be final under applicable procedural law, in either case, which has the effect of causing interest paid or payable on the Bonds to become includable, in whole or in part, in the gross income of the Owner or any former Owner for federal income tax purposes with respect to the Bonds.

“Improvement Fund” means the fund by that name created in Section 5.01.

“Improvements” means the improvements referred to in the recitals to the Ordinance or any Substitute Improvements as defined in this Resolution.

“Interest Payment Dates” or **“Payment Dates”** means March 1 and September 1 of each year, commencing March 1, 2023.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as provided therein, whether at the Stated Maturity or call for redemption or otherwise.

“Mayor” means the elected and acting Mayor of the City or, in the Mayor’s absence, the appointed or acting Mayor of the City.

“Ordinance” means Ordinance No. ____ of the City authorizing the issuance of the Bonds.

“Original Purchaser” or **“Purchaser”** means JPMorgan Chase Bank, NA, Oklahoma City, Oklahoma, the original purchaser of the Bonds, and any successors or assigns.

“Outstanding” means as of a particular date of determination, all Bonds authenticated and delivered under the provisions of this Resolution, except:

(a) Bonds canceled by the Paying Agent or delivered to the Paying Agent for cancellation pursuant to this Resolution;

(b) Bonds for the payment or redemption of which moneys or investments have been deposited in accordance with Article XI of this Resolution; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered pursuant to this Resolution.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the registration books of the Bond Registrar.

“Paying Agent” means the State Treasurer, Topeka, Kansas, and any successors and assigns.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision or other public body.

“Principal and Interest Account” means the account by that name created in Section 5.01.

“Purchase Price” means 100% of the original principal amount of the Bonds.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of each month preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Resolution.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the

applicable redemption premium, if any, but excluding installments of interest paid on or before the Redemption Date.

“Resolution” means this Resolution relating to the Bonds.

“SEC Rule” means the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 C.F.R. §240.15c2-12).

“Special Record Date” means the date fixed by the Paying Agent pursuant to Section 2.04 for the payment of Defaulted Interest.

“State” means the State of Kansas.

“State Treasurer” means the elected Treasurer of the State or, in the Treasurer’s absence, the appointed acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond means the date specified in such Bond and this Resolution as the fixed date on which the principal of such Bond is due and payable as set forth in the Amortization Schedule.

“Substitute Improvements” means the substitute or additional improvements authorized pursuant to Section 6.04 of this Resolution.

“Taxable Rate” means the rate of 2.47% per annum.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidence of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, and such obligations are held in a custodial account for the benefit of the City.

ARTICLE II DETAILS OF THE BONDS

Section 2.01. Authorization of the Bonds. The Bonds have been authorized pursuant to the Ordinance and the Act for the purpose of providing funds to pay the Authorized Costs of the Improvements, including payment of the Costs of Issuance of the Bonds.

Section 2.02. Description of the Bonds. The Bonds shall consist of a single fully registered bond in the denomination of \$980,000 or the Outstanding declining principal balance thereof, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated March 9, 2022, shall become due on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rate of 1.97% per annum (computed on the basis of a 360-day year of twelve 30-day months) from that date or from the most recent Interest Payment Date to which

interest has been paid or provided for, which interest shall be payable on the Interest Payment Dates. In the event a Determination of Taxability has occurred, the Bonds shall bear interest at the Taxable Rate, as set forth in Section 12.04.

The principal on such Bond shall be payable on the dates and in the amounts set forth on the Amortization Schedule, provided that the entire remaining principal payments shall become due and payable on the final Payment Date in 2032. Interest on such Bonds shall be payable on the Payment Dates. If issued as other than as a single certificate with an Amortization Schedule, the Stated Maturities and principal amounts of the Bonds shall be on the dates and in the amounts set forth in the Amortization Schedule.

Section 2.03. Designation of Paying Agent and Bond Registrar. The State Treasurer is designated as the Paying Agent and Bond Registrar for the Bonds. The Mayor and City Clerk are authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds. The City reserves the right to appoint a successor Paying Agent or Bond Registrar. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of paying agent or bond registrar. Every Paying Agent or Bond Registrar appointed by the City shall at all times meet the requirements of State law and the City will at all times maintain a Paying Agent and Bond Registrar meeting the requirements of State law.

Section 2.04. Method and Place of Payment of the Bonds.

The principal of and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment, is legal tender for the payment of public and private debts.

The principal of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at Maturity, upon presentation and surrender of such Bond at the principal office of the Paying Agent. Notwithstanding this requirement, if a single certificate with an Amortization Schedule is issued, principal will be paid in the same manner as interest is paid and presentation and surrender of the Bond to the Paying Agent shall not be necessary until the final payment of the entire obligation evidenced by such Bond.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest:

- (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register; or
- (b) at such other address as is furnished to the Paying Agent in writing by such Owner.

Notwithstanding the provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as specified in this paragraph. The City shall notify the Paying Agent in writing of the

amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 2.05. Method of Execution and Authentication of the Bonds. The Bonds shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk and the seal of the City shall be affixed to or imprinted on the Bonds. The Bonds shall be registered in the office of the City Clerk, which registration shall be evidenced by the manual or facsimile signature of the City Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In the event that any of the previously mentioned officers shall cease to hold such offices before the Bonds are issued and delivered, the Bonds may be issued and transferred to other Owners as though the officers had not ceased to hold office, and such signatures appearing on the Bonds shall be valid and sufficient for all purposes as if they had remained in office until such issuance or transfer.

The Bonds shall not be valid obligations under the provisions of this Resolution until authenticated by the Bond Registrar or an authorized representative of the Bond Registrar by execution of the Certificate of Authentication appearing on each Bond. It shall not be necessary that the same representative of the Bond Registrar execute the Certificate of Authentication on all of the Bonds.

Section 2.06. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as provided herein. Each Bond when issued shall be registered in the name of the Owner on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, executed by the Owner or by the Owner's authorized agent. In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of preparation of a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds.

The City and the Bond Registrar shall not be required: (a) to register the transfer or exchange of any Bond during a period beginning on the day following the Record Date preceding any Interest Payment Date and ending at the close of business on such Interest Payment Date; (b) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to Section 3.04 and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (c) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to Section 2.04.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of, and interest on the Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

Section 2.07. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Stated Maturity, shall be canceled by the Paying Agent immediately upon the payment, redemption and surrender to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so canceled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 2.08. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond; and (b) there is delivered to the City and the Paying Agent such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed and any other expenses (including the fees and expenses of the Paying Agent).

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

Section 2.09. Delivery of the Bonds. The Mayor and City Clerk are authorized and directed to cause the Bonds to be registered in the offices of the City Clerk and the State Treasurer as provided by law, and, when executed and registered, to deliver the Bonds to the Original Purchaser upon receipt by the City of the Purchase Price.

ARTICLE III REDEMPTION OF THE BONDS

Section 3.01. Optional Redemption. At the option of the City, the Bonds (including installments of principal set forth on the Amortization Schedule) maturing on March 1, 2030, and thereafter, may be called for redemption and payment prior to Stated Maturity on March 1, 2029 and thereafter at any time in whole or in part at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Section 3.02. Reserved.

Section 3.03. Selection of Bonds to be Redeemed. The Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When a principal installment of the Bonds is to be paid at its Maturity, the principal installment of the Bonds shall be paid as set forth on the Amortization Schedule. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, the Bonds shall be redeemed in inverse order of Maturity, Bonds of less than a full Stated Maturity to be selected by lot in units of \$5,000.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond in such denomination. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Owner or the Owner's authorized agent shall present and surrender such Bond to the Bond Registrar:

(a) for payment of the Redemption Price (including the redemption premium, if any, and interest to the date fixed for redemption) of the \$5,000 unit or units of face value called for redemption; and

(b) for exchange, without charge to the Owner, for a new Bond(s) of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond.

If the Owner of any Bond of a denomination greater than \$5,000 shall fail to present such Bond as described above, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the amount called for redemption (and to that extent only).

Section 3.04. Notice of Redemption. In the event the City desires to call the Bonds for redemption prior to their Stated Maturity, unless waived by the Bond Registrar, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the date fixed for redemption or such lesser time period permitted by the Bond Registrar that enables the Bond Registrar to provide the Owners of the Bonds with the notice described in this Section. Unless waived by any Owner of Bonds to be redeemed, if the City shall call any Bonds for redemption and payment prior to the Stated Maturity, the City shall instruct the Bond Registrar to give written notice of its intention to call and pay the Bonds on a specified date, the same being described by Stated Maturity, such notice to be mailed by United States first class mail addressed to the Owners of the Bonds, each of the notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by State law or regulations of the Securities and Exchange Commission in effect as of the date of such notice. The foregoing provisions of this paragraph shall not apply in the case of any mandatory principal installment payments of the Bonds hereunder in accordance with the Amortization Schedule, and such principal installment payments shall be made by the Paying Agent without the necessity of any action by the City and whether or not the Paying Agent holds moneys available and sufficient to effect such payment.

All official notices of redemption shall be dated and shall state:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed;
- (d) that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest shall cease to accrue from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price); and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent.

The notice of redemption may be conditioned on the issuance by the City of a refunding obligation or the receipt of other funds necessary to redeem the Bonds.

Prior to or simultaneously with any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds which are to be redeemed on that date. Upon surrender of such Bonds for redemption in accordance with the notice, such Bonds shall be paid by the Paying Agent at the Redemption Price. Installments of interest due on or prior to the Redemption Date shall be payable as provided herein for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Paying Agent and shall not be reissued.

Section 3.05. Effect of Call for Redemption. Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the Redemption Price specified.

ARTICLE IV FORM OF THE BONDS

Section 4.01. Form of the Bonds. The Bonds shall be printed in accordance with the format required by the Attorney General of the State and shall contain information substantially in the form set forth on *Exhibit A* to this Resolution or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive, as amended and supplemented.

ARTICLE V ESTABLISHMENT OF FUNDS AND ACCOUNTS

Section 5.01. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

- (a) an Improvement Fund for the City of Bonner Springs, Kansas, General Obligation Bonds, Series 2022-A;
- (b) a Principal and Interest Account for the City of Bonner Springs, Kansas, General Obligation Bonds, Series 2022-A.

Section 5.02. Administration of Funds and Accounts. The funds and accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

ARTICLE VI APPLICATION OF BOND PROCEEDS

Section 6.01. Disposition of Bond Proceeds. The proceeds of the Bonds, upon issuance and delivery, shall be deposited as follows:

(a) In the Principal and Interest Account, a sum equal to the accrued interest, if any, and any premium paid on the Bonds;

(b) The balance of the proceeds of the Bonds shall be deposited into the Improvement Fund.

Section 6.02. Withdrawals from the Improvement Fund. The City Treasurer shall make withdrawals from the Improvement Fund solely for the purpose of paying the Authorized Costs of the Improvements, including Costs of Issuance of the Bonds.

Section 6.03. Surplus in the Improvement Fund. All moneys remaining in the Improvement Fund after the completion of the Improvements and payment of all Authorized Costs of the Improvements shall be transferred immediately to the Principal and Interest Account.

Section 6.04. Substitution of Improvements. The City may elect to substitute or add other improvements pursuant to this Section provided the following conditions are met: (a) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been authorized by the Governing Body of the City in accordance with the laws of the State; (b) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Authorized Costs of the Substitute Improvement has been adopted by the Governing Body of the City; (c) the Attorney General of the State has approved an amendment to the transcript of proceedings for the Bonds to include the Substitute Improvement; and (d) the City has received an opinion of Bond Counsel to the effect that the payment of the Authorized Costs of the Substitute Improvement with the proceeds of the Bonds will not adversely affect the tax-exempt status of the Bonds under State or federal law and has been authorized pursuant to this Section and the laws of the State.

ARTICLE VII PAYMENT OF THE BONDS

Section 7.01. Application of Moneys in the Principal and Interest Account. All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal of, premium, if any, and interest on the Bonds as and when the same become due and paying the usual and customary fees and expenses of the Paying Agent.

Section 7.02. Transfer of Funds to Paying Agent. The City Treasurer is authorized and directed to withdraw from the Principal and Interest Account and forward to the Paying Agent sums sufficient to pay both principal of, premium, if any, and interest on the Bonds as and when the same become due, and also to pay the charges made by the Paying Agent for acting in such capacity in the payment of principal and interest on the Bonds, and the charges shall be forwarded to the Paying Agent over and above the amount of the principal of, premium, if any, and interest on the Bonds. If, through the lapse of time, or otherwise, the Owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent to return the funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution.

Section 7.03. Surplus in Principal and Interest Account. Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

ARTICLE VIII DEPOSITS AND INVESTMENT OF FUNDS

Section 8.01. Deposits. Cash moneys in each of the funds and accounts created and established by this Resolution shall be deposited and secured in accordance with State law.

Section 8.02. Investments. Moneys held in the funds and accounts created or established in conjunction with the issuance of the Bonds may be invested by the City in Authorized Investments, or in other investments allowed by State law, in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in the accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Authorized Investment held in any fund or account shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under the provisions of this Resolution, Authorized Investments shall be valued at their principal par value or at their then redemption value, whichever is lower.

ARTICLE IX DEFAULT AND REMEDIES

Section 9.01. Remedies. The provisions of this Resolution, including the covenants and agreements contained herein, shall constitute a contract between the City and the Owners of the Bonds. The Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 9.02. Limitation on Rights of Owners. The covenants and agreements of the City contained in this Resolution and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of Stated Maturity and right of prior redemption as provided in this

Resolution. No one or more Owners secured shall have any right in any manner whatever by such Owner's or Owners' action to affect, disturb or prejudice the security granted and provided for in this Resolution, or to enforce any right hereunder, except in the manner provided herein, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of such Outstanding Bonds.

Section 9.03. Remedies Cumulative. No remedy conferred upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE X AMENDMENTS

Section 10.01. Amendments. The City may from time to time, without the consent of or notice to any of the Owners, provide for amendment to the Bonds or this Resolution, for any one or more of the following purposes:

- (a) To cure any ambiguity or formal defect or omission in this Resolution or Bonds or to make any other change not prejudicial to the Owners;
- (b) To grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners; or
- (c) To conform this Resolution or the Bonds to the Code or future applicable federal law concerning tax-exempt obligations.

The following modifications or amendments to the Bonds or this Resolution shall require the consent of 100% of the Owners of the Bonds:

- (a) The extension of the Stated Maturity of the principal of any of the Bonds, or the extension of any Interest Payment Date on any of the Bonds;
- (b) A reduction in the principal amount of any of the Bonds or the rate of interest on the Bonds; or
- (c) A reduction in the aggregate principal amount of the Bonds.

Amendments or modifications of the Bonds and this Resolution not listed above may be made at any time by the City with the written consent of the Owners of not less than 66.66% in aggregate principal amount of the Bonds at the time Outstanding.

Section 10.02. Written Evidence of Amendments. Every amendment or modification of a provision of the Bonds or of this Resolution to which the written consent of the Owners is given as above provided shall be expressed in a resolution of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the Owners of any Bond or prospective purchaser or Owners of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Resolution will be sent by the City Clerk to any such Owner or prospective Owner.

ARTICLE XI DEFEASANCE

Section 11.01. Defeasance. When all or any part of the Bonds or scheduled interest payments shall have been paid and discharged, then the requirements contained and the pledge of the City's faith and credit and all other rights granted herein shall cease and determine. Bonds or scheduled interest payments shall be deemed to have been paid and discharged within the meaning of this Resolution if there shall have been deposited with the Paying Agent or a bank located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of the Bonds, in trust for and irrevocably appropriated, moneys and/or United States Government Obligations, or other investments allowed by State law which, together with the interest to be earned on such United States Government Obligations, will be sufficient for the payment of the principal of the Bonds, and/or interest accrued to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to their Stated Maturity (a) the City has elected to redeem such Bonds and (b) either notice of such redemption has been given or the City has given irrevocable instructions, or shall have provided an escrow agent to give irrevocable instructions to the Paying Agent, to give such notice of redemption in compliance with Article III of this Resolution. Any moneys and United States Government Obligations which at any time shall be deposited with the Paying Agent or such bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds shall be and are assigned, transferred and set over to the Paying Agent or such bank in trust for the respective Owners of the Bonds, and such moneys shall be and are irrevocably appropriated to the payment and discharge thereof. All moneys and United States Government Obligations deposited with the Paying Agent or such bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution.

ARTICLE XII TAX COVENANTS

Section 12.01. General Covenants.

(a) The City covenants and agrees that:

(i) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and

(ii) it will not use or permit the use of any proceeds of the Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that:

(i) it will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds;

(ii) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued; and

(iii) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a “private activity bond” within the meaning of Section 141(a) of the Code.

Section 12.02. Exemption from Rebate Requirements. The City makes the following representations in connection with the exception for small government units from the arbitrage rebate requirements under Section 148(f)(4)(D) of the Code:

(a) The City is a governmental unit with general taxing powers;

(b) None of the Bonds is a private activity bond as defined in Section 141 of the Code;

(c) 95% or more of the net proceeds of the Bonds are to be used for local government activities of the City (or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the City);

(d) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City and all other entities described in Section 148(f)(4)(D)(ii) of the Code during the calendar year that the Bonds are issued, including the Bonds, is not reasonably expected to exceed \$5,000,000;

(e) The City (and all other entities described in Section 148(f)(4)(D)(ii) of the Code) will not issue in excess of \$5,000,000 of tax-exempt bonds (including the Bonds, but excluding private activity bonds) during the calendar year in which the Bonds are issued without first obtaining an opinion of Bond Counsel that the excludability of the interest on the Bonds from gross income for federal tax purposes will not be adversely affected; and

(f) The aggregate face amount of the Bonds (including all principal amounts allocated to refunding prior bonds or notes) does not exceed \$5,000,000.

Section 12.03. Designation of Bonds as Qualified Tax-Exempt Obligations. The City designates the Bonds to be “qualified tax-exempt obligations” as such term is defined in Section 265(b)(3) of the Code. In addition, the City represents that:

(a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds which are not “qualified 501(c)(3) bonds”) which will be issued by the City (and all subordinate entities) during the calendar year that the Bonds are issued is not reasonably expected to exceed \$10,000,000; and

(b) the City (including all subordinate entities) will not issue an aggregate principal amount of obligations designated by the City to be “qualified tax-exempt obligations” during the calendar year that the Bonds are issued, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of Bond Counsel that the designation of the Bonds as “qualified tax-exempt obligations” will not be adversely affected.

The Mayor is authorized to take such other action as may be necessary to make effective the designation contained in this section.

Section 12.04. Taxability. Notwithstanding anything to the contrary in this Resolution, and to the extent allowed by law, from and after any Determination of Taxability, the interest rate on the Bonds shall automatically and immediately adjust to the Taxable Rate (computed on the basis of a 360-day year of twelve 30-day months), and the City shall to pay to the Owners (including any former Owners): (i) an amount equal to the difference between (a) the amount of interest which would have been payable on the Bonds at the Taxable Rate from the Determination of Taxability (the “Taxable Period”) and (b) the amount of interest on the Bonds for the Taxable Period actually paid to the Owners; and (ii) an amount equal to any interest, penalties or charges owed by such Owners as a result of interest on the Bonds becoming included in the gross income of such Owners.

Section 12.05. Survival of Covenants. The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article XI or any other provision of this Resolution until the final Stated Maturity date of all Bonds Outstanding.

ARTICLE XIII DISCLOSURE

Section 13.01. Exemption from SEC Rule 15c2-12 The Bonds have an aggregate principal amount of less than \$1,000,000 and therefore are offered in a transaction exempt from the SEC Rule.

ARTICLE XIV MISCELLANEOUS PROVISIONS

Section 14.01. Bond Purchase Agreement. The Mayor and the City Clerk are authorized to enter into the Bond Purchase Agreement between the City and the Original Purchaser in substantially the form submitted to the Governing Body concurrently with the adoption of this Resolution, under which the City agrees to sell the Bonds to the Original Purchaser at the Purchase Price, upon the terms and conditions set forth therein, with such changes as shall be approved by the Mayor and the City Clerk, which officers are authorized to execute such document for and on behalf of the City, such officers' signatures thereon being conclusive evidence of their approval thereof.

Section 14.02. Severability. In case any one or more of the provisions of this Resolution or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, or of the Bonds appertaining thereto, but this Resolution and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein. In case any covenant, stipulation, obligation or agreement contained in the Bonds or in this Resolution shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the City to the full extent permitted by law.

Section 14.03. Further Authority. The Mayor, City Clerk and other officials of the City are further authorized and directed to execute any and all documents and to take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution to make alterations, changes or additions in the agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, including alterations, if deemed necessary or advisable and agreed to by the Purchaser, to the Amortization Schedule, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 14.04. Governing Law. This Resolution and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 14.05. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

ADOPTED by the Governing Body of the City of Bonner Springs, Kansas, on February 14, 2022.

CITY OF BONNER SPRINGS, KANSAS

By _____
Jeff Harrington, Mayor

(Seal)

ATTEST:

Christina Brake, City Clerk

EXHIBIT A
(FORM OF BOND)

REGISTERED
NUMBER R-1

REGISTERED
\$980,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE, LEAVENWORTH AND JOHNSON
CITY OF BONNER SPRINGS

GENERAL OBLIGATION BOND
SERIES 2022-A

**Interest
Rate:**

1.97%

**Maturity
Date:**

March 1, 2032

**Dated
Date:**

March 9, 2022

**Identification
Number:**

**Principal Paydown
Certificate**

REGISTERED OWNER: JPMORGAN CHASE BANK, NA
TAX IDENTIFICATION NO.: _____

PRINCIPAL AMOUNT: NINE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Bonner Springs, in the Counties of Wyandotte, Leavenworth and Johnson, State of Kansas (the "City"), for value received, acknowledges itself to be indebted and promises to pay to the owner identified above or registered assigns (the "Owner"), as of the Record Dates as provided herein, the Principal Amount identified above on the Stated Maturities set forth on the Amortization Schedule printed hereon, unless called for earlier redemption pursuant to the terms hereof, and in like manner to pay interest on such Principal Amount at the rate of interest per annum set forth above and subject to adjustment to the Taxable Rate (computed on the basis of a 360-day year of twelve 30-day months), semiannually on March 1 and September 1 of each year, commencing March 1, 2023 (the "Interest Payment Dates"), until the Principal Amount is paid from the Dated Date hereof or the most recent Interest Payment Date to which interest has been paid. Upon a Determination of Taxability (as defined in the Resolution), this Bond shall bear interest at the Taxable Rate of 2.47% per annum (computed on the basis of a 360-day year of twelve 30-day months) from and after such Determination of Taxability as provided in the Resolution. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Resolution.

The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date, upon presentation and surrender of this Bond at the office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). Notwithstanding the foregoing, if a single certificate with an Amortization Schedule is issued, principal will be paid in the same

manner as interest is paid and presentation and surrender of this Bond to the Paying Agent shall not be necessary until the final payment of the entire obligation evidenced by this Bond. The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the record date for such interest, which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding the Interest Payment Date (the "Record Dates"). Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of the Owner shown on the Bond Register, or (b) at such other address as is furnished to the Paying Agent in writing by the Owner. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment, is legal tender for the payment of public and private debts.

This Bond is one of an authorized series of Bonds of the City designated "General Obligation Bonds, Series 2022-A," in an aggregate principal amount of \$980,000 (the "Bonds") issued for the purposes set forth in the Ordinance of the City authorizing the issuance of the Bonds and the Resolution of the City prescribing the form and details of the Bonds (jointly, the "Resolution"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including, but not limited to K.S.A. 65-163d through 65-163u, as amended, and all other applicable provisions of the laws of the State of Kansas. The Bonds constitute general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

Optional Redemption. At the option of the City, the Bonds (including installments of principal set forth on the Amortization Schedule) maturing on March 1, 2030, and thereafter, may be called for redemption and payment prior to maturity on March 1, 2029, and thereafter, at any time, in whole or in part (selection of Bonds to be determined in inverse order of maturity), at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Whenever the City is to select Bonds for the purpose of redemption, it shall, in the case of Bonds in denominations greater than \$5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered Bond as though it were a separate Bond in the denomination of \$5,000.

If any Bonds are called for redemption and payment prior to maturity, the City shall instruct the Bond Registrar to give written notice of its intention to call and pay such Bonds on a specified date, the same being described by maturity, this notice to be mailed by United States first class mail addressed to the Owners of the Bonds, each of these notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as described above shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price specified.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. This Bond may be transferred or exchanged, as provided in the Resolution, only on the Bond Register kept for that purpose at the office of the Bond Registrar, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar executed by the Owner or the Owner's authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Resolution and upon payment of the charges prescribed therein. The City, the Paying Agent and the Bond Registrar may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner for the purpose of receiving payment of, or on account of, the principal, redemption premium, if any, and interest due and for all other purposes, and the City, the Paying Agent and the Bond Registrar shall not be affected by any notice to the contrary. The City shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

The City and the Bond Registrar shall not be required: (a) to register the transfer or exchange of any Bond during a period beginning on the day following the Record Date preceding any Interest Payment Date and ending at the close of business on such Interest Payment Date; (b) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (c) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest (as defined in the Resolution) and ending at the close of business on the date fixed for the payment of Defaulted Interest.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its seal to be affixed to or imprinted on, and this Bond to be dated the Dated Date shown herein.

CITY OF BONNER SPRINGS, KANSAS

(Seal)

By _____
Jeff Harrington, Mayor

Attest:

Christina Brake, City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Bonds, Series 2022-A, of the City of Bonner Springs, Kansas, described in the within-mentioned Resolution.

Registration Date _____

OFFICE OF THE STATE TREASURER
TOPEKA, KANSAS,
as Bond Registrar and Paying Agent

By _____

Registration Number _____

LEGAL OPINION

I, the City Clerk of the City of Bonner Springs, Kansas, certify that the following is a true and correct copy of the approving legal opinion on this Bond and the series of which it is a part, except that it omits the date of such opinion; that this opinion was manually executed and was dated and issued as of the date of delivery of and payment for the Bonds and is on file in my office.

By _____
Christina Brake, City Clerk

[PRINTED LEGAL OPINION]

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

(Seal) By Christina Brake, City Clerk

(Seal) Lynn Rogers
Treasurer of the State of Kansas

BOND ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto

(Print or Type Name, Address and Social Security Number or
other Taxpayer Identification Number of Transferee)

the within Bond and all rights thereunder, and irrevocably constitutes and appoints _____ agent to transfer the within Bond on the books kept by the Paying Agent for the registration, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution)

By _____
Name _____
Title _____

**SCHEDULE I
AMORTIZATION SCHEDULE**

Payment Date	Principal	Coupon	Interest	Total Principal and Interest
03/01/2023	\$85,000.00	1.97%	\$18,876.98	\$103,876.98
09/01/2023	--		8,815.75	8,815.75
03/01/2024	90,000.00	1.97	8,815.75	98,815.75
09/01/2024	--		7,929.25	7,929.25
03/01/2025	95,000.00	1.97	7,929.25	102,929.25
09/01/2025	--		6,993.50	6,993.50
03/01/2026	95,000.00	1.97	6,993.50	101,993.50
09/01/2026	--		6,057.75	6,057.75
03/01/2027	100,000.00	1.97	6,057.75	106,057.75
09/01/2027	--		5,072.75	5,072.75
03/01/2028	100,000.00	1.97	5,072.75	105,072.75
09/01/2028	--		4,087.75	4,087.75
03/01/2029	100,000.00	1.97	4,087.75	104,087.75
09/01/2029	--		3,102.75	3,102.75
03/01/2030	105,000.00	1.97	3,102.75	108,102.75
09/01/2030	--		2,068.50	2,068.50
03/01/2031	105,000.00	1.97	2,068.50	107,068.50
09/01/2031	--		1,034.25	1,034.25
03/01/2032	105,000.00	1.97	1,034.25	106,034.25
TOTAL	\$980,000.00		\$109,201.48	\$1,089,201.48

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Frank Abart

Subject: Water Meter Replacement Project Approval

Recommendation: Public Works Director, Frank Abart, recommends approval.

Action: Make a motion to approve the proposal for ultrasonic water meter equipment and annual communication component to AV Water Technologies, LLC in the amount of \$1,008,765.00 and authorize the City Manager to execute the documents.

Background: The Public Works staff has identified the need to replace the existing mechanical water meters with modern, remote read, ultrasonic water meters with no moving parts. There are approximately 3,110 meters involved with the transition. The City Council was engaged in a work session on January 10, 2022 related to the details of the proposed change in water meters.

Discussion: Public Works would like to request formal Council approval of the purchase of the ultrasonic water meters and the annual communications component of the proposed system.

Financial Impact: Total amount of the water meter equipment acquisition is \$955,383.00. The funding for this transaction is anticipated to come from the approval of a General Obligation bond issuance.

Total amount of the first year of the communication component is \$53,382 which includes a one-time set up fee of \$3,000.00. Funding for this activity is planned to come from the current year Water Budget for Operating Expenses. This expense will be every year for a period of ten years in the Operating Budget from the Water Fund.



AV Water Technologies, LLC
12332 Cutten Road
Houston, Texas 77066
713.898.8256

Quotation Prepared for City of Bonner Springs

Prepared For:

Frank Abart
Public Works Director
PO Box 38
Bonner Springs, KS 66012
fabart@bonnersprings.org

Quote Date: 1/15/2022

#10430

Prepared by:

Harry Wilk
hwilk@avwatertech.com
713-898-8256

AV Water Technologies, LLC - Products And/Or Services

Item	Item Description	Unit Price	Quantity	Extended Price
130-3082853	Diehl HYDRUS Ultrasonic Meter 5/8 in X 3/4 in X 7.5 in 8D Ext. Enc. 18 in Nicor Gal 2 lbs each 220 units per pallet	\$128.00	2883	\$369,024.00
130-3084549	Diehl HYDRUS Ultrasonic Meter 1 in X 1.25 in X 10.75 in 8D Ext. Enc. 18 in Nicor Gal 4 lbs each 150 units per pallet	\$187.00	123	\$23,001.00
130-3112596	Diehl HYDRUS Ultrasonic Bulk Meter, 2 In X 10 In, 9D, Ext Enc, 25 Ft Nicor Connector	\$1,120.00	70	\$78,400.00
130-3112590	Diehl HYDRUS Ultrasonic Bulk Meter, 3 In X 7.87 In, 9D, Ext Enc, 25 Ft Nicor Connector	\$1,972.00	29	\$57,188.00
130-3112598	Diehl HYDRUS Ultrasonic Bulk Meter, 4 In X 9.84 In, 9D, Ext Enc, 25 Ft Nicor Connector	\$2,828.00	5	\$14,140.00
120-0000XNEP	Capstone NOVA Endpoint, through lid, NICOR 5 Ft.	\$133.00	3110	\$413,630.00
120-0000XDAT-1	DATA, MDM, Customer Portal, Service, Maintenance, Billed Annually	\$16.20	3110	\$50,382.00
120-0000INT	Integration One Time Set Up Fee	\$3,000.00	1	\$3,000.00
SubTotal :				\$1,008,765.00
Total :				\$1,008,765.00

Comments: The annual data fee is due on product delivery. Each year thereafter is due on the anniversary of the following year. After the second year (years 3-10) pricing is subject to annual increases of 2%-4%. Does not include any applicable sales tax, if warranted.

Project:

Terms:

FOB Houston, TX or Factory

Delivery: Delivery Schedule to be mutually agreed upon.

Shipping and Handling Costs: Will be added to Invoice or invoiced separately when shipped.

Credit Card Payments: AV Water Technologies LLC now accepts all major credit cards for payment if warranted; a 4% processing fee will be added to the invoice if paid by credit card

Other Terms and Conditions: Unless otherwise agreed upon by both parties, each order processed by AV Water Technologies shall be governed by the laws of the State of Texas; AV Water Technologies, LLC and/or the Manufacturer's Terms and Conditions and/or

signed Equipment and Services Purchase Agreement.

Proposal valid for 60 days from date of Quotation

AV Water Technologies, LLC appreciates the opportunity to quote on your needs. If you have any questions or require additional information, please contact me and I will gladly assist you.

Quotation Acceptance:

Name: _____

Title: _____

Signature: _____

Date: _____

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Frank Abart

Subject: Sole Source Request - Plant Aerator/Mixer Unit Replacement

Recommendation: The Public Works Director recommends approval of the sole source request.

Action: Make a motion to approve the request for sole source procurement with Ovivo USA, LLC for purchase of a replacement industrial grade aerator/mixing unit in the amount of \$177,350 and authorize the City Manager to execute the documents.

Background: The Public Works staff has identified the need to replace one of the two large, industrial grade, Aerator/Mixing units at the WasteWater Treatment Plant. The unit has been in service since 1992 and has achieved it's service life for this type of work in a very corrosive environment. The unit is an older style system that is either on at full speed or completely off. The desire is to acquire a newer style of the same system that allows for variable processing speeds and reduced cost of operations/maintenance.

Discussion: Public Works would like to request Council consideration for a direct purchase with the manufacturer for the system. The reason to pursue this option is to acquire a "replacement in kind" system which ensures the new equipment fits the design specification in regards to mechanical interface and operational parameters. This can only be accomplished with a sole source provider. Benefits with a sole-source effort include the following:

- Reduction in costs associated with engineering, plans, and specifications for retrofit options.
- Only one vendor to replicate the current system.
- Drastically reduces complications associated with the replacement project.
- Replacement unit will fit the same location without modifications.
- Direct purchase will reduce the extensive time factor associated with this type of industrial style equipment (currently estimated at 40 weeks).

The City Engineer has reviewed the current equipment, the proposed replacement process for this specific piece of industrial equipment, and has endorsed the proposed action.

The alternative to sole source is the standard bid process which would require development of plans and specifications and advertisement lead times which add cost and project delivery time. The benefit to the City of following the current policy is not likely to offset the cost to the City in time and resources.

Financial Impact: Total amount of the equipment acquisition is \$177,350.00. Note that the cost of removal of the current equipment and installation of the new equipment is NOT included in this price. The equipment manufacturer does not provide this service. Quotes for that work will be pursued when a delivery date has been established. Funding is included in the 2022 WasteWater Budget for this replacement item in the amount of

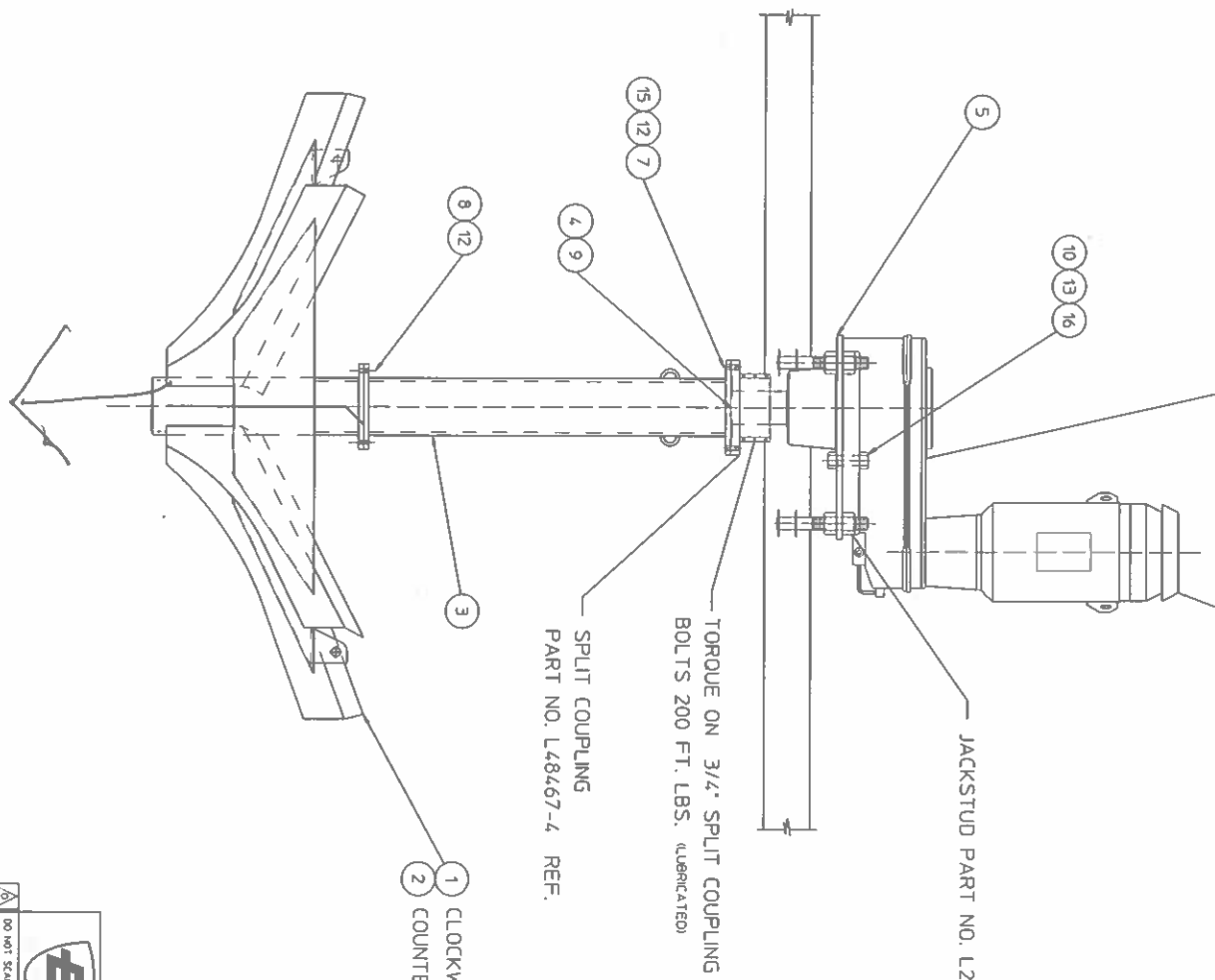
\$250,000.



PIECE NO.	MATERIAL	DESCRIPTION / REMARKS	TOTAL WEIGHT
RED.			

REDUCER PART NO. 24517C32A REF.

MOTOR PART NO. 24517B31A REF.



TORQUE ON 3/4" SPLIT COUPLING BOLTS 200 FT. LBS. (LUBRICATED)

SPLIT COUPLING PART NO. L48467-4 REF.

1 CLOCKWISE ROTATION

2 COUNTERCLOCKWISE ROTATION

NOTE:

BALLOONED ITEMS ARE IDENTIFIED ON PARTS LIST L24517C52.

HIGH STRENGTH (H.S.) BOLTS (ASTM A325 & A490)

MUST BE USED WHERE SHOWN AND SPECIFIED. ASSEMBLY INSTRUCTIONS: TURN-OF-NUT METHOD. ALL JOINT SURFACES SHALL BE FREE OF LOOSE MILL SCALE, BURRS, AND FOREIGN MATERIAL. ENOUGH BOLTS SHALL BE BROUGHT TO A "SNUG TIGHT" CONDITION TO INSURE THAT THE PARTS OF THE JOINT ARE PROPERLY COMPACTED, I.E., BROUGHT INTO FULL CONTACT WITH EACH OTHER. SNUG TIGHT SHALL BE DEFINED AS THE TIGHTNESS ATTAINED BY A FEW IMPACTS OF AN IMPACT WRENCH OR THE FULL EFFORT OF A MAN USING AN ORDINARY SPUD WRENCH, FOLLOWING THE INITIAL TIGHTENING. BOLTS SHALL BE PLACED IN ANY REMAINING HOLES IN THE CONNECTION AND BROUGHT TO SNUG TIGHTNESS. ALL BOLTS IN THE JOINT SHALL BE TIGHTENED ADDITIONALLY BY THE APPLICABLE AMOUNT OF NUT ROTATION SPECIFIED BELOW, WITH TIGHTENING PROGRESSING SYSTEMATICALLY FROM THE MOST RIGID PART OF THE JOINT TO ITS FREE EDGES.

BOLT LENGTH	ONE FACE NORMAL TO BOLT AXIS AND OTHER FACE SCREWED TO BOLT AXIS	BOTH FACES NORMAL TO BOLT AXIS	BOTH FACES SCREWED TO BOLT AXIS
UP TO AND INCLUDING 4 DIAMETERS	1/2 TURN	1/2 TURN	1/2 TURN
OVER 4 DIAMETERS BUT NOT EXCEEDING 8 DIAMETERS	3/4 TURN	3/4 TURN	3/4 TURN

NUT ROTATION IS ROTATION RELATIVE TO BOLT REGARDLESS OF THE ELEMENT (NUT OR BOLT) BEING TURNED. TOLERANCE ON ROTATION: 30° OVER OR UNDER. FOR OTHER THAN TURN-OF-NUT METHOD FOLLOW PROCEDURES OUTLINED IN LATEST EDITION OF THE AISC STEEL CONSTRUCTION MANUAL.



EIMCO PROCESS EQUIPMENT COMPANY — Salt Lake City, Utah

This drawing and all information thereon are the property of Eimco Process Equipment Company and shall not be reproduced or copied in any form without the written consent of Eimco Process Equipment Company. This drawing is not to be used directly or indirectly in any way without the written consent of Eimco Process Equipment Company.

RELANCE MOTOR, FLENDER REDUCER AND HUBERT IMPELLER ERECTION DETAILS

DO NOT SCALE DRAWING	DATE	1-2-92
BY	DRAWN	DBH
BY	CHECKED	
BY	APPR	

CHKD	24517C52	REV
------	----------	-----

Memorandum



To: Frank Abart –Director of Public Works (City of Bonner Springs, Kansas)

From: Justin Klautdt, PE – City Engineer (Wilson & Company, Inc., Engineers & Architects)

Date: 1/27/2022

Re: WWTP Aerator/Mixer Replacement

The City of Bonner Springs, Kansas requested that Wilson & Company, Inc., Engineers & Architects, current City Engineer, review the replacement of the existing aerator/mixer at the wastewater treatment plant.

On Tuesday, January 25, 2022 I met Chuck Staples, at the plant to review the existing mixer that needs to be replaced. After reviewing the existing system, it is my recommendation that the City replace the aerator/mixer with in-kind equipment with the same manufacturer and model as existing. Using the same model will eliminate the need for any modifications to the controls or retrofitting of parts. This will allow for a “plug and play” installation, reducing time and expense.



Worldwide Experts in Water Treatment

PROPOSAL

Q2022010401 Rev1

BONNER SPRINGS WASTEWATER TREATMENT FACILITY BONNER SPRINGS, KS

PREPARED FOR

City of Bonner Springs

AREA REPRESENTATIVE

Environmental Process Equipment Company
Joe Foster
jfoster@epecwater.com

shippings

PREPARED BY

Daniel Kirby
Phone (801) 931-3177
daniel.kirby@ovivowater.com

Ovivo USA, LLC
4246 Riverboat Road – Suite 300
Salt Lake City, Utah 84123-2583

DATE: January 26, 2022

TO: City of Bonner Springs

Ovivo USA, LLC is pleased to submit a proposal for the following equipment (the "Products") on the project indicated above (the "Project"). This proposal, either in its original form or in its "as sold" format, constitutes Ovivo's contractual offer of goods and services in connection with the Project. Please contact Ovivo's sales representative in your area for any questions or comments you may have in connection with this proposal. The address is:

Environmental Process Equipment Company
2250 No. Rock Road
Suite 118-253
Wichita, KS 67226

Attention: Joe Foster
Telephone: (913) 238-2038
Email: jfoster@epecwater.com

PRICING

ITEM	EQUIPMENT	ESTIMATED SHIP DATE	TOTAL PRICE
I	125 HP LSC Aerator Replacement	36-40 Weeks	\$177,350

GENERAL NOTES

The dates of drawing submission and shipment of the Products represents Ovivo's best estimate, but is not guaranteed, and Ovivo shall not be liable for any damages due to late delivery, including but not limited to liquidated damages. The Products shall be delivered to the delivery point or points in accordance with the delivery terms stated in this proposal. If such delivery is prevented or postponed by reason of Force Majeure, as defined in Ovivo's standard terms and conditions of sale, Ovivo shall be entitled at its option to tender delivery to Purchaser at the point or points of manufacture, and in default of Purchaser's acceptance of delivery, to cause the Products to be stored at such a point or points of manufacture at Purchaser's expense. Such tender, if accepted, or such storage, shall constitute delivery for all purposes of this proposal. If shipment is postponed at request of Purchaser, or due to delay in receipt of shipping instructions, payment of the purchase price shall be due on notice from Ovivo that the Products are ready for shipment. Handling, moving, storage, insurance and other charges thereafter incurred by Ovivo with respect to the Products shall be for the account of Purchaser and shall be paid by Purchaser when invoiced.

ITEM I - CARROUSEL® SYSTEM EQUIPMENT

Ovivo proposes to furnish:

- ❖ One (1) 125 horsepower LSA Aerator.

All mechanism(s) are for installation in the existing Carousel System basins. The design of the proposed mechanisms is based upon Ovivo's standard engineering practices and references the original Ovivo installation serial number 24517-01.

AERATORS

ITEMS INCLUDED per Aerator:

- One (1) 125 horsepower motor including:
 - 460 Volt, 3 phase, 60 hertz duty.
 - TEFC, totally enclosed fan cooled.
 - VFD duty rated.
 - Mill and chemical duty preparation.
 - Nominal 1800 rpm output.
 - 1.15 service factor on sine wave power and 1.0 service factor on inverter duty.
 - Class F insulation.
 - Motor thermal protection device.
 - Motor space heater.
 - Premium efficiency.
- One (1) gearbox including:
 - 2.0 service factor (minimum).
 - Independent lower bearing.
 - Oil drain.
 - Mechanical oil pump.
 - Dip Stick.
 - Low oil Pressure switch.

NOTE: All supplied Ovivo protection devices (such as: motor thermal overloads, gear reducer pressure switch, moisture sensor, etc.) must be wired directly to the motor control device to shutdown the equipment upon alarm (not through the PLC, in the event of loss of PLC). It is recommended to wire devices for fail safe operation (open contact at fault).

- One (1) high speed flexible coupling.
- One (1) low speed coupling (cast iron).
- One (1) surface aerator impeller and shaft (A36).
- Mounting plate/bars (A36).
- Assembly bolts (A325).
- Nameplate (stainless steel).
- Painting as noted in the SURFACE PREPARATION AND PAINTING segment of this proposal.
- Operation and Maintenance manuals.
- Service as noted in the FIELD SERVICE segment of this proposal.
- Freight, FCA factory, freight allowed.

ADDITIONAL ITEMS INCLUDED:

- Spare parts included:
 - One (1) Reducer low oil cut-out switch.
 - One (1) Reducer high speed coupling.

WEIGHTS:

APPROXIMATE TOTAL WEIGHT OF ONE (1) MECHANISM: 13,100 LBS.

APPROXIMATE WEIGHT OF HEAVIEST SINGLE COMPONENT: 6,000 LBS.

ITEMS NOT INCLUDED WITH CARROUSEL SYSTEM (But not limited to the following):

- Installation.
- Vibration analysis, Velocity, Oxygen transfer testing.
- Jackstuds (utilize existing).
- External Wiring and Conduit.
- Conformal Coatings.
- Pushbutton stations.
- Panel mounting components.
- Field wiring/installation.
- Bridges, walkway, stairs, ladders, and hand railing, except as noted above.
- Mist shields or curtains.
- Valves, Slide gates, sluice gates or weirs.
- Tools, Warning signs, Oils/Lubricants.
- Grout.
- Permits, fees, samples, testing.
- Liquidated damages.

FIELD SERVICE

Our proposal includes the service of a qualified service engineer for the following:

- Four (4) Day / Two (2) Trip at the site to assist in adjusting, servicing, and checking out these mechanisms, and in training the operators in maintenance, troubleshooting, and repair of the equipment.
- Additional service days can be purchased at the current rate.

SURFACE PREPARATION AND PAINT

Submerged and non-submerged fabricated steel shall be shop-cleaned per SSPC-SP-10 and shop primed one (1) coat(s) of Tnemec 161-1211 (3.0 to 5.0 Mils D.F.T) and finished one (1) coat(s) of Tnemec 161-32GR (3.0 to 5.0 Mils D.F.T). Except stainless steel will not receive a coating.

Motors and gear reducers shall receive manufactures standard surface preparation. Shop priming and painting shall consist of a high quality coating that is specifically resistant to chemical, solvent, salt water, and acid environmental conditions.

ADDITIONAL FIELD SERVICE

When included and noted in the Product pricing of each proposal item, Ovivo will supply the service of a competent field representative to inspect the completed installation and adjustment of equipment, supervise initial operation, and instruct Owner's personnel in the operation and maintenance of each proposal item for the number of eight (8) hour days. Notwithstanding Ovivo's performance of the above-referenced services, Ovivo shall not be held liable for any faulty workmanship or other defects in the Products' installation, or for other goods and/or services, performed by third parties unless such goods and/or services are expressly included under Ovivo's scope of work.

If additional service is required, it will be furnished to the Purchaser and billed to him at the current rate for each additional day required, plus travel and lodging expenses incurred by the service personnel during the additional service days.

It shall be the Purchaser's responsibility to provide for all necessary lubrication of all equipment prior to placing equipment in operation. All equipment must be in operating condition and ready for the Field Service Engineer when called to the project location. Should the Purchaser/Owner not be ready when the Field Service Engineer is requested or if additional service is requested, the Ovivo current service rates will apply for each additional day required, plus travel and lodging expenses incurred by the service personnel during the additional service days.

SURFACE PREPARATION AND PAINTING GENERAL INFORMATION

If painting the Products is included under Ovivo's scope of work, such Products shall be painted in accordance with Ovivo's standard practice. Shop primer paint is intended to serve only as minimal protective finish. Ovivo will not be responsible for condition of primed or finished painted surfaces after equipment leaves its shops. Purchasers are invited to inspect painting in our shops for proper preparation and application prior to shipment. Ovivo assumes no responsibility for field service preparation or touch-up of shipping damage to paint. Painting of fasteners and other touch-up to painted surfaces will be by Purchaser's painting contractor after mechanism erection.

Clarifier motors, gear motors and center drives shall be cleaned and painted with manufacturer's standard primer paint only.

It is our intention to ship major steel components as soon as fabricated, often before drives, motors and other manufactured components. Unless you can insure that shop primed steel shall be field painted within thirty (30) days after arrival at the jobsite, we encourage you to purchase these components in the bare metal (no surface prep or primer) condition.

Ovivo cannot accept responsibility for rusting or deterioration of shop applied prime coatings on delivered equipment if the primed surfaces have not been field painted within thirty (30) days of arrival at the jobsite using manufacturers' standard primers. Other primers may have less durability.

PRICING TERMS

The prices quoted are based upon Purchaser's acceptance of this proposal, through the submission of a purchase order or other written acceptance, being placed no later than **thirty (30) days** after date of bid opening, or upon Purchaser's acceptance of this proposal by **February 26, 2022**, whichever date is earlier. After expiration of the pricing effectivity period, prices will be subject to review and adjustment. Prices quoted are FCA surface point of shipment, with freight included to an accessible point nearest the jobsite. Federal, state or local sales, use or other taxes are not included in the sales price.

PAYMENT TERMS

Payment terms are as follows:

Milestone	Cumulative Percent Invoiced
Ovivo Acknowledgement of P.O.	5%
Submittals First Sent To Purchaser	10%
Submittal Approval	30%
Fabrication Complete and Ready To Ship ¹	90%
Equipment Delivery	95%
Field Service Trips Per Contract	100%

¹This milestone will only be invoiced if delays from Purchaser or due to parties other than Ovivo occur. Additional storage and other terms may apply per paragraphs below.

Invoice will be billed at **100%** of the work complete in accordance with the schedules above. No more than 5% retention shall be withheld from each invoice. The final 5% (Retention) shall be invoiced at Substantial Completion of Ovivo's Scope, which may be different that Substantial Completion of the overall project, not to exceed **sixty (60) days** from equipment delivery of the Major Item.

Purchaser shall remit payment for proper invoices received from Ovivo in accordance with the payment terms stated above even if the Purchaser has not been paid by the Purchaser's customer (the "Owner"), if Purchaser is not the end-user of the Products. Payments are due within thirty (30) days after Purchaser's receipt of invoice. Overdue and unpaid invoices are subject to a service charge of 2% per month until paid.

Any postponement of delivery dates requested by the Purchaser; or if Purchaser requests or causes cancellation, suspension or delay of Ovivo's work, for delays of up to ninety (90) days, Purchaser shall pay Ovivo all appropriate charges incurred up to date of such event, per the schedules above, which may include partial completion of milestones. Additionally, all charges related to and risks incidental to storage, disposition and/or resumption of work shall be borne solely by Purchaser. For delays less than ninety (90) days, Ovivo will delay portions of fabrication and delivery, to the extent possible. Delays greater than ninety (90) days are subject to price escalation at 1.5% per month for each month or partial month of delay, further subject to the steel escalation clause; or, if possible, equipment shall be stored at the cost of the Purchaser. For delays greater than ninety (90) days, Purchaser shall

accept transfer of title and make full payment for all work due and payable, thirty (30) days from the date work is placed into storage.

Credit is subject to acceptance by Ovivo's Credit Department.

PRICE ESCALATION

The prices submitted are based upon Purchaser's acceptance of this proposal by February 26, 2022, not to exceed 30 days from the date of this proposal.

If a binding purchase order is not received by Ovivo prior to the above referenced date, prices and shipping dates are subject to review and adjustment by Ovivo.

Additionally, due to the unpredictability of material and labor prices and availability, including but not limited to recent sharp increases in carbon steel, stainless steel, aluminum, other metal prices, electrical components, coatings, FRP, shipping, and labor prices in the North American and worldwide markets (the "Labor and Material Price(s)"), Ovivo, shall not assume responsibility for such possible escalations and impacts to schedule beyond the validity date of its proposal or between the date of the executed Contract and the procurement of such labor and material.

Ovivo may increase the price of its proposal or require additional payment in the form of a change order due to any Labor and Material Price increase (a) that exceeds 5% per annum of the price of the specific labor or material in place on the date of Ovivo's proposal or (b) when product fabrication utilizing labor or materials does not commence until more than 6 months after the purchase order date, due primarily to actions of parties other than Ovivo. Furthermore, Ovivo is entitled to adjust its delivery date to account for such delay.

Any Labor and Material Price increase shall be based on an industry-standard pricing measure or index for that particular labor or material that accurately represents the market increase or, at Ovivo's reasonable discretion, actual increases incurred by Ovivo. The resulting cost and schedule impact shall be disclosed to the Buyer prior to fabrication.

Notwithstanding the above, should requested shipment dates be extended primarily due to actions of parties other than by Ovivo or its suppliers, Ovivo reserves the right to charge 1.5% per month of the Contract Price for each month or partial month of delay, unless said delay is agreed to in writing by all affected parties.

Any additional duties and tariffs invoked after the date of its proposal will be added to the total proposed price.

TAXES

Federal, State or local sales, use or other taxes are not included in the sales price. Such taxes, if applicable, shall be for Purchaser's account.

BONDS

Any performance and/or payment bond agreed to be provided by Ovivo will extend to supply of equipment and services for a period not to exceed the first twenty four (24) months of the service or warranty period, and for a value not to exceed the total price of this Proposal.

BACKCHARGES

In no event shall Purchaser/Owner do or cause to be done any work, purchase any services or material or incur any expense for the account of Ovivo, nor shall Ovivo be responsible for such work or expenses, until after Purchaser/Owner has provided Ovivo's PROJECT MANAGER full details (including estimate of material cost and amount and rate of labor required) of the work, services, material or expenses, and Ovivo has approved the same in writing. Ovivo will not accept Products returned by Purchaser/Owner unless Ovivo has previously accepted the return in writing and provided Purchaser/Owner with shipping instructions.

****PURCHASE ORDER SUBMISSION****

In an effort to ensure all purchase orders are processed timely and efficiently, please submit all purchase order documentation to the following department and address:

Ovivo USA, LLC
4246 Riverboat Road, Suite 300
Salt Lake City, Utah 84123

Attn: Amy Harrison / Dan Kirby
Tel. #: 801-931-3000
Email: amy.harrison@ovivowater.com
daniel.kirby@ovivowater.com

GENERAL ITEMS NOT INCLUDED

Unless specifically and expressly included above, prices quoted by Ovivo do not include unloading, hauling, erection, installation, piping, valves, fittings, stairways, ladders, walkways, grating, wall spools, concrete, grout, sealant, dissimilar metal protection, oakum, mastic, field painting, oil or grease, electrical controls, wiring, mounting hardware, welding, weld rod, shims, leveling plates, protection against corrosion due to unprotected storage, special engineering, or overall plant or system operating instructions or any other products or services.

Performance and payment security, including but not limited to bonds, letters of credit, or bank guarantees, are not included, but can be provided if purchased for an additional cost.

MANUALS

The content of any and all installation, operation and maintenance or other manuals or documents pertaining to the Products are copyrighted and shall not be modified without the express prior written consent of Ovivo. Ovivo disclaims any liability for claims resulting from unauthorized modifications to any such manuals or other documents provided by Ovivo in connection with the Project.

WARRANTY AND CONDITIONS

Ovivo standard Terms and Conditions of Sale is attached and made an essential part of this proposal. These terms and conditions are an integral part of Ovivo's offer of Products and related services and replace and supersede any terms and conditions or warranty included in Purchaser or Owner requests for quotation or specifications and cannot be changed without written approval from an authorized representative of Ovivo.

PERFORMANCE WARRANTY DISCLAIMER

The performance of the Products is dependent upon many factors, including, but not limited to, the influent or feed quality and quantity, additives required, time, temperature, rates of change, sizing criteria used, operating conditions, etc. Therefore, Ovivo cannot assume any liability or responsibility for performance or process results that Purchaser is expecting or has predicted. No verbal or written information or advice given by any personnel of the Ovivo shall create a warranty or in any way increase the scope of the warranties.

THE PARTIES AGREE THAT, OTHER THAN ITS MECHANICAL WARRANTY SET FORTH IN THIS PROPOSAL, OR ANY PERFORMANCE WARRANTY SET FORTH ON OVIVO'S STANDARD ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY PROCESS OR PERFORMANCE RELATED WARRANTIES OR WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY, WHETHER WRITTEN, ORAL OR STATUTORY, ARE EXCLUDED TO THE FULLEST EXTENT PERMISSIBLE BY LAW.

CONFIDENTIALITY

This document is not to be reproduced or submitted to any third party without the written consent of Ovivo.

This document contains, or Ovivo may have previously disclosed to Purchaser, certain technical and business information of Ovivo and/or Ovivo's affiliated entities, including certain copyrighted material, which is considered to be confidential. Such information, hereinafter referred to individually and collectively as the "Information", may include, without limitation, ideas, concepts, development plans for new or improved products or processes, data, formulae, techniques, flow sheets, designs, sketches, know-how, photographs, plans, drawings (regardless of what name, if any, is stated on the title block), specifications, samples, test specimens, reports, customer lists, price lists, findings, studies, computer programs and technical documentation, trade secrets, diagrams, and inventions, notes, and all information pertaining thereto and/or developed there from. This Information is disclosed in good faith solely for the purposes of our proposal, and in addition on the understanding that its confidentiality will be properly maintained and safeguarded.

Neither this proposal, the Information nor any part thereof may be copied, reproduced or used for any purpose other than that for which it is disclosed by Ovivo. Except as reasonably necessary for the evaluation of this proposal, no part thereof may be disclosed to any other person, without Ovivo's prior consent in writing.

Ovivo will retain the rights to any intellectual property rights ("IPR") related to the Products. Ovivo will grant a non-exclusive royalty free license to use the IPR for the sole purposes of operating and maintaining the equipment supplied by Ovivo.

The duties, obligations, restrictions, and responsibilities described hereinabove shall apply to the Purchaser, their agents, affiliates, and all related parties regardless of whether any transaction occurs between Ovivo and Purchaser, and shall survive termination, cancellation, and expiration of any transaction between Ovivo and Purchaser.

In the event of a breach of the terms herein, Ovivo maintains the right to seek any and all remedies and damages available to it, including but not limited to the amount, including interest, by which Purchaser profited from the breach, any gains made by Purchaser or any third party who received Information from Purchaser, compensation for all Ovivo loss or injury, and the value of Ovivo's expectation created by the promise of Purchaser. The parties agree Ovivo would suffer irreparable harm in the event of any breach of these terms, and therefore Ovivo shall be entitled to any and all injunctive relief available.

Very truly yours,

Ovivo USA, LLC

Attachment:

Ovivo USA, LLC General Terms and Conditions



Worldwide Experts in Water Treatment

TERMS AND CONDITIONS OF SALE

1. ACCEPTANCE. The proposal of Ovivo Inc., ("SELLER"), as well as these terms and conditions of sale (collectively the "Agreement"), constitutes SELLER's contractual offer of goods and associated services, and PURCHASER's acceptance of this offer is expressly limited to the terms of the Agreement. The scope and terms and conditions of this Agreement represent the entire offer by SELLER and supersede all other solicitations, discussions, agreements, understandings and representations between the parties. Any scope or terms and conditions included in PURCHASER's acceptance/purchase order that are in addition to or different from this Agreement are hereby rejected.

2. DELIVERY. Any statements relating to the date of shipment of the Products (as defined below) represent SELLER's best estimate, but is not guaranteed, and SELLER shall not be liable for any damages due to late delivery. The Products shall be delivered to the delivery point or points in accordance with the delivery terms stated in SELLER's proposal. If such delivery is prevented or postponed by reason of Force Majeure (as defined below), SELLER shall be entitled at its option to tender delivery to PURCHASER at the point or points of manufacture, and in default of PURCHASER's acceptance of delivery to cause the Products to be stored at such a point or points of manufacture at PURCHASER's expense. Such tender, if accepted, or such storage, shall constitute delivery for all purposes of this agreement. If shipment is postponed at request of PURCHASER, or due to delay in receipt of shipping instructions, payment of the purchase price shall be due on notice from SELLER that the Products are ready for shipment. Handling, moving, storage, insurance and other charges thereafter incurred by SELLER with respect to the Products shall be for the account of PURCHASER and shall be paid by PURCHASER when invoiced. Delivery by SELLER of the Products shall constitute acceptance of the Products by PURCHASER, unless written notice of defect or nonconformity is received by SELLER within thirty (30) days of SELLER's delivery of the Products.

3. TITLE AND RISK OF LOSS. SELLER shall retain the fullest right, title, and interest in the Products to the extent permitted by applicable law, including a security interest in the Products, until the full purchase price has been paid to SELLER. The giving and accepting of drafts, notes and/or trade acceptances to evidence the payments due shall not constitute or be construed as payment so as to pass SELLER's interests until said drafts, notes and/or trade acceptances are paid in full. Risk of loss shall pass to PURCHASER at the delivery point.

4. PAYMENT TERMS. SELLER reserves the right to ship the Products and be paid for such on a pro rata basis, as shipped. If payments are not made by the due date, interest at a rate of two percent (2%) per month, calculated daily, shall apply from the due date for payment. PURCHASER is liable to pay SELLER's legal fees and all other expenses in respect of enforcing or attempting to enforce any of SELLER's rights relating to a breach or threatened breach of the payment terms by PURCHASER. In the event of nonpayment SELLER reserves the further right to seek compensation from any third party in possession of the Products.

5. TAXES. Unless otherwise specifically provided in SELLER's quotation/proposal; PURCHASER shall pay and/or reimburse SELLER, in addition to the price, for all sales, use and other taxes, excises and charges which SELLER may pay or be required to pay to any government directly or indirectly in connection with the production, sale, transportation, and/or use by SELLER or PURCHASER, of any of the Products or services dealt with herein (whether the same may be regarded as personal or real property). PURCHASER agrees to pay all property and other taxes which may be levied, assessed or charged against or upon any of the Products on or after the date of actual shipment, or placing into storage for PURCHASER's account.

6. MECHANICAL WARRANTY. Solely for the benefit of PURCHASER, SELLER warrants that new equipment and parts manufactured by it and provided to PURCHASER (collectively, "Products") shall be free from defects in material and workmanship. The warranty period shall be twelve (12) months from startup of the equipment not to exceed eighteen (18) months from the earliest of the notice of readiness to ship or the actual shipment. If any of SELLER's Products fail to comply with the foregoing warranty, SELLER shall repair or replace free of charge to PURCHASER, EX WORKS SELLER'S FACTORIES or other location that SELLER designates, any Product or parts thereof returned to SELLER, which examination shall show to have failed under normal use and service operation by PURCHASER within the Warranty Period; provided, that if it would be impracticable for the Product or part thereof to be returned to SELLER, SELLER will send a representative to PURCHASER's job site to inspect the Product. If it is determined after inspection that SELLER is liable under this warranty to repair or replace the Product or part thereof, SELLER shall bear the transportation costs of (a) returning the Product to SELLER for inspection or sending its representative to the job site and (b) returning the repaired or replaced Products to PURCHASER; however, if it is determined after inspection that SELLER is not liable under this warranty, PURCHASER shall pay those costs. For SELLER to be liable with respect to this warranty, PURCHASER must make its claims to SELLER with respect to this warranty in writing no later than thirty (30) days after the date PURCHASER discovers the basis for its warranty claim and in no event more than thirty (30) days after the expiration of the Warranty Period. In addition to any other limitation or disclaimer with respect to this warranty, SELLER shall have no liability with respect to any of the following: (i) failure of the Products, or damages to them, due to PURCHASER's negligence or willful misconduct, abuse or improper storage, installation, application or maintenance (as specified in any manuals or written instructions that SELLER provides to the PURCHASER); (ii) any Products that have been altered or repaired in any way without SELLER's prior written authorization; (iii) The costs of dismantling and reinstallation of the Products; (iv) any Products damaged while in transit or otherwise by accident, (v) decomposition of Products by chemical action, erosion or corrosion or wear to Products or due to conditions of temperature, moisture and dirt; or (vi) claims with respect to parts that are consumable and normally replaced during maintenance such as filter media, filter drainage belts and the like, except where such parts are not performing to SELLER's estimate of normal service life, in which case, SELLER shall only be liable for the pro rata cost of replacement of those parts based on SELLER's estimate of what the remaining service life of those parts should have been; provided, that failure of those parts did not result from any of the matters listed in clauses (i) through (vi) above. With regard to third-party parts, equipment, accessories or components not of SELLER's design, SELLER's liability shall be limited solely to the assignment of available third-party warranties. THE PARTIES AGREE THAT ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY, WHETHER WRITTEN, ORAL OR STATUTORY, ARE EXCLUDED TO THE FULLEST EXTENT PERMISSIBLE BY LAW. All warranties and obligations of SELLER shall terminate if PURCHASER fails to perform its obligations under this Agreement including but not limited to any failure to pay any charges due to SELLER. SELLER's quoted price for the Products is based upon this warranty. Any increase in warranty obligation may be subject to an increase in price.

7. CONFIDENTIAL AND PROPRIETARY INFORMATION. All nonpublic or proprietary information and data furnished to PURCHASER hereunder, including but not limited to price, size, type design and other technical or business information relating to the Products is the sole property of SELLER and submitted for PURCHASER's own confidential use solely in connection with this Agreement and is not to be made known or available to any third party without SELLER's prior written consent.

8. SURFACE COATING. Any Product coating provided by SELLER shall be in accordance with SELLER's standard practice, unless otherwise agreed in writing.

9. DRAWINGS AND TECHNICAL DOCUMENTATION. When PURCHASER requests to approve drawings before commencement of manufacture, shipment may be delayed if approved drawings are not returned to SELLER within fourteen (14) days of receipt by PURCHASER of such drawings for approval. SELLER will furnish only general arrangement, general assembly, and if required, wiring diagrams, erection drawings, installation and operation-maintenance manuals for SELLER's equipment (in U.S. measure and English language). SELLER will supply six (6) complete sets of drawings and operating instructions. Additional sets will be paid for by PURCHASER. Electronic files, if requested from SELLER, will be provided in pdf, jpg or tif format only.

10. SET OFF. This Agreement shall be completely independent of all other contracts between the parties and all payments due to SELLER hereunder shall be paid when due and shall not be setoff or applied against any money due or claimed to be due from SELLER to PURCHASER on account of any other transaction or claim.

11. SOFTWARE. PURCHASER shall have a nonexclusive and nontransferable license to use any information processing program supplied by SELLER with the Products. PURCHASER acknowledges that such programs and the information contained therein is Confidential Information and agrees: a) not to copy or duplicate the program except for archival or security purposes; b) not to use the program on any computer other than the computer with which it is supplied; and c) to limit access to the program to those of its employees who are necessary to permit authorized use of the program. PURCHASER agrees to execute and be bound by the terms of any software license applicable to the Products supplied.

12. PATENT INDEMNITY. SELLER will defend at its own expense any suit instituted against PURCHASER based upon claims that SELLER's Product hereunder in and of itself constitutes an infringement of any valid

apparatus claims of any Canadian patent issued and existing as of the date of this Agreement, if notified promptly in writing and given all information, assistance, and sole authority to defend and settle the same, and SELLER shall indemnify the PURCHASER against such claims of infringement. Furthermore, in case the use of the Products is enjoined in such suit or in case SELLER otherwise deems it advisable, SELLER shall, at its own expense and discretion, (a) procure for the PURCHASER the right to continue using the Products, (b) replace the same with non-infringing Products, (c) modify the Product so it becomes non-infringing, or (d) remove the Products and refund the purchase price less freight charges and depreciation. SELLER shall not be liable for, and PURCHASER shall indemnify SELLER for, any claim of infringement related to (a) the use of the Products for any purpose other than that for which it was furnished by SELLER, (b) compliance with equipment designs not furnished by SELLER or (c) use of the Products in combination with any other equipment. The foregoing states the sole liability of SELLER for patent infringement with respect to the Products.

13. GENERAL INDEMNITY. Subject to the limitations of liabilities of the parties set forth in this Agreement, each party shall protect and indemnify the other party, its parent and their respective officers, directors, employees and agents, from and against all claims, demands and causes of action asserted by, or in favor of, any entity to the extent of the indemnifying party's negligence or willful misconduct in connection with the performance of this agreement.

14. DEFAULT, TERMINATION. In the event that PURCHASER becomes insolvent, commits an act of bankruptcy or defaults in the performance of any term or condition of this Agreement, the entire unpaid portion of the purchase price shall, without notice or demand, become immediately due and payable. SELLER at its option, without notice or demand, shall be entitled to sue for said balance and for reasonable legal fees, plus out-of-pocket expenses and interest; and/or to enter any place where the Products are located and to take immediate possession of and remove the Products, with or without legal process; and/or retain all payments made as compensation for the use of the Products; and/or resell the Products, without notice or demand, for and on behalf of the PURCHASER, and to apply the net proceeds from such sale (after deduction from the sale price of all expenses of such sale and all expenses of retaking possession, repairs necessary to put the Products in salable condition, storage charges, taxes, liens, collection and legal fees and all other expenses in connection therewith) to the balance then due to SELLER for the Products and to receive from the PURCHASER the deficiency between such net proceeds of sale and such balance. PURCHASER hereby waives all trespass, damage and claims resulting from any such entry, repossession, removal, retention, repair, alteration and sale. The remedies provided in this paragraph are in addition to and not limitations of any other rights of SELLER.

15. CANCELLATION. PURCHASER may terminate this Agreement for convenience upon giving SELLER (30) days prior written notice of such fact and paying SELLER for all costs and expenses (including overhead) incurred by it in performing its work and closing out the same plus a reasonable profit thereon. All such costs and expenses shall be paid to SELLER within ten (10) days of the termination of the Agreement, or be subject to an additional late payment penalty of five percent (5%) of the total amount of costs and expenses owed.

16. REMEDIES. The rights and remedies of the PURCHASER in connection with the goods and services provided by SELLER hereunder are exclusive and limited to the rights and remedies expressly stated in this Agreement.

17. INSPECTION. PURCHASER is entitled to make reasonable inspection of Products at SELLER's facility. SELLER reserves the right to determine the reasonableness of the request and to select an appropriate time for such inspection. All costs of inspections not expressly included as an itemized part of the quoted price of the Products in this Agreement shall be paid by PURCHASER.

18. WAIVER. Any failure by SELLER to enforce PURCHASER's strict performance of any provision of this Agreement will not constitute a waiver of its right to subsequently enforce such provision or any other provision of this Agreement.

19. COMPLIANCE WITH LAWS. If applicable laws, ordinances, regulations or conditions require anything different from, or in addition to that called for by this Agreement, SELLER will satisfy such requirements at PURCHASER's written request and expense.

20. FORCE MAJEURE. If SELLER is rendered unable, wholly or in material part, directly or indirectly, by reason of Force Majeure, to carry out any of its obligations hereunder, then on SELLER's notice in writing to PURCHASER within a reasonable time after the occurrence of the cause relied upon, such obligations shall be suspended. "Force Majeure" shall include, but not be limited to, acts of God, epidemics and pandemics, acts of or delays caused by governmental authorities, changes in laws and regulations, strikes, civil disobedience or unrest, lightning, fire, flood, washout, storm, communication lines failure, delays of the PURCHASER or PURCHASER's subcontractors, breakage or accident to equipment or machinery, wars, police actions, terrorism, embargos, and any other causes that are not reasonably within the control of the SELLER. If the delay is the result of PURCHASER's action or inaction, then in addition to an adjustment in time, SELLER shall be entitled to reimbursement of costs incurred to maintain its schedule. For the avoidance of doubt, if the cause relied upon has commenced prior to the Parties entered into a contracting relationship, it shall not render the cause void and/or not capable of being included within the definitions of Force Majeure, as listed within this Article 20.

21. INDEPENDENT CONTRACTOR. It is expressly understood that SELLER is an independent contractor, and that neither SELLER nor its principals, partners, parents, subsidiaries, affiliates, employees or subcontractors are servants, agents, partners, joint ventures or employees of PURCHASER in any way whatsoever.

22. SEVERABILITY. Should any portion of this Agreement, be held to be invalid or unenforceable under applicable law then the validity of the remaining portions thereof shall not be affected by such invalidity or unenforceability and shall remain in full force and effect. Furthermore, any invalid or unenforceable provision shall be modified accordingly within the confines of applicable law, giving maximum permissible effect to the parties' intentions expressed herein.

23. CHOICE OF LAW, CHOICE OF VENUE. This Agreement shall be governed and construed in accordance with the laws of the Province of Ontario, without regard to its rules regarding conflicts or choice of law. The parties submit to the exclusive jurisdiction and venue of the judicial courts located in Toronto, Canada.

24. ASSIGNMENT. PURCHASER shall not assign or transfer this Agreement without the prior written consent of SELLER. Any attempt to make such an assignment or transfer shall be null and void. SELLER shall have the whole or in part, upon prior written notice to PURCHASER.

25. LIMITATION ON LIABILITY. TO THE EXTENT PERMISSIBLE BY LAW, SELLER SHALL HAVE NO FURTHER LIABILITY IN CONNECTION WITH THIS AGREEMENT IN EXCESS OF THE AMOUNT PAID BY PURCHASER FOR THE PRODUCTS GIVING RISE TO SUCH LIABILITY. NOTWITHSTANDING ANY LIABILITIES OR RESPONSIBILITIES ASSUMED BY SELLER HEREUNDER, SELLER SHALL IN NO EVENT BE RESPONSIBLE TO PURCHASER OR ANY THIRD PARTY, WHETHER ARISING UNDER CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, FOR LOSS OF ANTICIPATED PROFITS, LOSS BY REASON OF PLANT SHUTDOWN, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, LOSS OF DATA, SERVICE INTERRUPTIONS, COST OF PURCHASED OR REPLACEMENT POWER, COST OF MONEY, LOSS OF USE OF CAPITAL OR REVENUE OR ANY OTHER INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, EXEMPLARY, OR CONSEQUENTIAL LOSS OR DAMAGE, WHETHER ARISING FROM DEFECTS, DELAY, OR FROM ANY OTHER CAUSE WHATSOEVER.

26. PRIVACY AND DATA PROTECTION. Seller has put in place rigorous safeguards and procedures regarding privacy and data protection, notably the Ovivo Privacy Policy (ovivowater.com/privacy-policy), and requires that Purchaser adhere to its data protection principles to the extent applicable to Purchaser.

27. DATA COLLECTION. PURCHASER consents to the collection of the Product's operational data and to the use of such data for the purpose of improving the Products and other purposes stated herein. PURCHASER further agrees that such data collection does not constitute a performance monitoring service or duty by SELLER.

28. INSURANCE. SELLER shall maintain that its current levels of insurance for the duration of the Project, as set forth in its standard certificate of insurance, available upon request.

29. BONDS. Upon PURCHASER request within fifteen (15) calendar days of SELLER's receipt of an order, SELLER shall provide a bond in favor of PURCHASER, at PURCHASER's expense, by an institution, and in a form, approved in advance by SELLER. Any performance and/or payment bond agreed to be provided by SELLER will extend to supply of equipment and services for a period not to exceed the first twenty four (24) months of the service or warranty period, and for a value not to exceed the total price of the contract.

30. PERMITS. PURCHASER shall be solely responsible to obtain and maintain in force all necessary permits with respect to any products to be provided by SELLER hereunder and any intended use by PURCHASER.

REVISED – September 2020

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Mark Lee

Subject: BSCP-01-21 - Request to amend the Comprehensive Plans Future Land Use Map - 1401 S. 130th Street

Recommendation: Staff and the Planning Commission (6-0) recommend approval

Action: Make a motion to adopt an ordinance amending the Future Land Use Map as currently shown within the Comprehensive Plan

Background: The applicant reached out in October of 2021 regarding two parcels, 1209 and 1401 S. 130th Street, and the potential for industrial use upon those parcels. Through ongoing discussions with the applicant regarding the Nettleton Avenue extension and the uses designated within our Comprehensive Plan currently, the applicant has withdrawn their request to change the northern parcel (1209 S. 130th Street) for the time being.

Staff and the applicant will continue discussions regarding the potential realignment/redesign of Nettleton Avenue and how it may best serve not only the entirety of the area but the City as a whole and remain the arterial street as intended.

The property at 1401 S. 130th Street has gone through several planning processes over the past ten plus years but no development has ever occurred upon the property. The Future Land Use Map was amended initially in 2007 with the proposed use designation as Mixed-Use Residential and Commercial. Along with the approved Future Land Use Map amendment in 2007, there was an approved rezoning application.

There are currently two (2) distinct zoning districts located on the parcel, A-1 (Agricultural) generic blanket zoning (32 acres +/-), and C-2 (General Business) (10 acres +/-).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan. There is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer, a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

Discussion: FACTORS FOR CONSIDERATION:

The Comprehensive Plan which includes the Future Land Use Map has been amended several times over the years. As requests are reviewed and approved by the Planning Commission and Governing Body, the Future Land Use Map is updated. The current Future Land Use Map reflects approximately 231.5 acres of mixed use land use designation on and around the subject property abutting Heavy Industrial District zoning (Rock Quarry) on the

east, which is much less desirable for residential development. The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6

dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses, including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouses, condominiums, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1' and 'I-2' districts of the city zoning regulations.

Per the Bonner Springs Zoning Regulations there are five (5) factors that are used when considering amendments to the Future Land Use Map. Those factors follow with staff responses.

Responses from the applicant are shown in bold italics.

1.What has changed since the Comprehensive Plan was adopted to warrant this

request? The land uses that were initially changed in 2007 did not materialize and the parcels have been vacant since. The traditional brick and mortar retail industry is suffering and has for years. Therefore, large-scale commercial development is less appealing to developers in the current market.

While the need for housing still remains strong within Bonner Springs, the close proximity to other industrial land uses makes residential development on the eastern side of the property, as proposed in 2007, less desirable. Grade changes on the site though, do provide the opportunity for high to medium density residential to be located along the western side of the property.

The extension of Nettleton Avenue, to serve as an arterial street, is still a viable project and is indicated within the Future Transportation Map as meeting these needs. The extension of Nettleton Avenue will allow citizens within the core of Bonner Springs a more direct route to commercial necessities at Kansas Avenue and K-7 without needing to access K-7 directly, thus reducing local traffic on that route.

The existing Comprehensive Plan designation for the subject property as identified on the Future Land Use Map (Mixed-Use) is no longer feasible given current and long-term market conditions. The land lies adjacent to a large rock quarry which creates significant development impacts (noise, dust, vibration, etc.). The subject property also has severe grade changes, with the eastern third of the land falling off more than 60' in elevation. This causes significant challenges for mixed-use development, such

as multi-family and retail. The retail market was already in severe decline even before the COVID-19 pandemic. There is no market today for building new big-box retail in today's e-commerce environment, or even traditional retail (in-line, pad site, fast-food, and specialty) on the subject property. There are still several available but undeveloped/unleased retail opportunities near this site, that are in locations that retailers consider to be better if the market changes. See attached retail analysis letter from Elevate Property Advisors, a major retail broker in the KC market. The best use for the property is Industrial, as presented by the Applicant. Some flex office/warehouse would likely be feasible on the adjoining lands to the north. Given its location further away from the rock quarry operations, there may even be a market for multi-family to the east of the existing Wal-Mart along Kansas Ave.

2. Traffic Counts and Pattern Changes?

As Nettleton Avenue does not connect to the north through the property currently, the traffic patterns and counts on that section of roadway have not changed and cannot be adequately addressed. The traffic counts and pattern changes would need to be looked at along K-7. Traffic counts have steadily increased over the past fourteen (14) years; the included map indicates a significant number of additional vehicle traffic between Nettleton Avenue and I-70; approximately 4,500 vehicles. A large portion of these can be attributed to additional traffic from Nettleton headed northbound. The extension of Nettleton would alleviate local traffic impacts on the K-7 Corridor by providing access to one of our largest commercial nodes via the planned major arterial connection.

2019 traffic counts (map produced in 2020) as indicated by KDOT, show and Annual Average Daily Traffic:

- 21,200 total vehicles (including 1660 Heavy Commercial vehicles) between Nettleton and Kansas Avenue

Versus 2006 counts

- 19,400 total vehicles (including 1515 Heavy Commercial vehicles) between Nettleton and Kansas Avenue

The Nettleton interchange is designed in a manner that it can handle large amounts of vehicular traffic from various styles and types of development with limited to no improvements.

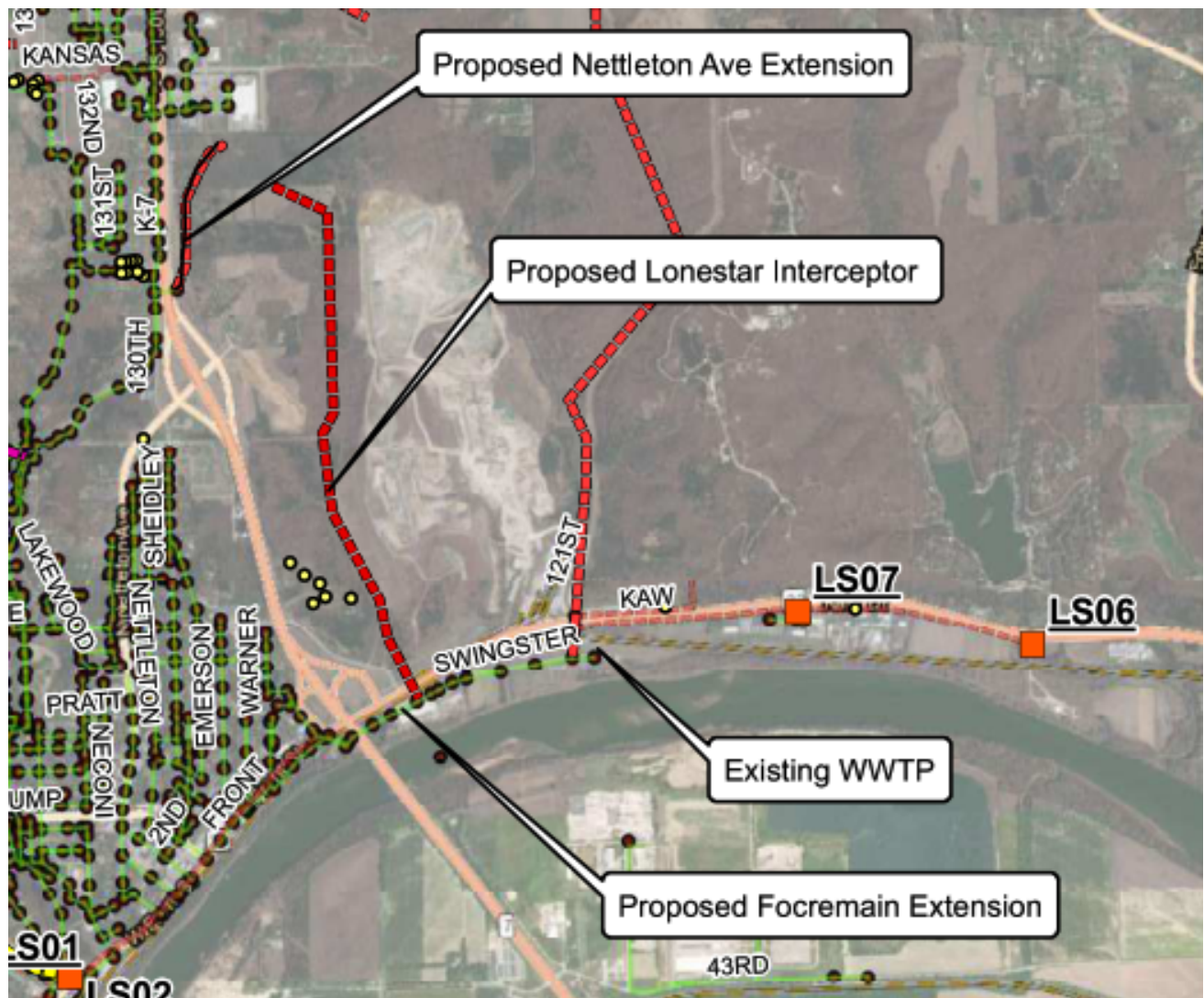
Changes to traffic counts and patterns correlate with proposed industrial development, which is anticipated to generate considerably less traffic than the land uses anticipated in the Comprehensive Plan. Nettleton Ave. will need to be extended and realigned to accommodate truck/vehicle traffic from the new development.

Most truck and vehicle traffic will access the property and exit via K-7 and Nettleton interchange. The Applicant will work with the City and KDOT to ensure that traffic patterns and volumes generated by the proposed redevelopment are appropriately accounted for in accordance with City code.

3. Utility/Infrastructure Changes?

There are currently inadequate utilities on the site and surrounding area. Infrastructure improvements would need to be undertaken in order to make the site developable. Per the 2019 Sanitary Sewer Master Plan; the site is expected to receive its sanitary sewer services through the planned Lonestar Interceptor line that traverses the eastern side of the property

and extends to approximately the midpoint of the entire developable area.



Infrastructure improvements will be needed to support development of the subject property into its highest and best use. But no changes to anticipated and planned infrastructure are needed for industrial uses.

4. Status of Floodplain/Hydrology?

The site lies on top of a large ridge that runs north to south. There is no floodplain located within the site. Stormwater run-off will need to be addressed with development of the site.

No improvements are proposed in the floodplain, and a stormwater management study will be provided with the site plan submittal.

5. Changes in Surrounding Land Use? There have been no changes to the surrounding land uses other than the growth of the rock quarry that lies to the east expanding further north within their property.

The area to the north was developed for retail uses approximately 15 years ago, but no other development has occurred in or around the surrounding area. Areas to the immediate east (rock quarry), south (vacant) and west (K-7) have not had any changes in decades. The highest and best use of the subject property is industrial

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

BSCP-01-21

Topic: **PUBLIC HEARING-** Consider a request to amend the Bonner Springs Future Land Use Map as currently indicated within the Comprehensive Plan for the property address of 1401 S. 130th Street.

Narrative:

The property at 1401 S. 130th Street has gone through several planning processes over the past ten plus years but no development has ever occurred upon the property. The Future Land Use Map was amended initially in 2007 with the proposed use designation of Mixed-Use Residential and Commercial. Along with the approved Future Land Use Map amendment in 2007, was an approved rezoning application.

There are currently two (2) distinct zoning districts located on the parcels, A-1 (Agricultural) generic blanket zoning (32 acres +/-), and C-2 (General Business) (10 acres +/-).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

Presented by: Mark Lee- City Planner

Staff Recommendation:

Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1401 S. 130th Street. The proposed alignment of the Nettleton Avenue extension, as indicated in the Future Transportation Map, should be taken into account and potentially used as a dividing line between uses.

In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

Attachments:

Staff Report (5pgs); Site Plan Rendering (8.5x11); Legal Description (1pg)
KDOT K-7 Corridor Plates (2pgs)
KDOT Traffic Counts 2006 vs. 2020 (1pg)
Aerial Image (8.5x11)

REQUEST FOR APPROVAL TO AMEND THE FUTURE LAND USE MAP AS INDICATED IN THE COMPREHENSIVE PLAN OF BONNER SPRINGS; REQUESTED AMENDMENT IS FROM MIXED-USE TO INDUSTRIAL WITH A LOCATION OF 1401 S. 130th STREET.

MEETING DATE:

January 18, 2022

REPORT WRITTEN:

December 3, 2021 (Revised January 14, 2022)

APPLICATION #:

BSCP-01-21

APPLICANT:

BK Properties LLC (C/O Ken Block)
4622 Pennsylvania Avenue, Suite 700
Kansas City MO 64112

ENGINEER

McClure
11031 Stang Line Road
Lenexa KS 66215

REQUEST:

- The applicant is requesting to amend the Future Land Use Map (FLUM) as indicated in the Comprehensive Plan; the requested amendment will be from Mixed-Use to Industrial. The property in question is located east of K-7 and south of the current Nettleton Avenue.

BACKGROUND:

The applicant reached out in October of 2021 regarding two parcels, 1209 and 1401 S. 130th Street, and the potential for industrial use upon those parcels. Through ongoing discussions with the applicant regarding the Nettleton Avenue extension and the uses designated within our Comprehensive Plan currently; the applicant has withdrawn their request to change the northern parcel (1209 S. 130th Street) for the time being.

Staff and the applicant will continue discussions regarding the potential realignment/redesign of Nettleton Avenue and how it may best serve not only the entirety of the area but the City as a whole and remain the arterial street as intended.

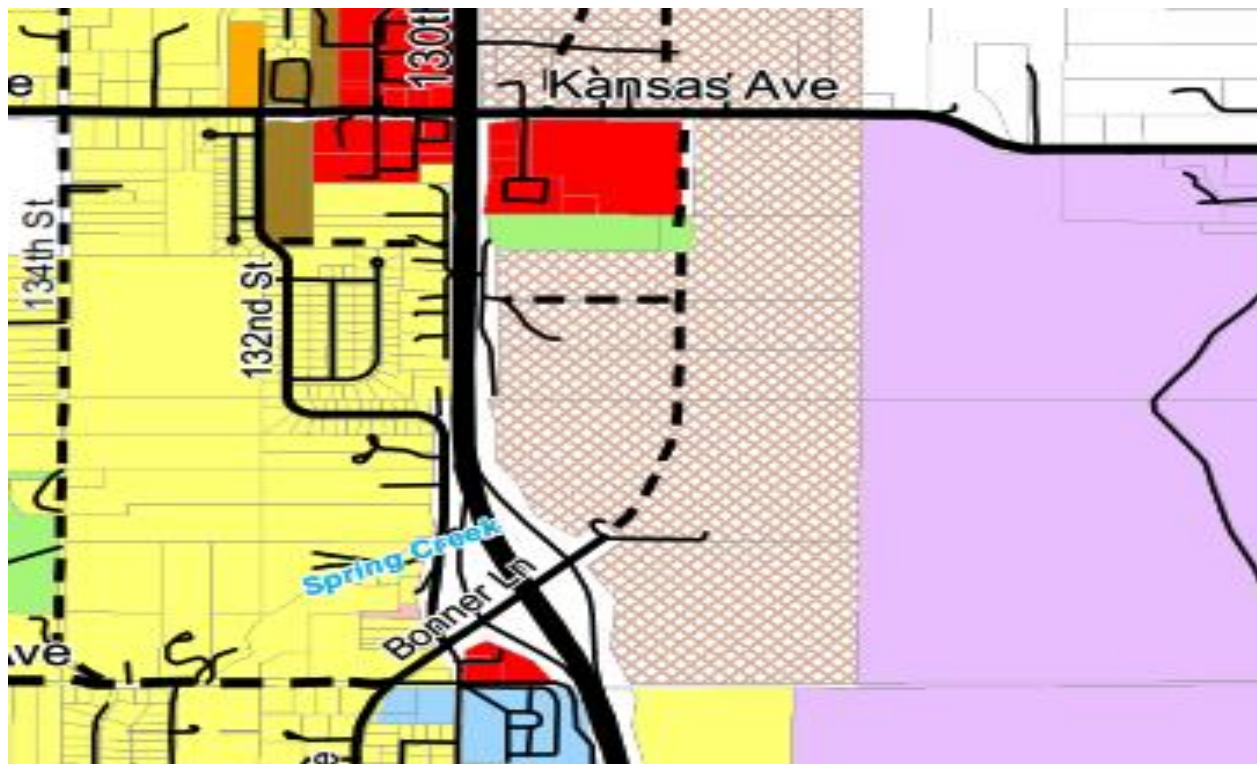
The property at 1401 S. 130th Street has gone through several planning processes over the past ten plus years but no development has ever occurred upon the properties. The Future Land Use Map was amended initially in 2007 with the proposed use designation as Mixed-Use Residential and Commercial. Along with the approved Future Land Use Map amendment in 2007, was an approved rezoning application.

There are currently two (2) distinct zoning districts located on the parcel, A-1 (Agricultural) generic blanket zoning (32 acres +/-), and C-2 (General Business) (10 acres +/-).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from

potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

THE CURRENT FUTURE LAND USE MAP DESIGNATION:



FACTORS FOR CONSIDERATION:

The Comprehensive Plan which includes the Future Land Use Map has been amended several times over the years. As requests are reviewed and approved by the Planning Commission and Governing Body, the Future Land Use Map is updated. The current Future Land Use Map reflects approximately 231.5 acres of mixed use land use designation on and around the subject property abutting Heavy Industrial District zoning (Rock Quarry) on the east which is much less desirable for residential development.

The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.

Per the Bonner Springs Zoning Regulations there are five (5) factors that used when considering amendments to the Future Land Use Map, those factors follow with staff responses.

Responses from the applicant are shown in bold italics

1. What has changed since the Comprehensive Plan was adopted to warrant this request?

The land uses that were initially changed in 2007 did not materialize and the parcels have been vacant since. The traditional brick and mortar retail industry is suffering and has for years; therefore large-scale commercial development is less appealing to developers in the current market.

While the need for housing still remains strong within Bonner Springs the close proximity to other industrial land uses makes residential development on the eastern side of the property, as proposed in 2007, less desirable. Grade changes on the site though do provide the opportunity for high to medium density residential to be located along the western side of the property.

The extension of Nettleton Avenue, to serve as an arterial street, is still a viable project and is indicated within the Future Transportation Map as meeting these needs. The extension of Nettleton Avenue will allow citizens within the core of Bonner Springs a more direct route to commercial necessities at Kansas Avenue and K-7 without needing to access K-7 directly, thus reducing local traffic on that route.

The existing Comprehensive Plan designation for the subject property as identified on the Future Land Use Map (Mixed-Use) is no longer feasible given current and long-term market conditions. The land lies adjacent to a large rock quarry which creates significant development impacts (noise, dust, vibration, etc.). The subject property also has severe grade changes, with the eastern third of the land falling off more than 60' in elevation. This causes significant challenges for mixed-use development, such as multi-family and retail. The retail market was already in severe decline even before the COVID-19 pandemic. There is no market today for building new big-box retail in today's e-commerce environment, or even traditional retail (in-line, pad site, fast-food, and specialty) on the subject property. There are still several available but undeveloped/unleased retail opportunities near this site, that are in locations that retailers consider to be better if the market changes. See attached retail analysis letter from Elevate Property Advisors, a major retail broker in the KC market. The best use for the property is Industrial, as presented by the Applicant. Some flex office/warehouse would likely be feasible on the adjoining lands to the north. Given its location further away from the rock quarry operations, there may even be a market for multi-family to the east of the existing Wal-Mart along Kansas Ave.

2. Traffic Counts and Pattern Changes?

As Nettleton Avenue does not connect to the north through the property currently, the traffic patterns and counts on that section of roadway have not changed and cannot be adequately addressed. The traffic counts and pattern changes would need to be looked at along K-7.

Traffic counts have steadily increased over the past fourteen (14) years; the included map indicates a significant number of additional vehicle traffic between Nettleton Avenue and I-70; approximately 4,500 vehicles. A large portion of these can be attributed to additional traffic from Nettleton headed northbound. The extension of Nettleton would alleviate local traffic impacts on the K-7 Corridor by providing access to one of our largest commercial nodes via the planned major arterial connection.

2019 traffic counts (map produced in 2020) as indicated by KDOT show and Annual Average Daily Traffic:

- 21,200 total vehicles (including 1660 Heavy Commercial vehicles) between Nettleton and Kansas Avenue
 - **Versus 2006 counts**
- 19,400 total vehicles (including 1515 Heavy Commercial vehicles) between Nettleton and Kansas Avenue

The Nettleton interchange is designed in a manner that it can handle large amounts of vehicular traffic from various styles and types of development with limited to no improvements.

Changes to traffic counts and patterns correlate with proposed industrial development, which is anticipated to generate considerably less traffic than the land uses anticipated in the Comprehensive Plan. Nettleton Ave. will need to be extended and realigned to accommodate truck/vehicle traffic from the new development. Most truck and vehicle traffic will access the property and exit via K-7 and Nettleton interchange. The Applicant will work with the City and KDOT to ensure that traffic patterns and volumes generated by the proposed redevelopment are appropriately accounted for in accordance with City code.

3. Utility/Infrastructure Changes?

There are currently inadequate utilities upon the site and surrounding area. Infrastructure improvements would need to be undertaken in order to make the site developable. Per the 2019 Sanitary Sewer Mater Plan; the site is expected to receive its sanitary sewer services through the planned Lonestar Interceptor line that traverses the eastern side of the property and extends to approximately the midpoint of the entire developable area.



Infrastructure improvements will be needed to support development of the subject property into its highest and best use. But no changes to anticipated and planned infrastructure are needed for industrial uses.

4. Status of Floodplain/Hydrology?

The site lies on top of a large ridge that runs north to south, there is no floodplain located within the site. Stormwater run-off will need to be addressed with development of the site.

No improvements are proposed in the floodplain, and a stormwater management study will be provided with the site plan submittal.

5. Changes in Surrounding Land Use?

There have been no changes to the surrounding land uses other than the growth of the rock quarry that lies to the east expanding further north within their property.

The area to the north was developed for retail uses approximately 15 years ago, but no other development has occurred in or around the surrounding area. Areas to the immediate east (rock quarry), south (vacant) and west (K-7) have not had any changes in decades. The highest and best use of the subject property is industrial.

STAFF RECOMMENDATION:

Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1401 S. 130th Street. The proposed alignment of the Nettleton Avenue extension, as indicated in the Future Transportation Map, should be taken into account and potentially used as a dividing line between future uses.

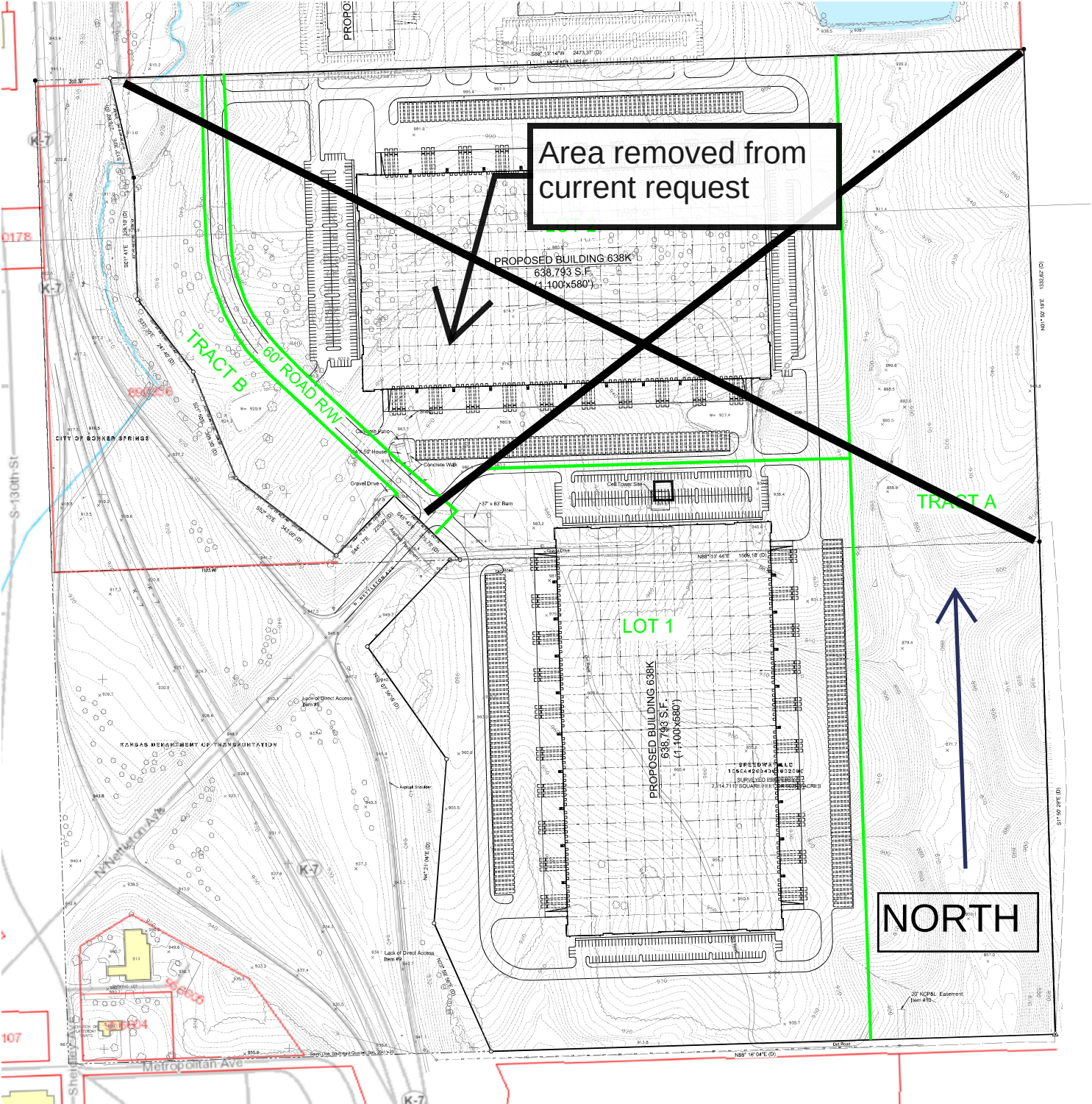
In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

If recommended for approval to the Governing Body; Staff recommends the following stipulations:

1. A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
2. A rezoning of the property in question shall take place prior to the Future Land Use Map being officially amended
3. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer, water, other public utilities as well as the extension of Nettleton Avenue.
4. A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
5. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
6. A Privately Funded Public Improvements construction agreement shall be prepared and approved by all parties prior to commencement of construction on such improvements.
7. The final plat shall be recorded with the Wyandotte County Register of Deeds.
8. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs.

If **APPROVED** this item will move to the Governing Body; the request will be presented at the February 14th, 2022 regular meeting.

Area removed from current request



A tract of land being the South One-Half of the Southeast Quarter of Section 20 Township 11 South Range 23 East of the Sixth Principal Meridian in Wyandotte County, Kansas, lying East of K-7 Highway and North of Metropolitan Avenue, more particularly described as follows:

Beginning at the Southeast corner of Section 20, said point being monumented by a smooth 1 inch iron bar in concrete; Thence South $88^{\circ} 16' 04''$ West, along the South line of the Southeast Quarter of Section 20, 1526.87 feet to the East right-of-way line of State Highway K-7; Thence North $23^{\circ} 59' 56''$ West 379.30 feet, along said right-of-way; Thence North $04^{\circ} 21' 04''$ East 445.50 feet, along said right-of-way; Thence North $35^{\circ} 07' 56''$ West 371.70 feet, along said right-of-way; Thence North $43^{\circ} 37' 04''$ East 323.27 feet, along said right-of-way to the North line of the South One-Half of the Southeast Quarter of Section 20; Thence North $88^{\circ} 13' 29''$ East 1595.47 feet, along said North line of the South One-Half of the Southeast Quarter of Section 20 to the midpoint of the East line of the Southeast Quarter; Thence South $01^{\circ} 50' 29''$ East 1332.71 feet, to the point of beginning, except that part in roads.

(Legal description take from ALTA survey prepared by Michael J. Schmidtberger,, and dated 11-08-21)

New Arterial

New Collector /Access Road

K-7 Mainline and Ramps

Proposed K-7 Right of Way

Overpass

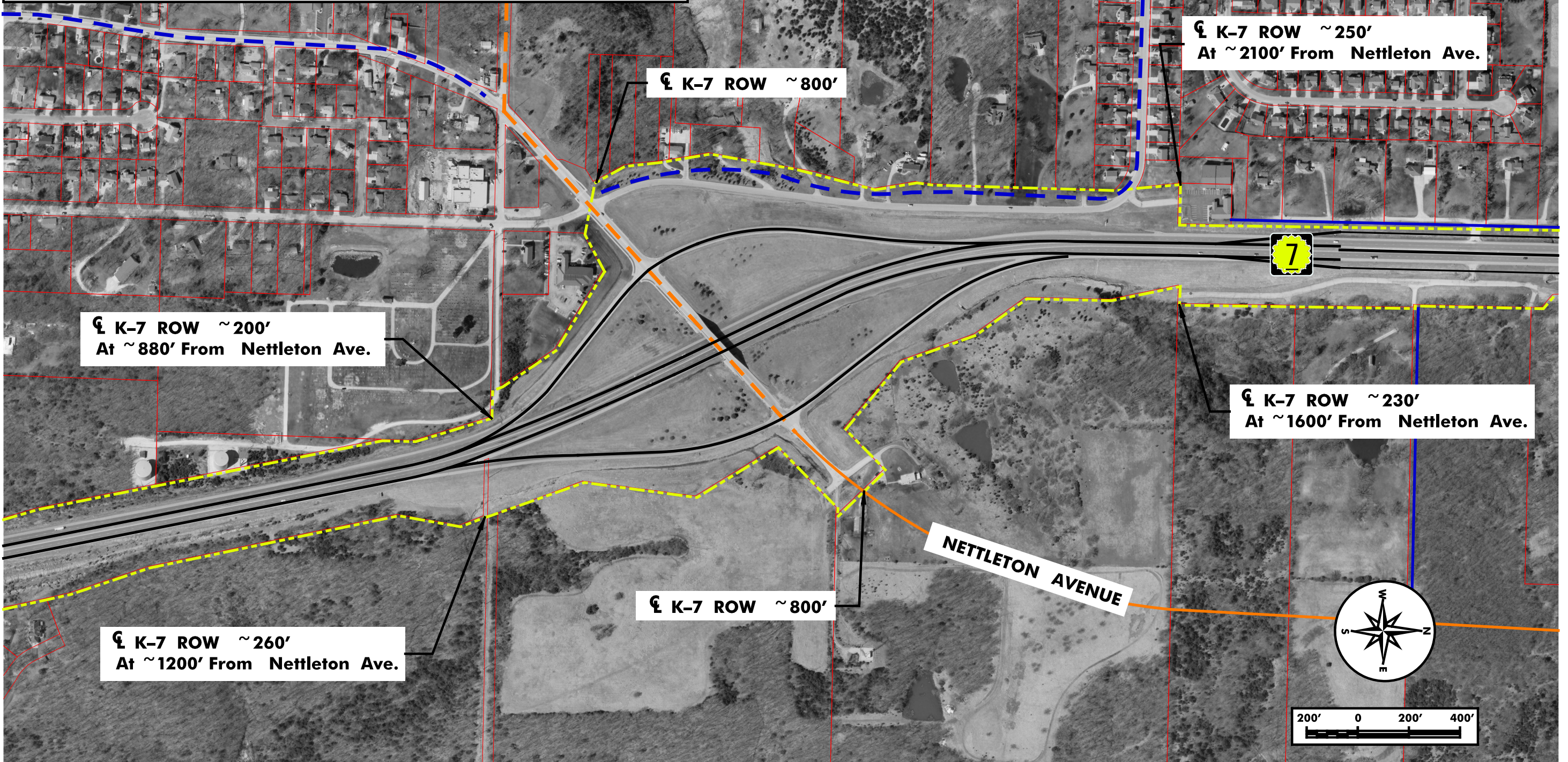
Legend

Existing Arterial

Existing Collector

City/County Boundary

Property Lines



GBA

GEORGE BUTLER ASSOCIATES, INC.
 Engineers · Architects

DISCLAIMER:
 These concepts are current as of May, 2013 and depict KDOT's recommended improvements for K-7 and the local street network from Spring Hill to Leavenworth. Modifications have been made to GBA's original plate by HNTB as part of KDOT's Rapid Response Work Order process. The exact location, design, and right-of way for this project cannot be determined from these concepts and could be different from that shown. Additional preliminary design will need to be performed to further refine the improvements and right-of-way requirements.

K-7 CORRIDOR STUDY
 Nettleton Avenue
 Plate No. B-31

Date of Aerials: 2010
 June 2015

New Arterial

New Collector /Access Road

K-7 Mainline and Ramps

Proposed K-7 Right of Way

Overpass

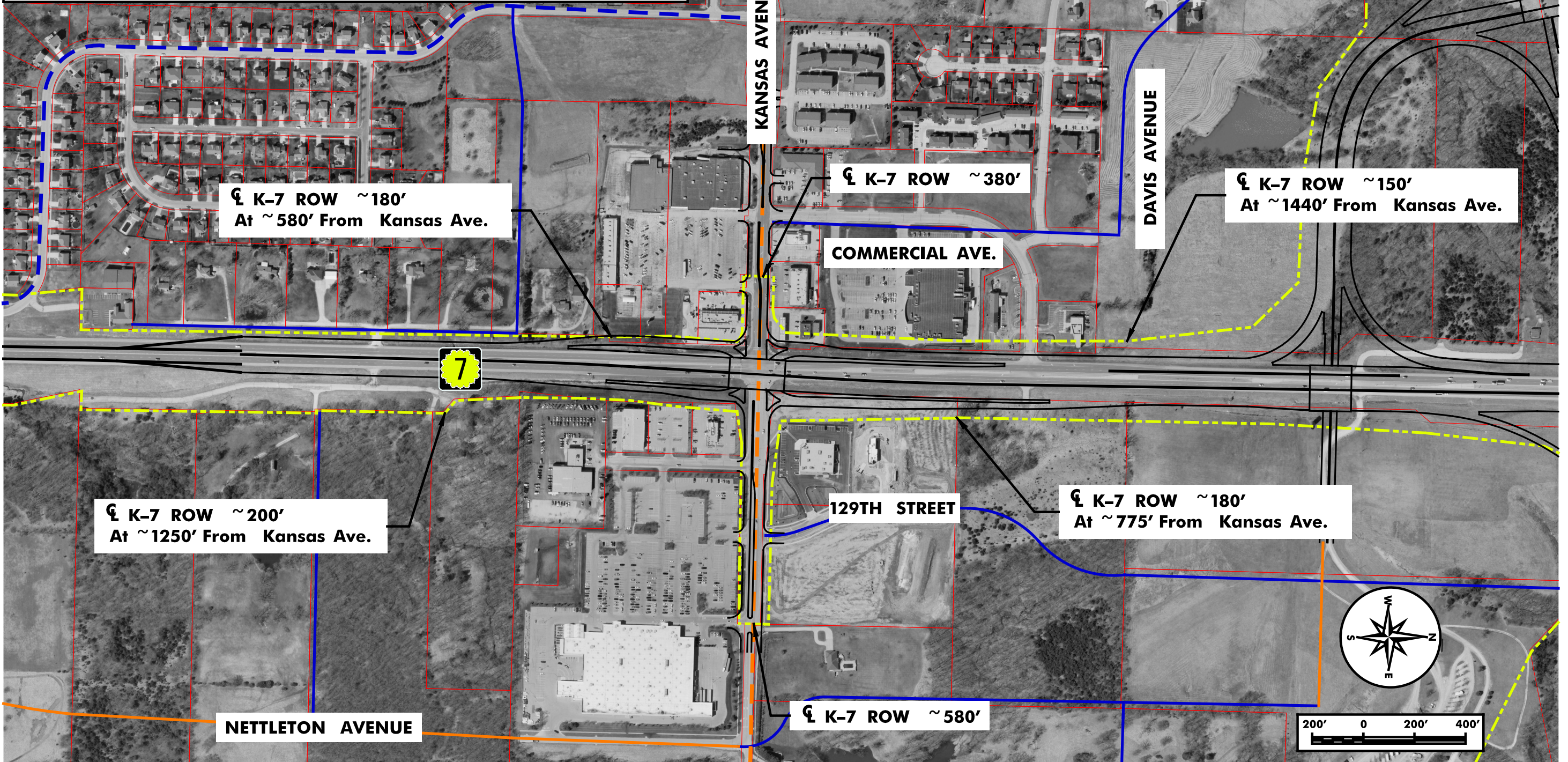
Legend

Existing Arterial

Existing Collector

City/County Boundary

Property Lines



DISCLAIMER:
 These concepts are current as of May, 2013 and depict KDOT's recommended improvements for K-7 and the local street network from Spring Hill to Leavenworth. Modifications have been made to GBA's original plate by HNTB as part of KDOT's Rapid Response Work Order process. The exact location, design, and right-of way for this project cannot be determined from these concepts and could be different from that shown. Additional preliminary design will need to be performed to further refine the improvements and right-of-way requirements.

K-7 CORRIDOR STUDY

Kansas Avenue

Plate No. B-32

Date of Aerials: 2010

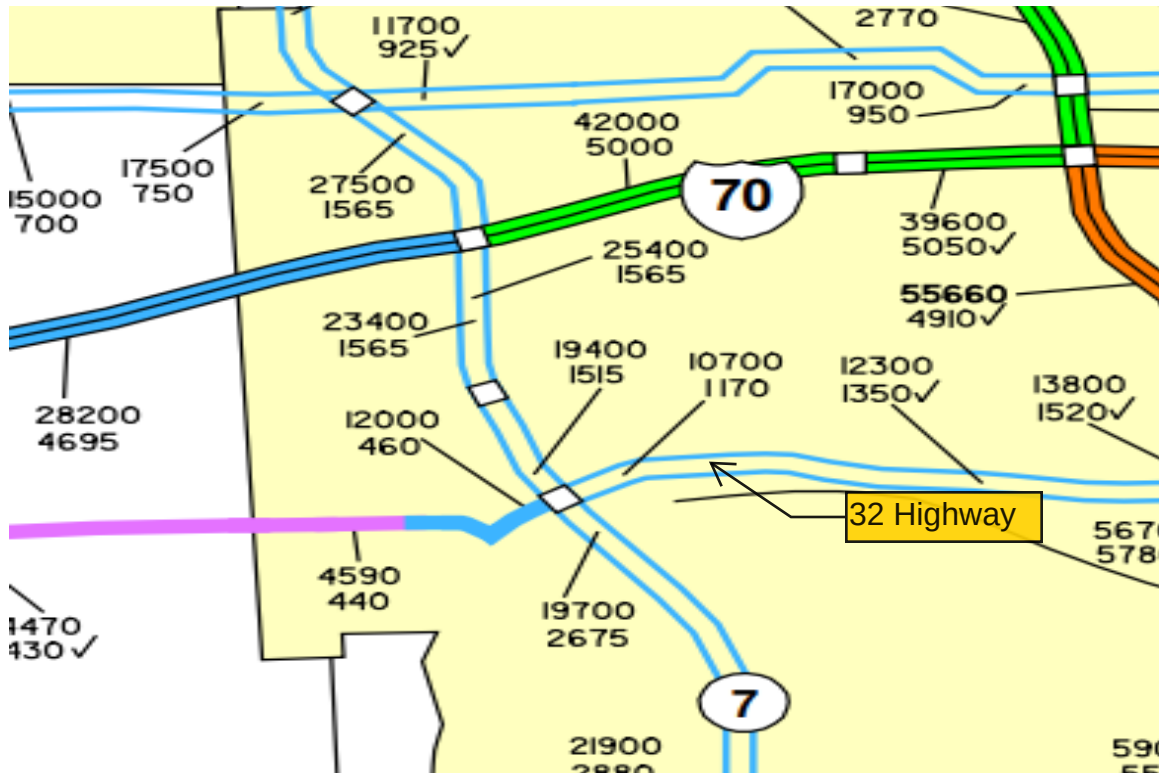
June 2015

GBA

GEORGE BUTLER ASSOCIATES, INC.

Engineers • Architects

2006 KDOT Annual Average Daily Traffic (AADT)



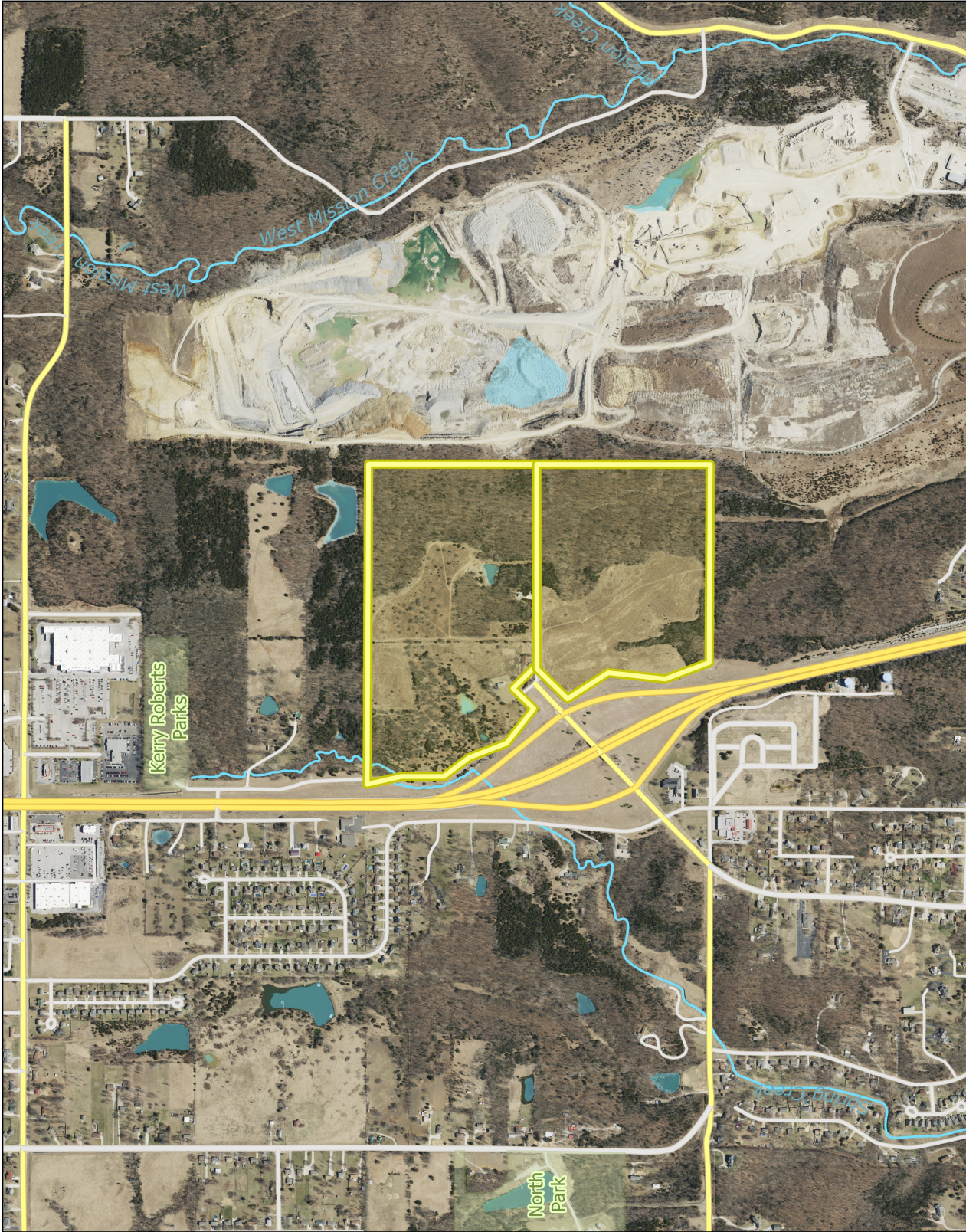
2020 KDOT Annual Average Daily Traffic (AADT)





GeoSpatial Services
710 N 7th St, Suite 200 | Kansas City, KS 66101
Ph: 913-573-2941 | gss@wycokck.org
www.wycokck.org/gss

K-7 & Nettleton Ave



Legend

- Parks
- Street Lables
- Buildings
- POI Labels
- POI
- Kansas Regional Counties
- Missouri Regional Counties
- Municipal Labels
- Municipal Boundaries
- Railroads
- MAIN
- SPUR
- YARD
- Roads
- INTERSTATE
- HIGHWAY
- MAJOR ARTERIAL
- MINOR ARTERIAL

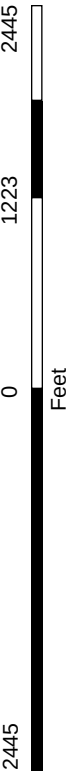
Locator Map

Notes

Map Print Date: 1/12/2022 12:40 PM



Map Scale
1: 14,672



DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co./Kansas City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk. UG will not be liable to any such user for any loss or damage whatsoever.

(c) 2015 Unified Government

Agenda Item # 5– BSCP-01-21 – PUBLIC HEARING - Comprehensive Plan Amendment (Future Land Use Map) – BK Properties LLC (c/o Ken Block) – 1401 S. 130th Street

Chair Gebauer introduced New Business Item #5 and called for a staff report.

Staff reviewed the report and explained the requested amendment to the Future Land Use Map (FLUM); the applicant is requesting the FLUM be amended from the current Mixed Use to Industrial.

The applicant's request initially was for two parcels, 1401 S. 130th Street and 1209 S. 130th Street, through discussions regarding the conflict in building layout to the intended Nettleton Avenue extension it was agreed upon by the applicant and staff to remove 1209 S. 130th from the discussion at this time.

Staff spoke of how Comprehensive Plan FLUM changes and Rezoning requests go hand-in-hand. Staff discussed the previous amendments to the FLUM from 2007 and how those changes were not acted upon at that time. Staff spoke of the current zoning configuration upon the two lots and how they were part of a proposed larger commercial and multifamily development. Staff spoke of the preliminary design that is completed for Nettleton and how this interacted with the KDOT K-7 Master Plan.

Chair Gebauer asked for a motion to open the Public Hearing – Vice-Chair Zeps made a motion to **OPEN** the Public Hearing; Commissioner Mesmer **SECONDED**.

Chair Gebauer asked if there were any questions of Staff; Vice-Chair Zeps asked for clarification regarding the agenda item. Staff stated that this particular meeting was to only discuss the southern parcel and that the northern parcel had been removed from this evening's discussion.

Vice-Chair Zeps went on the record stating that he lived within close proximity of the project and that his neighbor had land that adjoined the parcel in question, but at this time he felt impartial to the proposal.

Ryan Denk, with Mcenany, Vancleave and Phillips – Attorney retained by Block Real Estate Services – spoke about the requests being made by the applicant – Comprehensive Plan amendment and Rezoning.

Mr. Denk spoke at the beginning of the presentation and introduced the Block Real Estate Services team; he then proceeded to introduce Mr. Ken Block.

Mr. Ken Block approached the podium and introduced himself to the Commission. Mr. Block spoke about how he has been focusing his efforts along the K-7 corridor recently and in his travels discovered the parcel in question. Mr. Block began his presentation by speaking of the company's history and current holdings.

Staff will place the presentation as an addendum to the minutes.

Mr. Block spoke of how their industrial buildings contained a little more glass and a little more detail than the standard industrial building. He further discussed the multifamily projects that they currently have going. Mr. Block stated that he felt this particular area could have a business park atmosphere with multifamily placed within the development in the correct area to ensure it works within their plan. Mr. Block spoke of the development challenges of the site, mostly revolving around the amount and thickness of rock that is just under the surface. Mr. Block spoke of how his team thought the design of the Nettleton Avenue extension was not thoroughly vetted and that the amount of rock his team had discovered would prove to be very challenging to KDOT. He further explained that the roadway would most likely have to be cut through the rock, leaving twenty-five (25') foot tall rock abutments on both sides of the roadway and leaving the land on either side difficult to access. He then explained how their design of the Nettleton Avenue extension would parallel K-7 and traversed the outer perimeter of their proposed development. Mr. Block spoke of how his team and Staff

were working together to develop a layout that would suffice both their needs and those of Bonner Springs and its residents, that is why the northern parcel was pulled from discussions.

Chair Gebauer asked if there were any questions of the applicant at this time. Vice-Chair Zeps asked about the potential addition of multifamily residential being included and how that would interact with the proposed industrial. Mr. Block stated that they did not currently own the property north of the proposed parcels but they laid out their entire design to see how it would all interact with the land and each use. Mr. Block spoke of how their proposal indicated multifamily residences east of the Wal-Mart site and have access directly off of Kansas Avenue. Mr. Zeps asked what the intent of the proposed building would be. Mr. Block stated it would be approximately a 40 bay cross dock logistic center that would be similar to what Scannell is constructing in the Compass 70 Logistic Center (referring to the site plan approved prior to this agenda item).

Chair Gebauer asked if anyone from the public wished to speak about the item.

Robert Chadwick – 642 Macgrantwood Street - spoke to the fact that he owned the property directly south of the proposed development. Mr. Chadwick stated he was been a local real estate agent for 34 years. Mr. Chadwick spoke of the public meetings that had been held over the years regarding future land uses and how things could grow and expand in Bonner Springs. He did not think that Bonner Springs was ready for large warehouse buildings at one of the entrances to Bonner Springs. Mr. Chadwick stated the decision to go industrial must be made with caution and that it should be beneficial to the community. He further spoke about traffic issues that have come to light with the addition of the Amazon and FedEx distribution hubs south of the river and in Edwardsville and how those facilities impact K-7 and K-32.

Mr. Chadwick spoke about the size of the proposed building and how it compared to some of the surrounding structures, east and west of K-7 south of the river. He stated this proposed building is 2 ½ times larger than any of those buildings. He then asked the Commissioners to take a good look at what the potential impact of this rezoning may have on the immediate area and what other types of industrial businesses may come in after.

Ken Block approached the podium to address some of Mr. Chadwick's comments. Mr. Block stated that an additional 2.5 million square feet planned in that area. He went on to explain why he liked this area so much and how it could play into a 'business park' atmosphere and potentially bring businesses looking at surrounding cities. Mr. Block then spoke briefly about the challenges Gardner and Edgerton, Kansas had when it came to the Multi-Modal facility in Johnson County. How Gardner did not want industrial development in that area and Edgerton was in favor, Edgerton eventually annexed the land in question and began to work with the developers to bring that facility to the area. He spoke on how the same amount of traffic was now being funneled through Gardner but they were not receiving the benefits of having these businesses within their city limits. Block stated and from Olathe along K-7 all the north to Bonner Springs is potentially going to be industrial in nature with traffic going up and down K-7 regardless of the rezoning. Mr. Block stated it was more feasible to construct a large building on this rocky parcel as compared to smaller buildings. Mr. Block spoke to the fact they have had several retail analysts work on scenarios to see if any retail would work in this area, they all came back stating they would not. One, due to the retail markets as a whole the other due to its lack of proximity to I-70.

Wes Willet – 926 S. 130th Street – Mr. Willet had received the public hearing notice that indicated both lots were being looked at this evening. It had not been determined until after publication of hearing notice and mailings sent out that the northern lot would be removed at this time. He is speaking on behalf of himself and his brother; they are not against something that stands to benefit the residents of Bonner Springs. Their property has been in their family for over eighty (80) years. He further spoke on some of the history of the property. Mr. Willet then proceeded to speak about the past strategic plans of Bonner Springs and how this proposal differed; he hoped that the Planning Commission would take into account these properties and what the past visions represented making sure this project would represent those qualities.

Chair Gebauer asked if there was any other member of the public wishing to speak for or against the proposal, being none Chair Gebauer called for a motion to close the public hearing. Commissioner Mesmer made a motion to CLOSE the public hearing, Commissioner Perica **SECONDED**. The public hearing was closed.

Chair Gebauer asked the Commissioners if there was a motion to approve, amend or deny the requested Comprehensive Plan amendment – BSCP-01-21. Vice-Chair Zeps made a motion to **APPROVE** the Comprehensive Plan change with Staff recommendations. Commissioner Mesmer **SECONDED**.

Vice-Chair Zeps began discussions by relating this proposal to that of Old Dominion Freight Line and how that proposal did not match the Future Land Use Map when presented either and after several long public hearing meetings they had rejected the proposal only to have Council overturn that decision. He further spoke to the fact that this zoning request appeared to resemble spot zoning and that the K-7 corridor was slowly being changed from what the duly adopted plan indicated, as retail and multi-family, to more of an industrial corridor.

Commissioner Mesmer stated that looking at the past, the parcel was vacant fifty (50) years ago and remains that way today. He did agree with comments made by Vice-Chair Zeps but he further understood that the Bonner Springs had no more industrial ground to develop. He spoke of the age of the Comprehensive Plan and how plans are sometimes meant to change.

Chair Gebauer asked if any other Commissioners had discussion topics, Commissioner Clark stated he was concerned about the increase in traffic and how it seems as though the Staff recommendation of a Traffic impact Study being conducted could aid in that area.

A question was raised by a member of the public as to why the Nettleton Avenue extension has never been completed. He stated we have known for years that growth is coming and could not understand why the street was never completed. Staff stated it was their opinion that it was because of a lack of funding. The Nettleton Avenue extension is a part of the K-7 Corridor Masterplan and that KDOT would most likely be looking to utilize Nettleton as a detour around future construction along K-7 from Speaker past Kansas Avenue and back to K-7 via the completed extension. Staff explained that constructing Nettleton Avenue with no development along it would not be beneficial; but when you have a developer come in looking to develop ground in an area like this, you place the burden of constructing roadways upon them, you further supply them the plans that have been put in place and let them know that this was or is the intent of said area or roadway.

A member of the public had not spoken during the Public Hearing portion, wanting to give all members of the public an opportunity to speak the motion made by Vice-Chair Zeps and the Second by Commissioner Mesmer were **RECEDED** at this time and the Public Hearing was reopened to allow for further public input.

Rod Phillips – 1134 S. 130th St – Spoke of growing up in Baldwin, KS and how he understands the struggles of the ‘small town’ environment. He spoke on his concerns of the increase in traffic and how that may play into future bridge or roadway improvements. Mr. Phillips stated he thought this proposal would be an eyesore to Bonner Springs as this is one of two entrances into downtown. He further spoke about the quality of construction that Block produces but he still felt as though this was not the appropriate place for light industrial. In his thoughts, if the Bonner Springs keeps going the way it is it will not be a community of families but a community of industrial parks.

Mr. Block approached the podium and spoke about the heavy industrial use of the quarry and how that negatively impacts this area. He further spoke to the fact that through their market study, the 2007 retail plan will not work due to the costs of infrastructure and because ‘big-box’ retailers are not constructing new stores nationwide. Mr. Block then began to speak of what they thought the appropriate land uses would be in that area and how the majority of those uses do not work due to demographics and economics. Mr. Block stated as a developer coming into the community, he wants to do the right thing and build something nice; He does not

want to go into a place where the city does not see this type of development occurring. He would like to make this area a business park type community. Mr. Block referenced the utility extensions that would be necessary to have any development occur in that area, at this time there is none, essentially devaluing these adjacent properties for development. Mr. Block reference the lack of sanitary sewer infrastructure in the development area. *Staff comment – while there is a 12” sewer main under K-7, it runs south through the heart of Bonner springs and is currently at 60% capacity not accounting for I & I (inflow and infiltration).*

Chair Gebauer asked if anyone else from the public wished to speak, being none he called for a motion to close the public hearing. Vice-Chair Zeps made the motion to **CLOSE** the public hearing, Commissioner Mesmer **SECONDED**.

Vice-Chair Zeps restated his initial motion, Zeps moved to **APPROVE** with staff recommendations BSCP-01-21, Commissioner Mesmer **SECONDED**. Vice-Chair Zeps reiterated the fact that he felt we were spot zoning things up and down K-7 and it had no true plan behind it. Vice-Chair Zeps asked Staff what the timeline was for moving forward with the Comprehensive Plan updates. Staff stated that as of this evenings meeting we had no agenda items coming forward in February or March and these should be key months in working on an updated Future land Use Map.

Staff spoke about the difficulties the rock quarry posed for this particular site and how future development of the area was being negatively affected because of this use. Staff spoke of how the brick and mortar retail industry is dying and moving towards internet based sales. Staff stated they have been working diligently with Block in order to bring forward a development that would fit the City’s needs and interests, along with maintaining the Mixed-Use feel, albeit industrial and multi-family and not retail necessarily.

Commissioner Neff stated she felt as though Bonner Springs was running out of industrial sites and saw this proposal as filling that need. Commissioner Neff also stated that if we were going forward with changes to the Comprehensive Plan then she wanted to know how the community viewed these land uses. Staff stated the intent was to get as public involvement as possible but that unfortunately we can only make the public get as involved as they wanted.

Chair Gebauer called for a roll call vote on the motion.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer

NAY – None

MOTION PASSED 6 – 0

ORDINANCE NO. _____

An Ordinance to Amend the Future Land Use Map of the Comprehensive Plan For BSCP-01-21, a Change from a Mixed Use designation to an Industrial Designation and to Amend the Zoning Classification on the Official Zoning Map from an A-1, Agricultural District and C-2, General Business District to a I-1, Light Industrial District For BSRZ-03-21 for 1401 S. 130th Street in the City of Bonner Springs, Wyandotte County, Kansas

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

Section I: That the Land Use designation on the Future Land Use Map of the Comprehensive Plan and the Zoning classification on the Official Zoning Map be amended for the following described tract of land situated in the South One-Half of the Southeast Quarter Section 20, Township 11 South, Range 23 East, in the City of Bonner Springs, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southeast corner of Section 20, said point being monumented by a smooth 1 inch iron bar in concrete; Thence South 88° 16' 04" West, along the South line of the Southeast Quarter of Section 20, 1526.87 feet to the East right-of-way line of State Highway K-7; Thence North 23° 59' 56" West 379.30 feet, along said right-of-way; Thence North 04° 21' 04" East 445.50 feet, along said right-of-way; Thence North 35° 07' 56" West 371.70 feet, along said right-of-way; Thence North 43° 37' 04" East 323.27 feet, along said right-of-way to the North line of the South One-Half of the Southeast Quarter of Section 20; Thence North 88° 13' 29" East 1595.47 feet, along said North line of the South One-Half of the Southeast Quarter of Section 20 to the midpoint of the East line of the Southeast Quarter; Thence South 01° 50' 29" East 1332.71 feet, to the point of beginning, except that part in roads.

Be **amended** from a Mixed Use designation to an Industrial Land Use designation under BSCP-01-21, and **rezoned** from a C-2, General Business District and A-1, Agricultural District to an **I-1, Light Industrial District** Zoning classification under BSRZ-03-21 for 1401 S. 130th Street.

Section II: Approval is subject to the following (4) conditions:

1. A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
2. A rezoning of the property in question shall take place prior to the Future Land Use Map being officially amended
3. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer, water, other public utilities as well as the extension of Nettleton Avenue.
4. A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
5. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
6. A Privately Funded Public Improvements construction agreement shall be prepared and approved by all parties prior to commencement of construction on such improvements.
7. The final plat shall be recorded with the Wyandotte County Register of Deeds.
8. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs
9. Upon completion of all the above conditions, the City Planner shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-01-21 and BSRZ-03-21.

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on February _____, 2022.

Jeff Harrington, Mayor

ATTEST:

Christina Brake, CMC, City Clerk

(SEAL)



K-7 and Nettleton Avenue

Mixed-Use Development
Bonner Springs, Kansas

January 18, 2022



REAL ESTATE SERVICES, LLC



REAL ESTATE SERVICES, LLC

Block Real Estate Services, LLC (BRES) is a full-service commercial real estate brokerage and development company managing over 43 million square feet of retail, office, industrial, and multifamily properties for equity partnerships and third party owners. Our development division has developed over 325 office, industrial, retail, and medical buildings totaling over \$4.0 billion.



BRES's portfolio of services include:

- Construction and Development Services
- Financial Services
- Economic Incentives Consultation
- Asset and Property Management
- Investment Services
- Real Estate Brokerage Services
- Tenant/Landlord Representation
- Investment Services
- The Block Funds

43,970,577

TOTAL BUILDING SF UNDER OWNERSHIP AND MANAGEMENT

5,849,499

TOTAL MULTIFAMILY SF

1,653,000

TOTAL HEALTHCARE SF

20,362,100

TOTAL INDUSTRIAL SF

12,800,664

TOTAL OFFICE SF

3,305,314

TOTAL RETAIL SF

**Mixed-Use has been broken out into office, retail and multifamily.*



REAL ESTATE SERVICES, LLC

REAL ESTATE. REAL STRATEGIES. REAL SUCCESS®

Industrial Development Experience



Lenexa Logistic Centre East Building 3

16301-16501 West 116th Street
Lenexa, Kansas

Industrial Building Development
249,150 SF

Completed: 2020



Pine Ridge Business Park West Building 31

11501-11541 W. 81st Street
Lenexa, Kansas

Flex Building Development
58,106 SF

Completed: 2018



Earth City Logistics Center

4227-4203 Earth City Expressway
Earth City, Missouri

Industrial Building Development
130,825 SF

Completed: 2017



Lenexa Logistic Centre Building 7

11019 Strang Line Road
Lenexa, Kansas

Industrial Building Development
401,197 SF

Completed: 2017

2018 Capstone Award Winner
- Kansas City Business Journal



Lenexa Logistics Centre N. Building 1

11082-11066 Strang Line Road
Lenexa, Kansas

Industrial Building Development
635,834 SF

Completed: 2017

2017 Capstone Award Winner
- Kansas City Business Journal



College Crossing Building K

11106-11130 Strang Line Road
Lenexa, Kansas

Flex Building Development
66,916 SF

Completed: 2014

Multifamily Development Experience



The Royale at CityPlace

10501 W. 113th Street
Overland Park, Kansas
Multifamily Development
344 Units
Completed: 2018

2017 Capstone Award Winner
- Kansas City Business Journal



The Apex at CityPlace

College Boulevard and Switzer Road
Overland Park, Kansas
Multifamily and Retail Development
370 Units
Expected Completion: 2021



WaterSide Residences on Quivira

8201 Quivira Road
Lenexa, Kansas
Multifamily Development
481 Units
Phase 1 Completed: 2017
Phase 2 Completed: 2018



The Villas at 44 Washington

Washington Street
Kansas City, Missouri
Multifamily Development
8 Units
Expected Completion: 2021



44 Washington North Plaza Residences

4400 Washington Street
Kansas City, Missouri
Multifamily Development
196 Units
Completed: 2020



The Villas at WaterSide

SW Corner of 81st and Flint Streets
Overland Park, Kansas
Multifamily Development
296 Units
Expected Completion: 2021

Aerial of Site

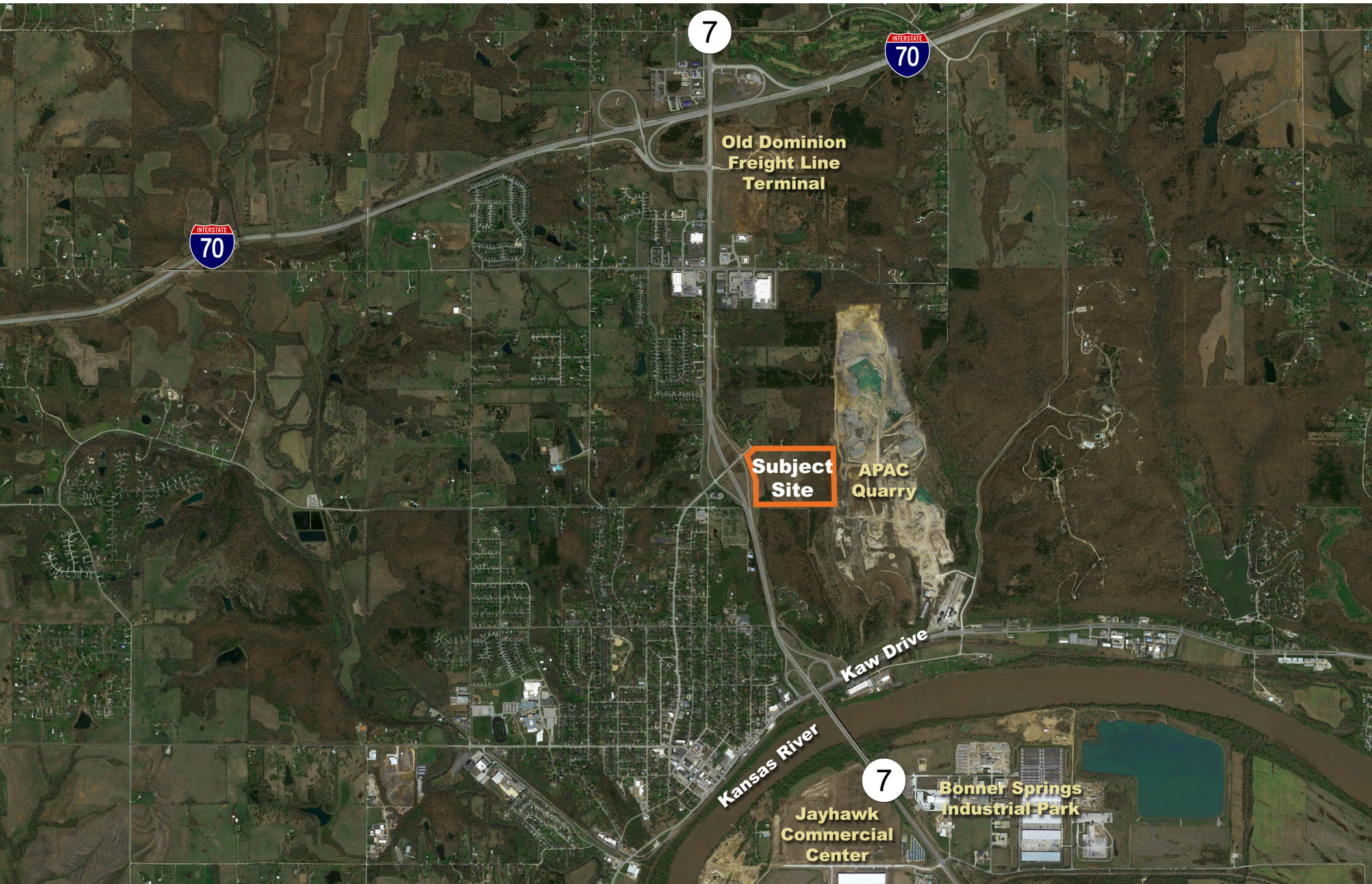
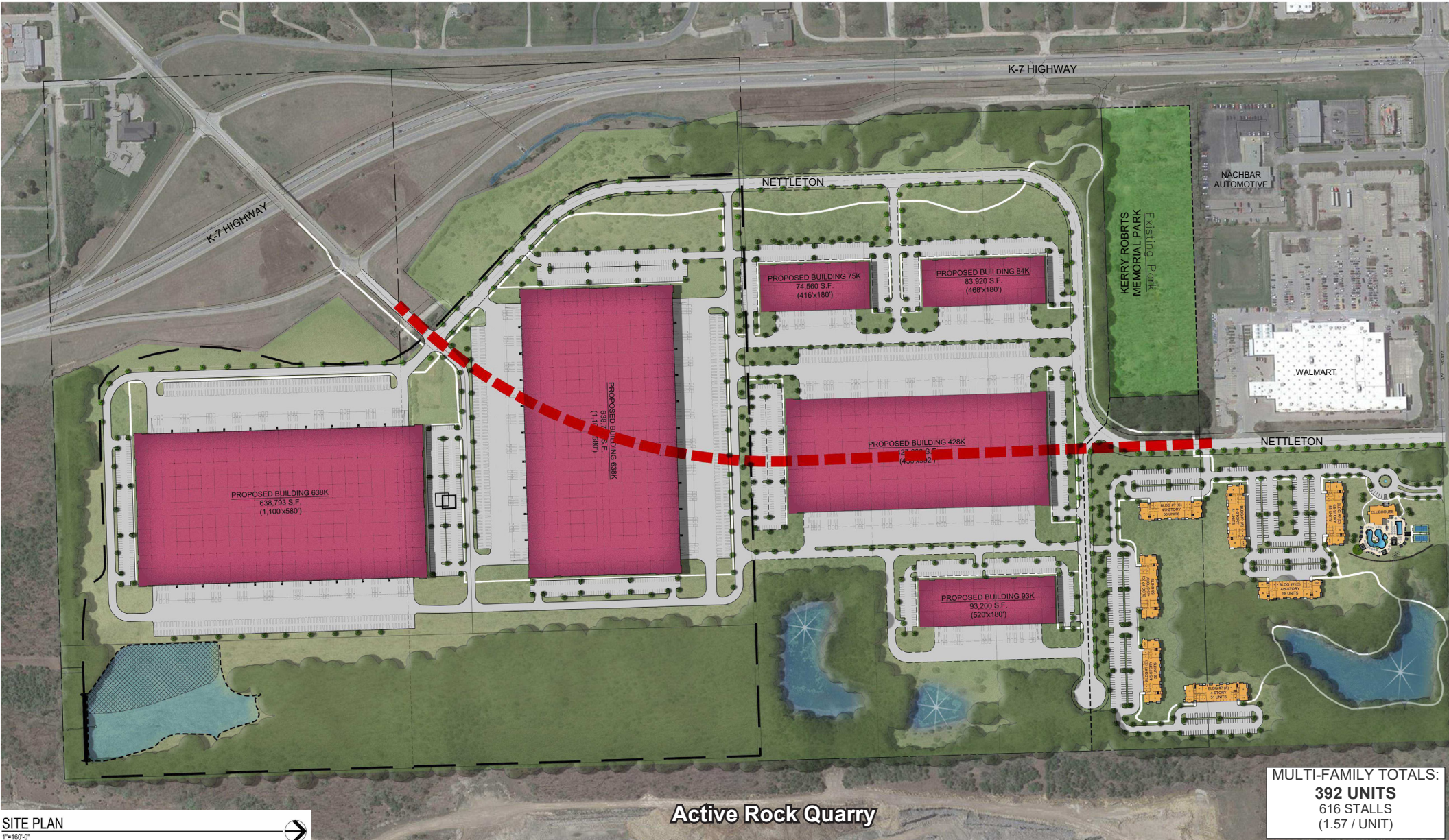


Photo of Site Looking South

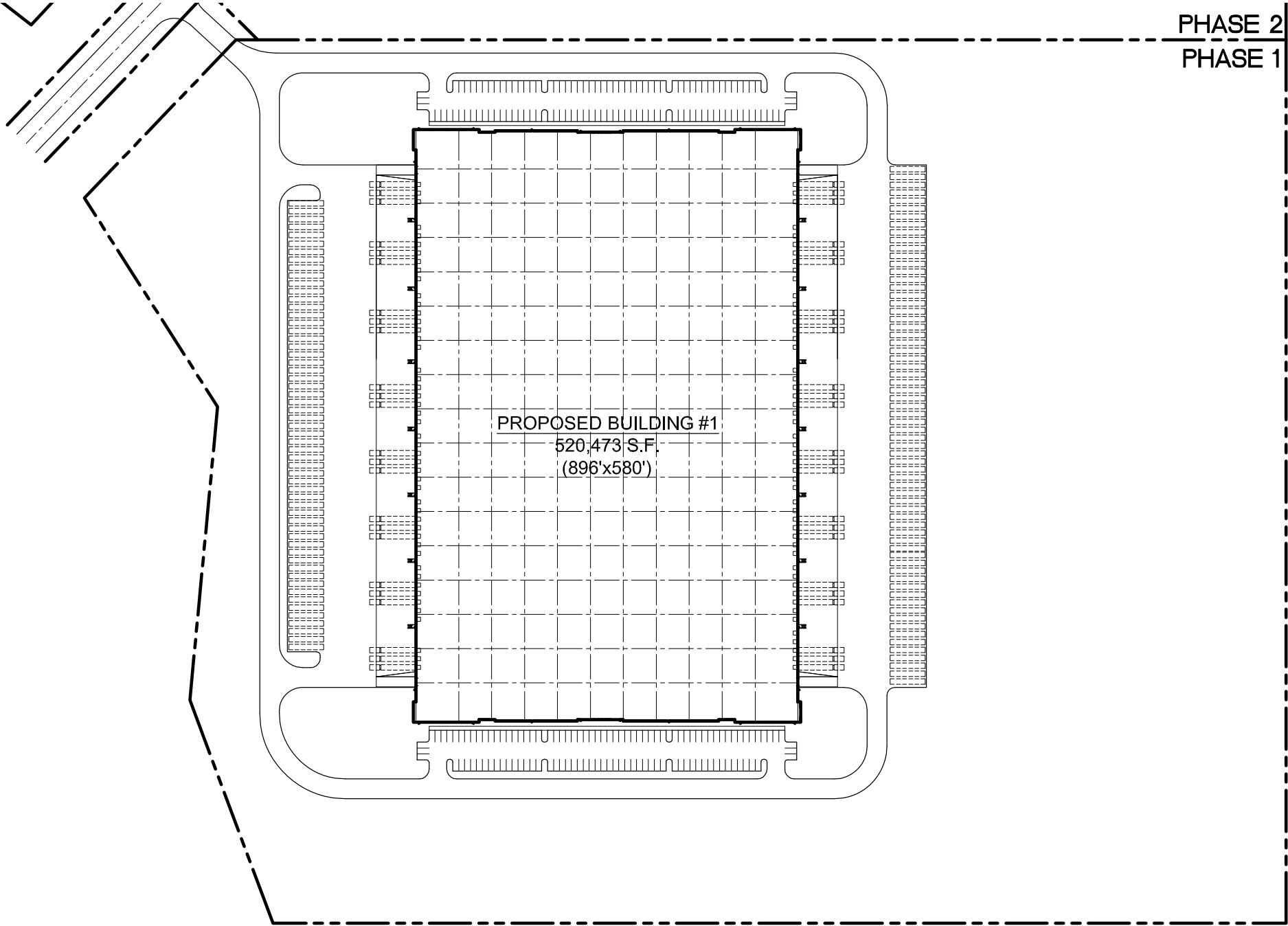


Future Land Use



South Lot Site Plan

PHASE 2
PHASE 1



Sight Line Renderings

**View from East Side of K-7
at Nettleton Crossover**



**View from West Side of K-7
at Nettleton Crossover**



**View from South K-7
Exit Ramp**



Industrial Inspirational Images



REAL ESTATE SERVICES, LLC

REAL ESTATE. REAL STRATEGIES. REAL SUCCESS®

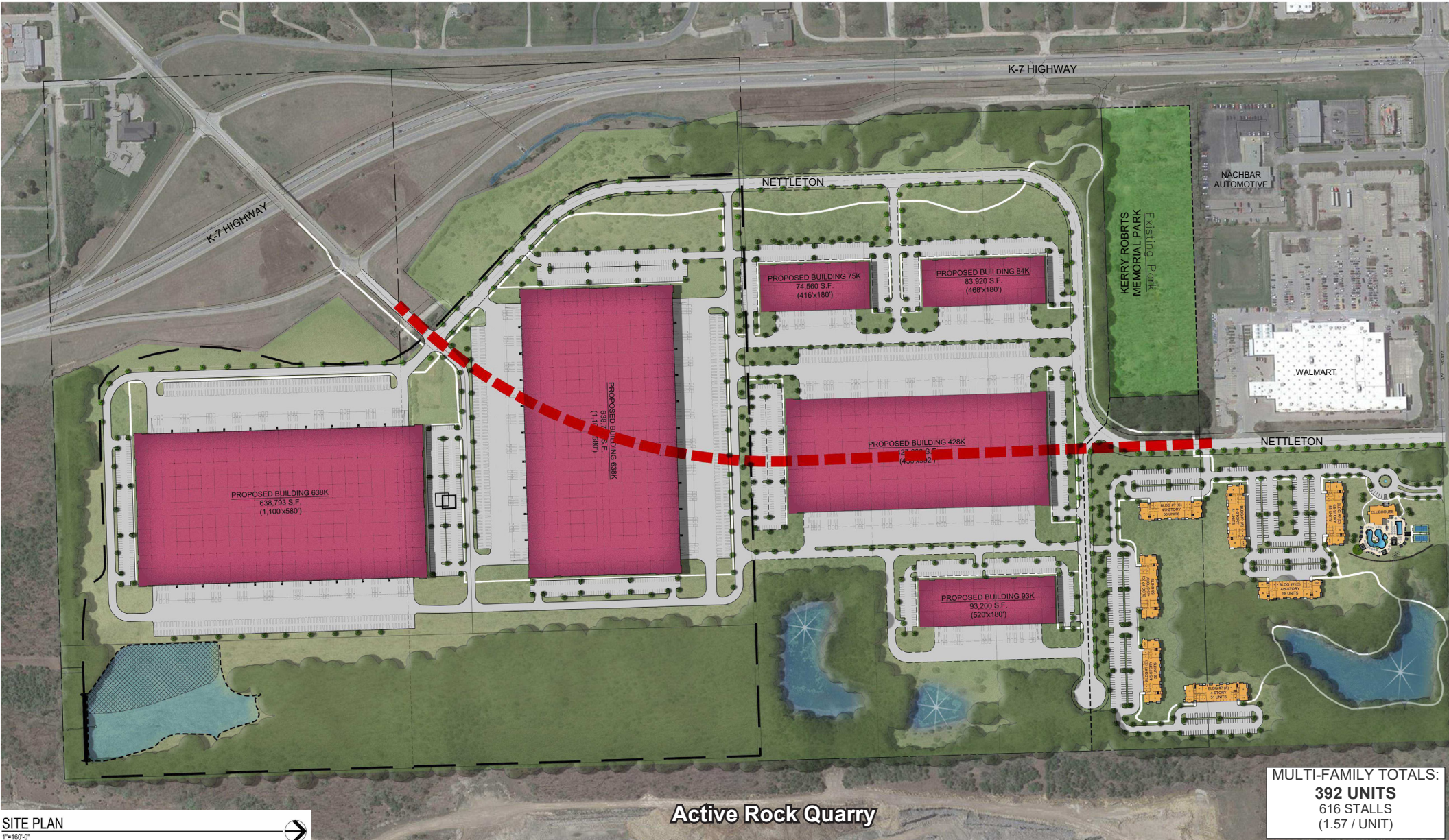
DISCUSSION

Retail Analysis

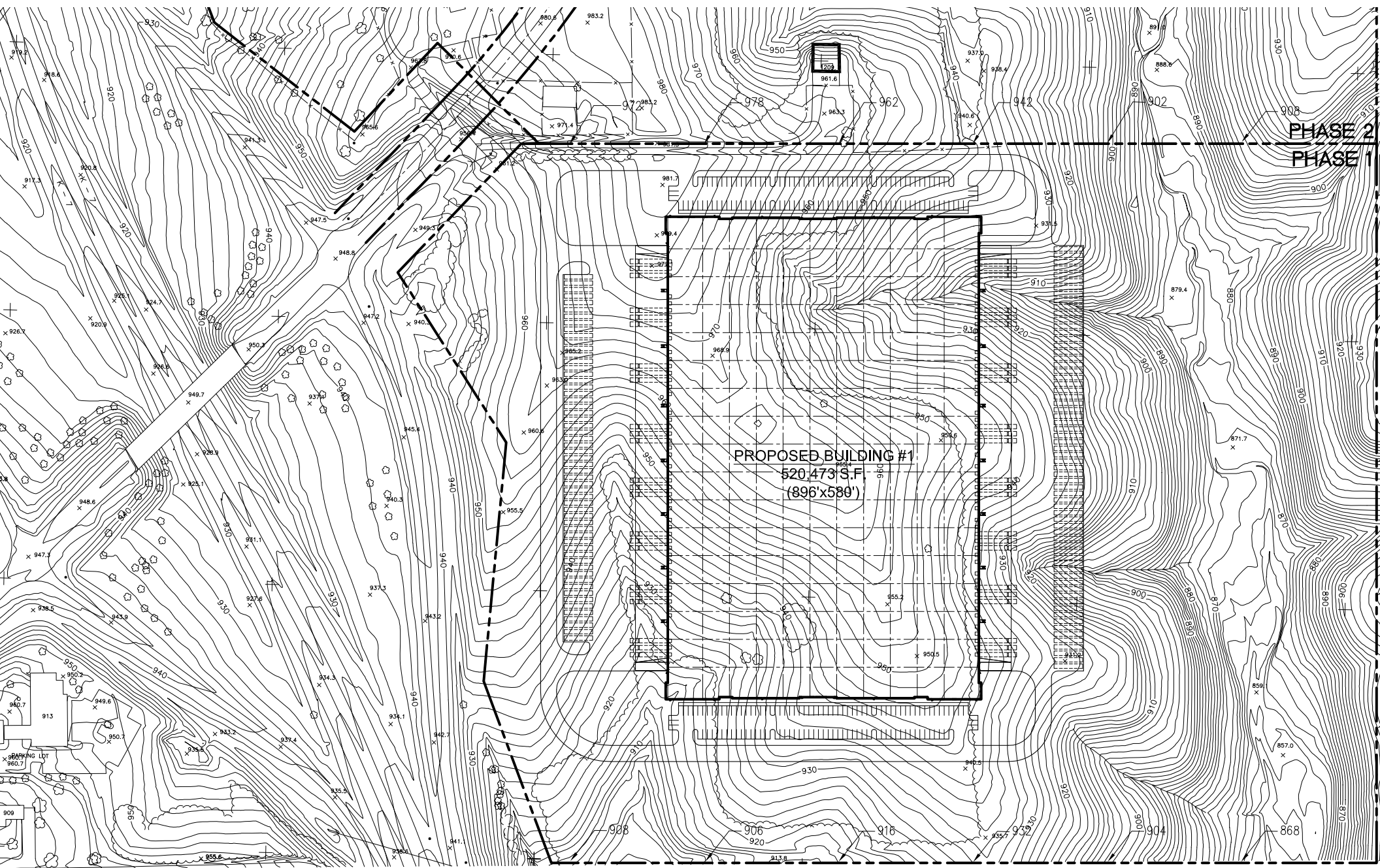
Presented by Jeff Berg, Elevate Property Advisors

- 29 Years in Retail Real Estate Brokerage, Investment and Development
- Represents major retailers including Costco, Target, Dick's Sporting Goods, Petsmart, Chick fil A, Whataburger, JP Morgan Chase Bank
- This site is not viable for large or small format retail for several reasons, including:
 - Market Attraction. Before considering this interchange,
 - Retailers will prefer sites along I-70
 - Retailers will prefer sites closer to an anchor tenant such as Walmart
 - Retailers will prefer sites closer to the residential population
 - Economics
 - Retail rents are flat or declining, and retail centers can no longer be constructed at a cost that supports these rents
 - Even Public/Private partnerships cannot subsidize the retail market enough to make new retail construction viable at any but the highest demographic market areas
 - Site Specifics
 - Low traffic counts, even after the proposed new construction, will make this site unattractive compared with competing market areas nearby
 - Topography and lack of infrastructure make site development too expensive for projected sales
 - The area doesn't have enough fundamentals to induce retailers to be the first in to a new area

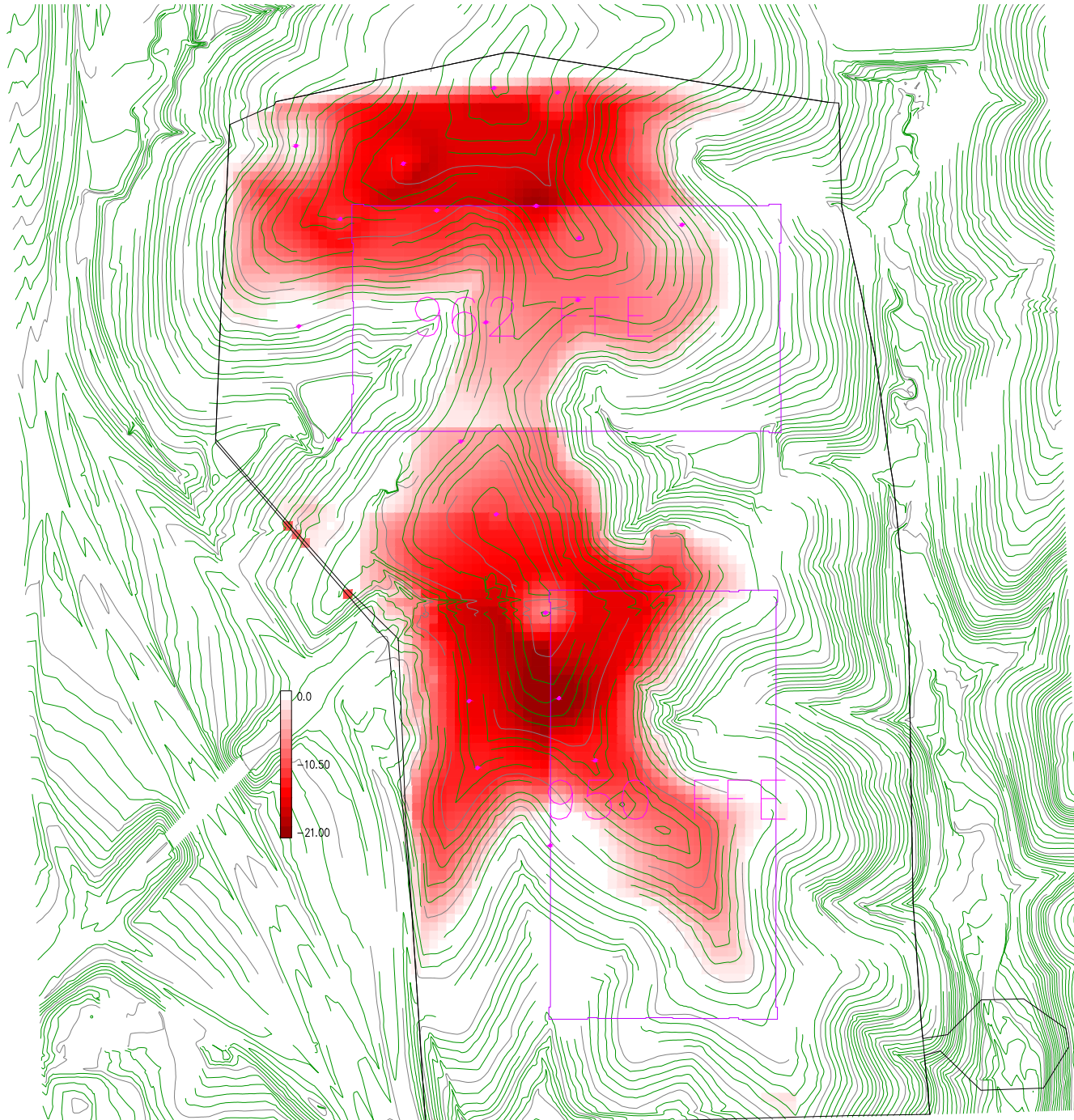
Future Land Use



Site Plan With Contours



Rock Map



Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Mark Lee

Subject: BSRZ-03-21 - Request for Approval of a Zoning Change from A-1 (Agricultural District) and C-2 (General Business District) to the Zoning Category of I-1 (Light Industrial) for 1401 S. 130th Street.

Recommendation: Staff and the Planning Commission (6-0) recommend approval

Action: Make a motion to adopt an ordinance approving the request for rezoning

Background: The properties have gone through several planning processes over the past ten to twenty years but no development has occurred upon the property. Currently the property is occupied by a vacant farm house and its surrounding acreage, it was also slated to become a retail/commercial center with multi-family residential to the east; this layout is indicated in the current zoning configuration.

There are currently three distinct zoning districts located on the parcels, A-1 (Agricultural) generic blanket zoning (32+/- acres) and C-2 (General Business) (10+/- acres).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

Discussion: REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property is a mix of highway use to the west, with residential areas beyond that. To the east is zoned heavy industrial (I-2) and consists of 490 acres owned by Deffenbaugh Industries which is currently utilized as a rock quarry. To the north lies Kerry Roberts Park, an occupied single family residence, a vacant parcel and a retail center anchored by the Walmart store. To the south is a vacant residential parcel consisting of 45+/- acres, this parcel abuts a 7 lot residential subdivision.

THE ZONING AND USES OF THE PROPERTY NEARBY –

- NORTH - C-2 (General Business) – current zoning - vacant.
 R-3 (Multi-family Residential) – current zoning - vacant.
 A-1 (Agricultural District) – single family residence
 C-2 (General Business)
 C-S (Highway Service) Districts – retail center and large retailer along
 with other commercial uses
- EAST - I-2 (Heavy Industrial) - rock quarry
- SOUTH - R-1 (Single Family Residential) – vacant wooded parcel

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED –

The property is currently vacant with a portion of the current zoning reflecting a retail/commercial development (C-2) and the remaining portion being zoned as agricultural (A-1) with no active plans for development. The property has had at least two different mixed-use designs laid out, presented to the City and approved in the past. Bonner Springs has long envisioned the entirety of this area as an additional commercial hub similar to K-7 and Kansas Avenue. The heavy industrial use to the east makes this style of development increasingly difficult due to the visual appearance, noise, dust and quarry blasting that is present today. The interchange at Nettleton Avenue is best suited for larger amounts of vehicular traffic, thus benefitting a residential-commercial (mixed-use) use, though it can permit an increase in truck traffic as well.

THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY –

Rezoning this parcel to I-1 (Light Industrial) would remove a small portion of potentially viable sales tax generating retail/commercial development. The conventional retail industry is dwindling nationwide though, and traditional brick and mortar businesses are not being developed as in the past. With an already existing heavy industrial zoning use directly to the east, it is difficult to determine if the rezoning of this property will prove detrimental. The property directly north and south of the intended rezoning, while under individual ownership, is utilized as residential and could continue to develop as such. Locating light industrial in the area may decrease the potential value of these properties as a residential development but increase the value for other uses. While these residential properties are abutted by a heavy industrial use to the east, they are buffered by the significant elevation change and wooded area between the two.

THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED –

The subject property has not seen development occur upon it to date; the parcel is vacant but does have an active Earth Change Permit issued. The Earth Change Permit was issued to the current owners; Staff understands they were interested in flattening the parcel to make it more marketable.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL

By removing the commercial zoning from the property and replacing it with light industrial, there is little to no gain to public health, safety and welfare.
 As the property is currently zoned, C-2 (General Business) and A-1 (Agricultural), it has been

anticipated to be utilized in a much larger residential-retail-commercial configuration. If the zoning change were not approved there could potentially be a financial hardship placed upon the current property owner, as this is the first prospective development of the parcel since 2007.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff would recommend approval of the requested rezoning of 1401 S. 130th Street from C-2 (General Business) and A-1 (Agricultural) to I-1 (Light Industrial). Staff would further state, that ongoing discussions are planned to determine how the property to the north, 1201 S. 130th Street, could be utilized to better serve the general public; potentially as a multifamily residential area with limited commercial and light industrial to the east, this scenario conforms more to adopted Future Land Use Map.

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map currently identifies the subject property as Mixed Use. The Mixed Use zoning district is intended to provide a live-work-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This live-work-play lifestyle is intended to provide retail and commercial uses within walking distance of the residents that live within the area. Currently, the requested rezoning does not conform to the Comprehensive Plan.

The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6

dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouses, condominiums, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

In contrast, the Comprehensive Plan states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1' and 'I-2' districts of the city zoning regulations.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 6

BSRZ-03-21

Topic: PUBLIC HEARING - Consider a request for approval of a zoning change from A-1 (Agricultural District) and C-2 (General Business District) to the zoning category of I-1 (Light Industrial) for 1401 S. 130th Street.

Narrative:

The property has gone through several planning processes over the past ten to twenty years but no development has occurred upon the property. An approved 2007 rezoning plan indicated this parcel and the one directly to the north to become a retail/commercial center with multi-family residential along the eastern side of the northern parcel; this layout is indicated in the current zoning configuration.

There are currently two (2) distinct zoning districts located on the parcel, A-1 (Agricultural) generic blanket zoning (32 acres +/-) and C-2 (General Business) (10 acres +/-).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

Presented by: Mark Lee- City Planner

Staff Recommendation:

Staff recommends the Planning Commission approve the requested zoning change for 1401 S. 130th Street from A-1 (Agricultural District) and C-2 (General Business District) to I-1 (Light Industrial) as presented.

Attachments:

Staff Report (5pgs)
Current zoning areas (1pg)
Legal Description (1pg)

REQUEST FOR APPROVAL OF A ZONING CHANGE FROM A-1 (AGRICULTURAL DISTRICT) AND C-2 (GENERAL BUSINESS DISTRICT) TO I-1 (LIGHT INDUSTRIAL)

MEETING DATE: January 18, 2022
REPORT WRITTEN: November 29, 2021 (Revised January 14, 2022)
APPLICATION #: BSRZ-03-21

APPLICANT:
BK Properties LLC (C/O Ken Block)
4622 Pennsylvania Avenue, Suite 700
Kansas City MO 64112

ENGINEER
McClure
11031 Stang Line Road
Lenexa KS 66215

REQUEST:

- The applicant is requesting approval to rezone 1401 S. 130th Street from A-1 (Agricultural District) and C-2 (General Business) to I-1 (Light Industrial). The property in question is located east of K-7 and south of the current Nettleton Avenue.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Future Land Use Map currently designates this property as Mixed Use.

SURROUNDING ZONING:

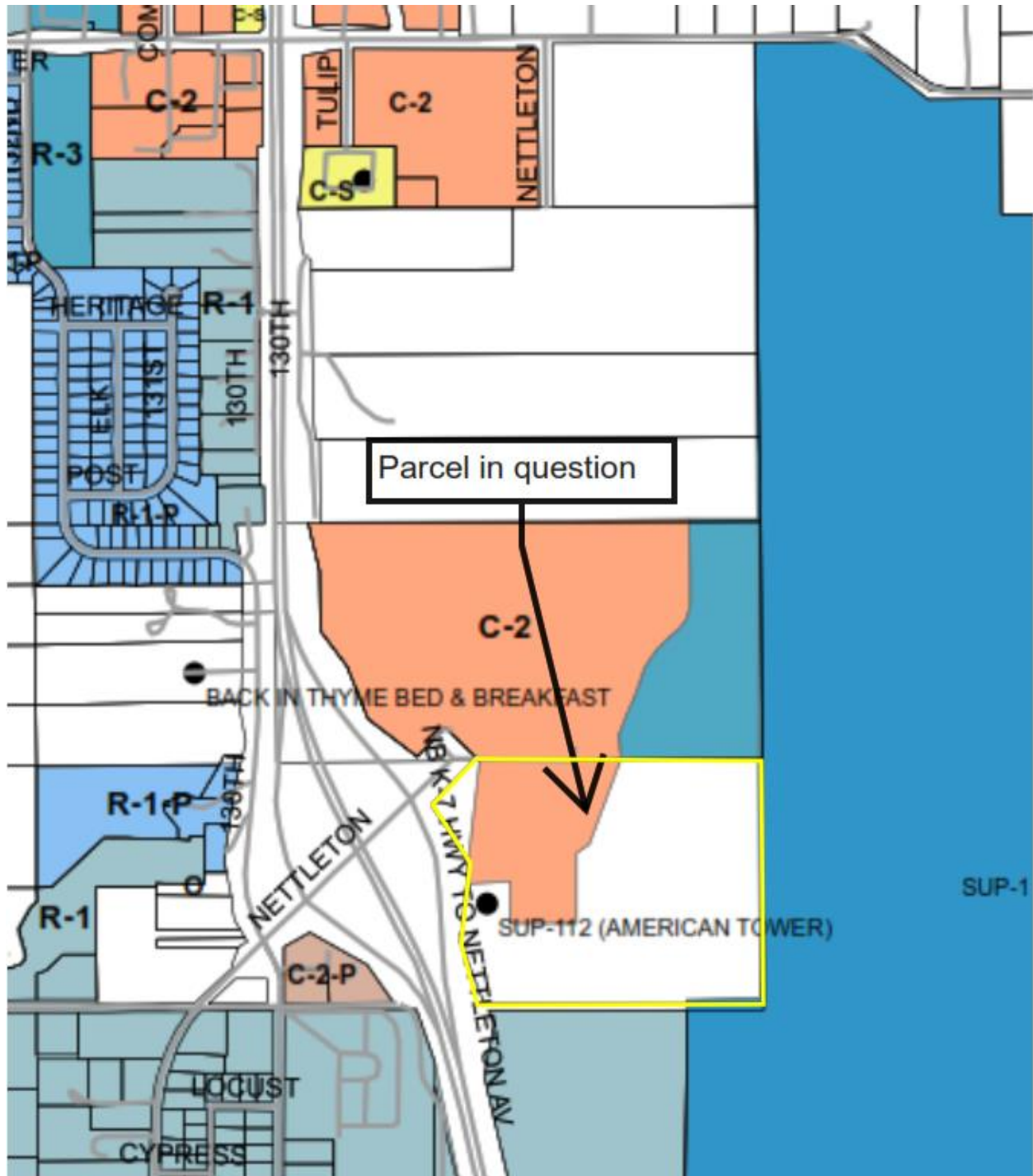
- North A-1 Agricultural District
- South R -1 Single Family Residential District
- East I-2 Heavy Industrial
- West Kansas Highway 7, mix of zoning districts west of K-7

BACKGROUND:
The properties have gone through several planning processes over the past ten to twenty years but no development has occurred upon the property. Currently the property is occupied by a vacant farm house and its surrounding acreage, it was also slated to become a retail/commercial center with multi-family residential to the east; this layout is indicated in the current zoning configuration.

There are currently three distinct zoning districts located on the parcels, A-1 (Agricultural) generic blanket zoning (32+/- acres) and C-2 (General Business) (10+/- acres).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend just north of the property and is indicated within the Comprehensive Plan as a future arterial street as well as within the K-7 Corridor Master Plan, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. These discussions will continue with the intent of coming to an agreeable location and design.

THE CURRENT ZONING CONFIGURATION:



REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property is a mix of highway use to the west, with residential beyond that. To the east is zoned heavy industrial (I-2) and consists of 490 acres owned by Deffenbaugh Industries which is currently utilized as a rock quarry. To the north lies the Kerry Roberts Park, an occupied single family residence, a vacant parcel and a retail center anchored by the Walmart store. To the south is a vacant residential parcel consisting of 45+/- acres, this parcel abuts a 7 lot residential subdivision.

THE ZONING AND USES OF THE PROPERTY NEARBY –

- NORTH - C-2 (General Business) – current zoning - vacant.
R-3 (Multi-family Residential) – current zoning - vacant.
A-1 (Agricultural District) – single family residence
C-2 (General Business)
C-S (Highway Service) Districts – retail center and large retailer along
with other commercial uses
- EAST - I-2 (Heavy Industrial) - rock quarry
- SOUTH - R-1 (Single Family Residential) – vacant wooded parcel

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED –

The property is currently vacant with a portion of the current zoning reflecting a retail/commercial development (C-2) and the remaining portion being zoned as agricultural (A-1) with no active plans for development. The property has had at least two different mixed-use designs laid out, presented to the City and approved in the past. Bonner Springs has long envisioned the entirety of this area as an additional commercial hub similar to K-7 and Kansas Avenue, the heavy industrial use to the east makes this style of development increasingly difficult due to the visual appearance, noise, dust and quarry blasting that is present today. The interchange at Nettleton Avenue is best suited for larger amounts of vehicular traffic, thus benefitting a residential-commercial (mixed-use) use, though it can permit an increase in truck traffic as well.

THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY –

Rezoning this parcel to I-1 (Light Industrial) would remove a small portion of potentially viable sales tax generating retail/commercial development. The conventional retail industry is dwindling nationwide though and traditional brick and mortar businesses are not being developed as in the past. With an already existing heavy industrial zoning use directly to the east it is difficult to determine if the rezoning of this property will prove detrimental. The property directly north and south of the intended rezoning, while under individual ownerships; is utilized as residential and could continue to develop as such. Locating light industrial in the area may decrease the potential value of these properties as a residential development but increase the value for other uses. While these residential properties are abutted by a heavy industrial use to the east, they are buffered by the significant elevation change and wooded area between the two.

THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED –

The subject property has not seen development occur upon it to date; the parcel is vacant but does have an active Earth Change Permit issued. The Earth Change Permit was issued to the current owners; Staff understands they were interested in flattening the parcel to make it more marketable.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL

By removing the commercial zoning from the property and replacing it with light industrial there is little, to no gain, to the public health, safety and welfare.

As the property is currently zoned, C-2 (General Business) and A-1 (Agricultural) it has been anticipated to be utilized in much larger residential-retail-commercial configuration. If the zoning change were not approved there could potentially be a financial hardship placed upon the current property owner, as this is the first prospective development of the parcel since 2007.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff would recommend approval of the requested rezoning of 1401 S. 130th Street from C-2 (General Business) and A-1 (Agricultural) to I-1 (Light Industrial). Staff would further state, that ongoing discussions are planned to determine how the property to the north, 1201 S. 130th Street, could be utilized to better serve the general public; potentially as a multifamily residential area with limited commercial and light industrial to the east, this scenario conforms more to adopted Future Land Use Map.

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map currently identifies the subject property as Mixed Use. The Mixed Use zoning district is intended to provide a live-work-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This live-work-play lifestyle is intended to provide retail and commercial uses within walking distance of the residents that live within the area. Currently the requested rezoning does not conform to the Comprehensive Plan.

The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

In contrast the Comprehensive Plan states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning for 1401 S. 130th Street from A-1 (Agricultural District) and C-2 (General Business) to I-1 (Light Industrial) as presented, Staff would further recommend the following if the request is approved by the Commission.

1. A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
2. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer, water, other public utilities as well as the extension of Nettleton Avenue.
3. A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
4. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
5. A Privately Funded Public Improvements construction agreement shall be prepared and approved by all parties prior to commencement of construction on such improvements.
6. The final plat shall be recorded with the Wyandotte County Register of Deeds.
7. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs

This item will move to the Governing Body if approved. The request will be presented at the February 14th, 2022 regular meeting.

Rezoning A1 and C-2 to I-1 Legal Description

A tract of land being the South One-Half of the Southeast Quarter of Section 20 Township 11 South Range 23 East of the Sixth Principal Meridian in Wyandotte County, Kansas, lying East of K-7 Highway and North of Metropolitan Avenue, more particularly described as follows:

Beginning at the Southeast corner of Section 20, said point being monumented by a smooth 1 inch iron bar in concrete; Thence South $88^{\circ} 16' 04''$ West, along the South line of the Southeast Quarter of Section 20, 1526.87 feet to the East right-of-way line of State Highway K-7; Thence North $23^{\circ} 59' 56''$ West 379.30 feet, along said right-of-way; Thence North $04^{\circ} 21' 04''$ East 445.50 feet, along said right-of-way; Thence North $35^{\circ} 07' 56''$ West 371.70 feet, along said right-of-way; Thence North $43^{\circ} 37' 04''$ East 323.27 feet, along said right-of-way to the North line of the South One-Half of the Southeast Quarter of Section 20; Thence North $88^{\circ} 13' 29''$ East 1595.47 feet, along said North line of the South One-Half of the Southeast Quarter of Section 20 to the midpoint of the East line of the Southeast Quarter; Thence South $01^{\circ} 50' 29''$ East 1332.71 feet, to the point of beginning, except that part in roads.

(Legal description take from ALTA survey prepared by Michael J. Schmidtberger,, and dated 11-08-21)

Agenda Item # 6– PUBLIC HEARING - BSRZ-03-21 – Rezoning – K-7 and Nettleton Ave – 1401 S. 130th Street

Chair Gebauer introduced New Business Item #6 and called for a staff report.

Staff explained the location of the requested rezoning and how the project tied into the previous discussions of the Comprehensive Plan amendment. Staff explained that the rezoning request was from the blanket zoning of A-1, Agricultural and C-2, General Business to that of I-1, Light Industrial District. Staff stated the property was currently vacant and had been that way for quite some time.

Chair Gebauer asked for a motion to open the Public Hearing, Vice-Chair Zeps made a motion to **OPEN** the Public Hearing with Commissioner Mesmer **SECONDDING**.

Chair Gebauer asked if there were any questions of Staff. Vice-Chair Zeps asked if this was the companion zoning for the previous item. Staff stated yes.

Chair Gebauer asked if there was anyone from the public wishing to speak for or against the requested rezoning. Being none he called for a motion to close the Public Hearing. Commissioner Mesmer made a motion to **CLOSE** the hearing, Vice-Chair Zeps **SECONDED**.

Chair Gebauer called for a motion on the rezoning, Vice-Chair Zeps made a motion to **APPROVE** the requested rezoning with Staff recommendations, with Commissioner Perica **SECONDDING**.

Chair Gebauer asked for a Roll Call vote.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer
NAY – None

MOTION PASSED 6 – 0

ORDINANCE NO. _____

An Ordinance to Amend the Future Land Use Map of the Comprehensive Plan For BSCP-01-21, a Change from a Mixed Use designation to an Industrial Designation and to Amend the Zoning Classification on the Official Zoning Map from an A-1, Agricultural District and C-2, General Business District to a I-1, Light Industrial District For BSRZ-03-21 for 1401 S. 130th Street in the City of Bonner Springs, Wyandotte County, Kansas

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

Section I: That the Land Use designation on the Future Land Use Map of the Comprehensive Plan and the Zoning classification on the Official Zoning Map be amended for the following described tract of land situated in the South One-Half of the Southeast Quarter Section 20, Township 11 South, Range 23 East, in the City of Bonner Springs, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southeast corner of Section 20, said point being monumented by a smooth 1 inch iron bar in concrete; Thence South 88° 16' 04" West, along the South line of the Southeast Quarter of Section 20, 1526.87 feet to the East right-of-way line of State Highway K-7; Thence North 23° 59' 56" West 379.30 feet, along said right-of-way; Thence North 04° 21' 04" East 445.50 feet, along said right-of-way; Thence North 35° 07' 56" West 371.70 feet, along said right-of-way; Thence North 43° 37' 04" East 323.27 feet, along said right-of-way to the North line of the South One-Half of the Southeast Quarter of Section 20; Thence North 88° 13' 29" East 1595.47 feet, along said North line of the South One-Half of the Southeast Quarter of Section 20 to the midpoint of the East line of the Southeast Quarter; Thence South 01° 50' 29" East 1332.71 feet, to the point of beginning, except that part in roads.

Be **amended** from a Mixed Use designation to an Industrial Land Use designation under BSCP-01-21, and **rezoned** from a C-2, General Business District and A-1, Agricultural District to an **I-1, Light Industrial District** Zoning classification under BSRZ-03-21 for 1401 S. 130th Street.

Section II: Approval is subject to the following (4) conditions:

1. A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
2. A rezoning of the property in question shall take place prior to the Future Land Use Map being officially amended
3. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer, water, other public utilities as well as the extension of Nettleton Avenue.
4. A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
5. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
6. A Privately Funded Public Improvements construction agreement shall be prepared and approved by all parties prior to commencement of construction on such improvements.
7. The final plat shall be recorded with the Wyandotte County Register of Deeds.
8. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs
9. Upon completion of all the above conditions, the City Planner shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-01-21 and BSRZ-03-21.

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on February _____, 2022.

Jeff Harrington, Mayor

ATTEST:

Christina Brake, CMC, City Clerk

(SEAL)

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Mark Lee

Subject: BSZO-02-21 - Zoning Ordinance Amendment - Accessory Building size restrictions

Recommendation: Staff and the Planning Commission (6-0) recommend approval

Action: Make a motion to adopt an ordinance authorizing BRSZ-02-21

Background: Currently, the zoning regulations state that an accessory building occupies no more than 30% of the required rear yard of a property. There are no maximum size restrictions. As a result, this can and does lead to large buildings that no longer meet the intent of an "accessory" structure, as they may be larger than the principal structure.

Discussion: In researching requirements, staff looked at seven (7) surrounding communities and their current regulations. Those seven communities were Lenexa, Shawnee, Kansas City (MO), Lansing, Olathe, Lee's Summit (MO) and Overland Park. Taking from those regulations currently in place, and with consideration for the agricultural areas of Bonner Springs and the Loring Service Area, regulations have been developed that would regulate size limitations while allowing for larger sized buildings where applicable.

This item was discussed in two separate workshops and then followed up by a public hearing, as required, resulting in the Planning Commission recommending approval.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 7a

Topic: Accessory Structure size limitations within specific zoning districts.

Narrative: Currently the zoning regulations state that an accessory building occupies no more than 30% of the required rear yard of a property, there are no maximum size restrictions, in staff experiences this can and does lead to large buildings that no longer meet the intent of an accessory structure as they may be larger than the principal structure.

In researching requirements, staff looked at seven (7) surrounding communities and their current regulations. Those seven communities were Lenexa, Shawnee, Kansas City (MO), Lansing, Olathe, Lee's Summit (MO) and Overland Park. Taking from those regulations currently in place and taking into consideration agricultural areas of Bonner Springs and the Loring Service Area, staff has come up with a set of regulations that would regulate size limitations while allowing for larger size buildings were applicable.

Presented by: Mark Lee-City Planner

Staff Recommendation:

Staff recommends the Planning Commission approve the amendments to the Zoning Ordinance zoning districts of AG (Agricultural District-Loring Service Area), A-1 (Agricultural District), R (Rural Residential District-Loring Service Area), R-S (Suburban Residential District), R-1 (Single Family Residential District), R-1A (Residential Special District), R-2 (Duplex Residential District), R-3 (Multi-Family Residential District), M-P (Manufactured Home Park District), M-H (Manufactured Home Subdivision District) and MX (Mixed Use District).

Attachments:

Repealed Zoning Regulations (2pgs)
Zoning District Sections (24pgs)

ARTICLE XXII SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. HEIGHT REGULATIONS: Chimneys, cooling towers, elevator head-houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, ornamental towers, and spires, church steeples, antennas (not for commercial purposes) or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations. In all districts, one (1) additional foot of height above the specified height limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot, provided the application is submitted to the Planning Department and approved by both the Planning Commission and Governing Body.

SECTION 2. LOT SIZE REQUIREMENTS AND BULK REGULATIONS FOR PUBLIC UTILITY FACILITIES: Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:

1. Electric and telephone substations and distribution systems.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas or water.
4. Pumping stations.
5. Radio, television and microwave transmitting or relay stations and towers.
6. Transformer stations.
7. Water towers or standpipes.

SECTION 3. YARD REGULATIONS:

1. Minimum Yard Requirements: The yard requirements heretofore established shall be adjusted in the following cases:
 - (a) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
 - (1.) Where no lots within the same block front on one of the two intersecting streets, the side yard requirements along such street shall be fifteen (15) feet.
 - (2.) The buildable width of a lot of record at the effective date of this ordinance shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard five (5) feet in width along the side street.

~~**SECTION 4. ACCESSORY BUILDINGS:** No accessory building shall be erected in the front of the house with the exception of gazebos or similar decorative structures. Also, no accessory building shall be erected in the any required yard, and shall not be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory building shall cover more than thirty (30) percent of the required rear yard. No accessory building shall be erected on or over a utility easement. No accessory structure or use as defined in these regulations shall be built, moved or remodeled, altered or enlarged unless such structure or use is permitted by these regulations.~~

~~Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.~~

SECTION 5. TEMPORARY USES PERMITTED: No temporary structure or use shall be built, moved, remodeled, altered or enlarged unless the temporary structure or use is permitted by these regulations. (Revised, Ordinance No. 1745)

1. **Christmas Tree Sales:** Christmas tree sales are permitted in any business or industrial district for a period not to exceed sixty (60) days. There are no yard or setback requirements, provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
2. **Temporary, Contractors, or Seasonal Business or Ticket Office and Equipment Sheds:** Contractors or other temporary and seasonal business offices and equipment sheds accessory to construction projects or other temporary or seasonal businesses are permitted and may continue only during the duration of such project, or, if a seasonal business, for a period of no longer than six (6) months. Such uses may not include sleeping or cooking accommodations. A permit shall be obtained from the Codes Department for such temporary structures.
3. **Real Estate Offices:** Real estate offices are permitted where they are located on-site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses may not include sleeping or cooking accommodations unless located in a model dwelling unit and sales must be limited to housing within the new housing development.
4. **Seasonal Sales:** Seasonal sales of farm produce grown on the premises are permitted in an "AG" and 'A-1' District. Front yard requirements are not applicable to structures incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. (Revised Ordinance No. 1636).
5. **Carnivals and Circuses:** Carnivals or circuses, in "C-1", "C-2", "C-S" and "I-1" Districts, permitted only for a period that does not exceed three (3) weeks. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined by these regulations.
6. **Garage, Porch, or Yard Sales:** The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than two (2) times in a consecutive twelve (12) month period at any particular location. Such sales shall be only for the purpose of disposing of personal property.
7. **Fireworks Sales:** The sale of fireworks, as set forth in local ordinance and all amendments thereto relating to the regulation of the storage, sale and discharge of fireworks, shall be permitted in "C-1", "C-2", "C-S", "I-1", and "I-2" Districts, only for the period permitted by City ordinance or State Statute, whichever is more restrictive.

ARTICLE V-A
“AG” AGRICULTURAL DISTRICT

SECTION 1. PURPOSE: It is the purpose of this district to provide for agricultural and related uses, and to preserve and protect agricultural resources; and to provide a zoning district in which land not ready for development may be located. This zone is intended to retain a farming community environment. This zoning district applies to the Loring Service Area only as defined in Article V, General Provisions, Section 1, Jurisdictional Area. (Revised Ordinance No. 1636 and No. 1710)

SECTION 2. PERMITTED USES: Farms, single family residences, including residential-design manufactured homes and group homes as defined in these regulations and certain public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A & B of these regulations. (Revised Ordinance No. 1636).

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum Lot Area

- (a) Every lot of land upon which a residential building is to be erected shall have an area of not less than twenty (20) acres and a minimum road or street frontage of six-hundred sixty (660) feet.
- (b) Every lot or tract of land which is used for any other permitted use within the "AG" Agricultural District shall have a minimum area of not less than 80,000 square feet.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one-half (2 1/2) stories, or thirty-five (35) feet. (Revised ordinance No. 1636).

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows: (Revised Ordinance No. 1636)

- 1. Front Yard: Fifty (50) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
- 2. Side Yard: Thirty (30) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
- 3. Rear Yard: Fifty (50) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
- 4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6. ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of AG:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 5,000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required yard" on a lot

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

ARTICLE VI

“A-1” AGRICULTURAL DISTRICT

SECTION 1. PURPOSE: It is the purpose of this district to provide for agricultural and related uses; and to preserve and protect agricultural resources; and to provide a zoning district in which land not yet ready for development may be located.

SECTION 2. PERMITTED USES: Farms, single-family residences, including residential-design manufactured homes and group homes and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised Ordinance No. 1636).

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum lot area: Three (3) acres for all uses.
2. Minimum lot width: Two hundred ten (210) feet

SECTION 4. HEIGHT REGULATIONS: Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: In agricultural districts the front yard shall be the minimum right-of-way required by the major street plan plus twenty- five (25) feet.
2. Side Yard: Fifteen (15) feet
3. Rear Yard: Forty (40) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure
2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.

3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of A-1:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 2000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

ARTICLE VI-A

“R” RURAL RESIDENTIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for very low density single-family residential development including those uses which reinforce residential neighborhoods at a density less than that of the R-S District. This zoning district applies to the Loring Service Area only as defined in Article V, General Provisions, Section 1, Jurisdictional Area. (Revised Ordinance No. 1636 and No. 1710, 12/5/94)

SECTION 2. PERMITTED USES: Single-family residences and those in the "AG" Agricultural District, except that a private stable shall not be erected or used on any lot containing less than one (1) acres, no raising of poultry or livestock shall be permitted upon any farm or truck garden of less than five (5) acres or on a scale that would be objectionable because of noise or odor to surrounding residences and any detached accessory building shall be located not less than sixty (60) feet from the front lot line. Such uses shall include residential-design manufactured homes and group homes as defined in these regulations. For a specific listing of permitted uses, and uses permitted by special use permit, see Appendices A & B of these regulations. (Revised Ordinance No. 1636).

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum lot area: Five Acres
2. Minimum lot width: Three Hundred Thirty (330) feet

SECTION 4. HEIGHT REGULATIONS: Minimum structure heights: Two and one- half (2 1/2) stories, or thirty-five (35) feet. (Revised ordinance No. 1636).

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of ARTICLE XXII, minimum yard sizes shall be as follows: (Revised Ordinance No. 1636).

1. Front Yard: Fifty (50) feet
2. Side Yard: Ten (10) feet. A side yard fronting a street shall be feet thirty (30) feet.
3. Rear Yard: Thirty (30) feet. A rear yard fronting a street shall be fifty (50) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning district of R:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 3,000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

ARTICLE VII

“R-S” SUBURBAN RESIDENTIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for low density single-family residential development, including those uses which reinforce residential neighborhoods.

SECTION 2. PERMITTED USES: Single-family residences including residential- design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses, and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum lot area: One acre
2. Minimum lot width: One hundred sixty-five (165) feet.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one- half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

2. Accessory buildings shall not be erected on properties where no primary structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock.

3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning district R-S:

- One thousand (1000) square feet, maximum
- An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre and up to three acres.
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

ARTICLE VIII

“R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for single-family residential development at a higher density than the "R-S" District, including those uses which support and encourage residential neighborhoods.

SECTION 2. PERMITTED USES: Single-family residences, including residential design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum lot area: Seven thousand (7,000) square feet
2. Minimum lot width: Sixty (60) feet

SECTION 4. HEIGHT REGULATIONS: Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet.
2. Side Yard: Seven and one-half (7-1/2) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied. (Revised Ordinance No. 1648)
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard

4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise:

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-1:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)

Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.

- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)

Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

- e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

SECTION 8. RESIDENTIAL STRUCTURE ORIENTATION:

1. The main entrance of any residential structure shall be oriented parallel to the street right-of-way line; and
2. On corner lots, the entrance of any residential structure shall be oriented parallel with, or at an angle not to exceed 45 degrees between the street right-of-way lines.

SECTION 9: SCREENING REQUIREMENTS: Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase "screened from public view" means not visible from adjoining properties or any street right-of-way. The below listed screening requirement shall be installed and maintained at the property owner's expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

ARTICLE IX

“R-1A” RESIDENTIAL SPECIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for single-family residential development as well as appropriate multiple-family residential development at a higher density than the "R-S" District, including those uses which support and encourage residential neighborhoods.

SECTION 2. PERMITTED USES: Single-family residences, including residential- design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

SECTION 3. INTENSITY OF USE REGULATIONS

1. Minimum lot area: Seven thousand (7,000) square feet
2. Minimum lot width: Sixty (60) feet

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Seven and one-half (7-1/2) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied. (Revised Ordinance No. 1648)
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard

4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-1A:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)

Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.

- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)

Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

- e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

SECTION 7. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

SECTION 8. RESIDENTIAL STRUCTURE ORIENTATION:

1. The main entrance of any residential structure shall be oriented parallel to the street right-of-way line; and
2. On corner lots, the entrance of any residential structure shall be oriented parallel with, or at an angle not to exceed 45 degrees between the street right-of-way lines.

SECTION 9: SCREENING REQUIREMENTS: Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirement shall be installed and maintained at the property owner’s expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

ARTICLE X

“R-2” DUPLEX RESIDENTIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, to encourage strong residential neighborhoods.

SECTION 2. PERMITTED USES: Single-family residences, two-family residences, including residential-design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

SECTION 3. INTENSITY OF USE REGULATIONS

1. Minimum lot area: Seven thousand (7,000) square feet for single-family lots and eight thousand (8,000) square feet for two-family lots.
2. Minimum lot width: Seventy (70) feet

SECTION 4. HEIGHT REGULATIONS: Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied.
3. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-2:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

SECTION 7. SCREENING REQUIREMENTS: Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right- of-way. The below listed screening requirement shall be installed and maintained at the property owner’s expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

ARTICLE XI
“R-3” MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for high density residential development, including multi-family residences, in strong residential neighborhoods.

SECTION 2. PERMITTED USES: Multi-family dwellings, nursing homes and boarding houses are permitted. For a specific listing of permitted uses and uses permitted by special use permits, see Appendices A and B of these regulations

SECTION 3. INTENSITY OF USE REGULATIONS

1. Minimum Lot Area:
 - (a) Two thousand (2,000) square feet per dwelling unit with a minimum lot requirement of nine thousand (9,000) square feet.
 - (b) Nursing Homes and Boarding Homes: Five hundred (500) square feet per occupant.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height Three (3) stories, or forty-five (45) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-3:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

SECTION 7. USE LIMITATIONS: The maximum density of dwelling units permitted in an “R-3” district is eighteen (18) units per acre with a minimum of seventeen (17) percent open space. (Revised Ordinance No. 2172).

SECTION 8. SCREENING REQUIREMENTS: Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

ARTICLE XII

“M-P” MANUFACTURED HOME PARK DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide for medium density manufactured home parks which are compatible with the character of the surrounding neighborhood in which it is located. Manufactured home developments are residential uses and shall be located in areas where services and amenities found in conventional residential areas are available. (Revised Ordinance No. 1636).

SECTION 2. PERMITTED USES: Manufactured homes not on permanent foundations are permitted. For a specific listing of other permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630, 1636 and No. 1710, 12/5/94)

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum Lot Area:
 - (a) Manufactured Home Park: Ten (10) acres
 - (b) Each manufactured home space shall be at least 45 feet wide and 90 feet deep.
2. Minimum Lot Width:
 - (a) Manufactured Home Park: Two hundred (200) feet.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Thirty (30) feet shall be provided around the periphery of all manufactured home parks.
2. Side Yard: Thirty (30) feet
3. Rear Yard: Thirty (30) feet
5. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6: ACCESSORY BUILDINGS:

1. No accessory structure shall be located within the required front yard
2. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
3. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district M-P:

120 sqft

SECTION 7. USE LIMITATIONS: Each manufactured home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:

- (a) The manufactured home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
- (b) The manufactured home park shall have a maximum density of eight (8) manufactured homes per gross acre, and a minimum area of 4,050 square feet shall be provided for each manufactured home lot;
- (c) Each lot for a manufactured home shall be at least 45 feet wide and 90 feet deep;
- (d) Clearance of not less than twenty (20) feet between manufactured homes or between a manufactured home and any building within the manufactured home park shall be required;
- (e) Each manufactured home lot shall front upon a private roadway of not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width of the private roadway shall be increased to thirty (30) feet, and if parallel parking is permitted on both sides of the street, the width of the private roadway shall be increased to thirty-six (36) feet. All roadways shall have access to a public street;
- (f) All roadways and sidewalks within the manufactured home park shall be constructed to the standards of public streets in the City of Bonner Springs and shall be adequately lighted at night; and
- (g) Each manufactured home shall be fully skirted with commercial grade skirting.

2. Water Supply:

- (a) Water shall be supplied to the manufactured home park by a public water system;
- (b) The size, location and installation of water lines shall be in accordance with the requirements of the City of Bonner Springs; and
- (c) Individual water service connections shall be provided at each manufactured home lot.

3. Sewage Disposal:

- (a) Sewage disposal shall be provided to the manufactured home park by a public sewer system;
- (b) The size, location and installation of sewer lines shall be in accordance with the requirements of the City of Bonner Springs; and

- (c) Individual sewer service connections shall be provided at each manufactured home lot.
4. Electrical: Each manufactured home lot shall be provided with an individual electrical outlet supply which shall be installed in accordance with the requirements of the City of Bonner Springs.
 5. Gas: Natural gas hookups, when provided, shall be installed in accordance with the regulations of the City of Bonner Springs.
 6. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.
 7. Blocking: All manufactured homes shall be blocked in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.
 8. Refuse and Garbage Handling:
 - (a) Storage, collection and disposal of refuse in a manufactured home park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution; and
 - (b) All refuse shall be stored in fly-tight, watertight, rodent- proof containers.Containers shall be provided in sufficient number and capacity to properly store all refuse.
 9. Pad Requirements: The pad for each manufactured home shall be of a concrete surface of a minimum of two eighteen (18) inch wide ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.
 10. Recreational Area: A recreational area shall be provided at a central location in the manufactured home park at the rate of 200 square feet for each trailer space.
 11. Buffering: A solid fence or wall and a 10-foot landscaped buffer area shall be provided between the Manufactured Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall be not less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
 12. Laundry Facilities: Laundry facilities for the exclusive use of the manufactured home occupants shall be provided.
 13. Storm Shelters: A storm shelter shall be provided to give protection to all residents of the manufactured home park.
 - (a) The storm shelter shall be constructed to provide adequate protection from tornadoes and high winds;
 - (b) The storm shelter shall provide a minimum of thirty (30) square feet per manufactured home pad; and
 - (c) The storm shelter shall comply with the applicable codes and ordinances as adopted by the City of Bonner Springs.

SECTION 8. APPLICATION REQUIREMENTS:

1. An applicant for "M-P" Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not

less than 1" - 100', and twenty (20) copies of said Plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards and shall have contours shown at two (2) foot intervals.

2. Upon approval of the preliminary manufactured home park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
3. Any substantial deviation from the approved plan, as determined by the Building Official, shall constitute a violation of these regulations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body prior to the issuance of a building permit for the construction of the manufactured home park.

ARTICLE XIII
“M-H” MANUFACTURED HOME SUBDIVISION DISTRICT SECTION

SECTION 1. PURPOSE: The purpose of this district is to permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the manufactured home owner. (Revised Ordinance No. 1630)

SECTION 2. PERMITTED USES: Manufactured homes on permanent foundations and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised Ordinance No. 1630)

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum Lot Area: Seven thousand (7,000) square feet.
2. Minimum Lot Width: Sixty (60) feet.
3. Minimum Site Area: Ten (10) acres.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet.
2. Side Yard: Seven and one-half (7 ½) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
4. Rear Yard: Twenty-five (25) feet.
5. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.
(Revised, Ordinance No. 1884, 12/20/99)

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard

4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district M-H:
250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:
Five hundred (500) square feet, maximum
- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):
One thousand (1000) square feet, maximum
- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)
Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.
- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)
Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft
- e. For lots over five acres (217,800sqft):
Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

ARTICLE XIV
“MX” MIXED USE DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to permit the grouping of office, retail and residential uses which are intended by design and use.

SECTION 2. PERMITTED USES: Office, retail and residential uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

SECTION 3. INTENSITY OF USE REGULATIONS: Area occupied by buildings in this district shall not exceed forty (40) percent of the ground area on which the buildings are located.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Three (3) stories, or forty-five (45) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty (20) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6: ACCESSORY BUILDINGS:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district MX:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

SECTION 7. USE LIMITATIONS: Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than 200 square feet.

SECTION 8. SCREENING REQUIREMENTS: Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

City of Bonner Springs Current Regulations for all zoning districts

SECTION 4. ACCESSORY BUILDINGS: No accessory building shall be erected in the front of the house with the exception of gazebos or similar decorative structures. Also, no accessory building shall be erected in the any required yard, and shall not be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory building shall cover more than thirty (30) percent of the required rear yard. No accessory building shall be erected on or over a utility easement. No accessory structure or use as defined in these regulations shall be built, moved or remodeled, altered or enlarged unless such structure or use is permitted by these regulations. Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

Current Definitions for Accessory

Accessory Building: A subordinate building which serves as a function clearly incidental to or customarily found in connection with and located on the same lot as that of the main use. Customary accessory buildings include garages, carports, and small storage sheds. (Revised Ordinance No. 1884)

Accessory Use: A subordinate use which serves an incidental function to or customarily found in connection with and on the same lot as the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

LENEXA

Floor Area: Unless otherwise provided in this brochure, the total floor area of any 1 accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the total ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures shall be in compliance with zoning district open space requirements.

Appearance: Residential accessory buildings and structures larger than 200 sq. ft. in area shall be constructed of quality materials and compatible in design and character with the dwelling unit.

ADDITIONAL ZONING REQUIREMENTS FOR AG, RE AND RP-E DISTRICTS

Setbacks for Residential Accessory Buildings and Structures in AG, RE and RP-E Zoning Districts							
Zoning District	Open Space	Buildings/Structures > 200 sq. ft. and/or > 10 ft. ht.			Buildings/Structures ≤ 200 sq. ft. and ≤ 10 ft. ht.		
		Street Side Yard	Interior Side Yard	Rear Yard	Street Side Yard	Interior Side Yard	Rear Yard
AG	90%	50'	50'	50'	50'	10'	10'
RE/RP-E	75%	50' perimeter streets 35' internal streets	25'	25'	50' perimeter streets 35' internal streets	10'	10'

ADDITIONAL ZONING REQUIREMENTS FOR R-1, RP-1, AND RP-2 DISTRICTS

Setbacks for Residential Accessory Buildings and Structures in R-1, RP-1 and RP-2 Zoning Districts							
Zoning District	Open Space	Buildings/Structures > 200 sq. ft. and/or > 10 ft. ht.			Buildings/Structures ≤ 200 sq. ft. and ≤ 10 ft. ht.		
		Street Side Yard	Interior Side Yard	Rear Yard	Street Side Yard	Interior Side Yard	Rear Yard
R-1/RP-1	60%	20'	7'	20'	20'	5'	5'
RP-2	60%	25'	7'	20'	25'	5'	5'

Note: If the accessory building is no larger than 200 square feet and taller than 10 feet, the setback shall be at least equal to the height of the structure, but need not exceed the minimum yard setback requirements for the zoning district in which it is located, unless otherwise required by this Chapter.

Maximum total ground floor area permitted for all accessory buildings and structures in R-1(Residential Single Family), RP-1(Planned Residential-Low Density), and RP-2(Planned Residential-Intermediate Density):

- Lots less than 1 acre: The maximum allowed total ground floor area for all accessory buildings and structures shall not exceed 250 sq. ft. in area for each 3,000 sq. ft. of lot area up to a maximum of 1,500 square feet.
- Lots at least 1 acre but less than 2 acres: The maximum allowed total ground floor area of all accessory buildings and structures shall be 2,000 square feet.
- Lots at least 2 acres but less than 5 acres: The maximum allowed total ground floor area of all accessory buildings and structures shall increase from 1,500 sq. by 1,000 sq. ft. for each full acre of lot size greater than 1 acre and on a pro rata basis for each fraction of a full acre.
- Lots 5 acres or larger: The total ground floor coverage for all accessory buildings and structures shall not be limited if the structures comply with the zoning district setback and open space requirements of this Chapter.

SHAWNEE

No accessory building or structure may be erected on a vacant lot. Agricultural parcels used for the production of grains, fruits or trees are not considered vacant. The maximum allowable size of an accessory building in residentially zoned areas is dependent on the lot size, the size of the "required rear yard", and the finished area of the house on that lot. A more detailed description of this regulation is given below under Maximum Size of Accessory Buildings. There is no size limit on accessory buildings in agriculturally zoned districts.

In residential zoning districts there may be only one accessory building or structure on the lot. This restriction does not apply in agricultural zoning districts. Accessory buildings and structures shall be placed in the rear yard only.

Maximum Size of Accessory Buildings

Condition 1. Residential lots one acre (43,560 square feet) in size, or smaller: There are four ordinance restrictions, described below, that act to limit the size of an accessory structure. The most restrictive of these governs:

1. Accessory structure size shall not exceed 250 square feet per 3,000 square feet of lot area.
2. Accessory structures may not take up more than 30% of the "required rear yard" on a lot.
3. The size of the accessory structure may not exceed the total finished area within the house on that lot.
4. The accessory structure may not exceed 1000 square feet in total floor area.

Condition 2. Residential lots larger than one acre (43,560 square feet) in size, but smaller than 4.99 acres (and zoned other than agricultural):

The size of the accessory structure may not exceed the total finished area within the house on that lot.

Accessory structures may not take up more than 30% of the "required rear yard" on a lot.

An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre, and may be increased on a pro rata basis for each fraction of a full acre over one acre in lot size.

Condition 3. Residential lots larger than five acres:

The only limitation on size for an accessory structure for a lot of this size is that the accessory structure may not exceed the finished area of the house on the lot.

Setbacks for Accessory Buildings

For Up To 250 square feet the setback requirement for buildings is 5 ft. (minimum) from rear and side property line.

For Over 250 square feet (in total floor area) shall meet the bulk setbacks of the zoning district for side or rear yards.

Setbacks for Animals Pets, Shelters, Stables, Etc. The Shawnee Municipal Code Section 6.08.020 has additional setback requirements for animal shelters.

KANSAS CITY, MO

Accessory buildings and structures must be set back at least 1.5 feet from interior side property lines, except that buildings and structures designed to contain animals must be set back at least 30 feet from interior property lines.

Accessory buildings and structures may not exceed 10 feet in height, except that detached garages may be up to 16 feet in height and allowed carriage houses may be up to 28 feet or 2 stories in height. In Districts AG-R and R-80, an accessory building may be up to 35 feet in height.

The building footprint (ground level building coverage) of an individual, detached accessory building may not exceed 200 square feet, except that:

1. the building footprint of a detached accessory garage may be up to 800 square feet or one square foot of building footprint area for each 10 square feet of lot area, whichever is greater; and
2. the building footprint of a carriage house may be up to 1,500 square feet.
3. in Districts AG-R and R-80, an accessory building may be up to 8,000 square feet.

88-305-02-E. BUILDING COVERAGE

The total combined footprint area of all detached accessory buildings and structures may not exceed 40% of the actual rear yard area.

LANSING

No accessory building shall cover more than 30% of the rear yard.

2. Small Sheds. Accessory buildings 120 square feet or less and less than 10 feet tall shall be limited to one per lot, located behind the rear building line of the principal building, and be no closer than 5 feet from the rear or side property line.

Detached Building. Accessory buildings over 120 square feet shall meet the following:

- a. No more than one per lot.
- b. Located behind the front building line.
- c. Be at least five feet from the rear or side lot line, except that any accessory building providing garage access off a rear alley may be located within three feet of the rear lot line.
- d. Be no more than one and one-half stories, or no higher than the principal building, whichever is less.
- e. Be limited to no more than 30% of the required rear yard.
- f. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal structure. Any accessory building larger than 120 square feet not meeting this criteria shall meet the setback requirements for the principal structure.

OLATHE

Detached garages, carports and sheds:

Shall not exceed thirty (30) percent coverage within a required rear yard either as single or cumulative structures.

Detached Garages and Carports

1. Any single-family dwelling is permitted one (1) detached garage or covered carport. I
2. Detached garage or carport areas shall not exceed two hundred fifty (250) square feet for each three thousand (3,000) square feet of lot area, up to a total of one thousand two hundred (1,200) square feet.
3. A detached garage or carport is subject to the same required setback as the main structure.

In all residential districts, the design and construction of any garage or carport shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

Maximum size of a shed is based on lot area, as follows:

- a. For lots under seven thousand (7,000) square feet:

Two hundred ten (210) square feet,

- b. For lots between seven thousand (7,000) - thirteen thousand (13,000) square feet:

Three (3) percent of lot area,

- c. For lots exceeding thirteen thousand (13,000) square feet:

Four hundred (400) square feet.

LEE'S SUMMIT, MO

The following general requirements apply to all residential sheds and storage buildings:

Floor Area: The maximum size shall not exceed 250 square feet. Sheds and storage buildings in the AG District have no limit on size.

Height: Maximum height is 25 feet from ground level. No maximum height in the Agricultural (AG) District and Rural Density Residential (RDR) District.

Appearance: Design and construction of any shed or storage building larger than 120 square feet shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

	Required Front Yard Setback	Required Side Yard Setback	Required Rear Yard Setback
Sheds and Storage Buildings in AG District	Same as principal building	35 feet	35 feet
Sheds and Storage Buildings in Residential Districts	Not Allowed	10 feet	10 feet

OVERLAND PARK

For any one-family or two-family dwelling, there shall be permitted one detached garage or covered carport. Detached garage or carport spaces shall not exceed 250 square feet for each 3,000 square feet of lot area; provided, that in no event shall such areas exceed a total of 1,200 square feet. An attached garage or carport shall be subject to the same required setbacks as the main structure. A detached garage or carport shall be subject to the setbacks required for detached accessory buildings.

2. For any multi-family residential development, all detached garages or carports shall be subject to the setbacks required for detached accessory buildings. If the applicable district regulations do not contain separate provisions for accessory structures, then the setback requirements for the main structure shall apply.

3. In all residential districts, the design and construction of any garage, carport or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

STAFF RECOMMENDATIONS

Repeal Article XXII; Section 4 the new regulations shall be placed within each specific zoning district

Residential Zoning Districts

Material in italics is for reference purpose only

Maximum size of an accessory structure is based on lot area and zoning district, they are as follows:

R-1 (Single Family Residential) – 7,000sqft (min. lot size)

R-1A (Residential Special District) – 7,000sqft (min. lot size)

R-2 (Duplex Residential District) – 7,000/8,000sqft (min. lot size)

M-H (Manufactured Home Subdivision District) – 7,000sqft (min. lot size)

All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and

architecturally similar ~~compatible~~ in design and character with the principal dwelling unit. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

Accessory structures may not exceed the square footage of the principal structure

Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

No accessory structure shall be located within the required front yard

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Accessory buildings shall not be erected on properties where no main structure exists, except in agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

b. For lots ~~exceeding~~ thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

c. For lots from one acre (43,560sqft) to three acres (130,680sqft)

Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.

d. For lots from three acres (130,680sqft) to five acres (217,800sqft)

Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

Areas zoned as M-P (Manufactured Home Park) shall be limited to an accessory structure size of 120 square feet

Agricultural/Large Lot Residential Districts

No one single accessory structure shall be greater in size than the primary structure.

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located.

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of:

AG (Agricultural District) – 20 acres or 871,200sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed 5,000sqft

A-1 (Agricultural District) – 3 acres or 130,680sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed ~~1,500~~2000sqft

R (Rural Residential District) - 5 acres or 217,800sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed 3,000sqft

R-S (Suburban Residential District) – 1 acre or 43560sqft (min. lot size)

One thousand (1000) square feet, maximum

An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre and up to three acres.

Agenda Item #7 a, b and c – PUBLIC HEARING – BSZO-02-21 – Zoning Ordinance Amendments

Chair Gebauer introduced New Business Item #7 and called for a staff report.

Staff explained that the following items were those that we had addressed over the course of two workshops in October and November. Three amendments are being proposed:

1. Accessory Building Size limitations
2. Accessory Dwelling Units
3. Architectural Design Standards

Staff spoke on how the new regulations would be blended into the current regulations. Accessory building size requirements would be placed into each zoning category. That way an individual within a specific zoning district could find the majority of information regarding their specific zoning district in one area. Accessory Dwelling Units will become their own section within Article XXII, Supplementary District Regulations along with the Architectural Design Standards.

Chair Gebauer asked for a motion to open the Public Hearing, Vice-Chair Zeps made the motion to **OPEN** the hearing, Commissioner Mesmer **SECONDED**.

Chair Gebauer asked if there was any member of the public wishing to speak on the item, being none a request to close the Public Hearing was requested. Commissioner Perica made a motion to **CLOSE** the hearing, Vice-Chair Zeps **SECONDED**.

Chair Gebauer called for a motion to approve, amend or deny the Zoning Ordinance amendments. Vice-Chair Zeps made a motion to **APPROVE** BSZO-01-21 as written, Commissioner Perica **SECONDED**. Chair Gebauer then asked for a roll call vote.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer

NAY – None

MOTION PASSED 6 – 0

ORDINANCE NO. _____

An Ordinance of the Governing Body Amending Articles V-A, VI, VI-A, VII, VIII, IX, X, XI, XII, XIII and XIV of the Zoning Ordinance of Bonner Springs, Kansas; by adding Section 6: Accessory Buildings and adjusting all other Section Numbers to coincide with this addition.

Be it ordained by the Governing Body of the City of Bonner Springs, Kansas:

SECTION I: The Zoning Ordinance, Article XXII; Section 4, Accessory Buildings is hereby repealed in its entirety.

SECTION II: The Zoning Ordinance, Articles V-A, VI, VI-1, VII, VIII, IX, X, XI, XII, XIII, and XIV shall be amended by adding Article 6; Accessory Buildings and thus renumbering some Article sections to coincide.

Article V-A; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure
2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of AG:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 5,000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required

Article V; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure
2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of A-1:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 2000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

Article VI-A; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure

2. Accessory buildings shall not be erected on properties where no primary structure exists, except in agricultural zoning districts (AG and A-1) for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning district of R:

- No size limit, other than, no one single structure shall be larger than the primary structure
- Total of all buildings shall not exceed 3,000sqft
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

Article VII; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located or as stated below:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

2. Accessory buildings shall not be erected on properties where no primary structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock.
3. Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning district R-S:

- One thousand (1000) square feet, maximum
- An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre and up to three acres.
- In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

Article VIII; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise:

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-1:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)

Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.

- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)

Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

- e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

Article IX; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise
Setbacks are as follows:
Rear yard – 5 feet
Side Yard – as required by the zoning district in which it is located
No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-1A:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:
Five hundred (500) square feet, maximum
- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):
One thousand (1000) square feet, maximum
- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)
Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.
- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)
Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft
- e. For lots over five acres (217,800sqft):
Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

Article X; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot, this includes detached garages and sheds unless noted otherwise
Setbacks are as follows:
Rear yard – 5 feet
Side Yard – as required by the zoning district in which it is located
No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-2:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:
Five hundred (500) square feet, maximum
- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):
One thousand (1000) square feet, maximum

Article XI; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.

2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise
 - Setbacks are as follows:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district R-3:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:
 - Five hundred (500) square feet, maximum
- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):
 - One thousand (1000) square feet, maximum

Article XII; Section 6 shall read:

1. No accessory structure shall be located within the required front yard
2. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
3. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise
 - Setbacks are as follows:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district M-P:

120 sqft

Article XIII; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise
 - Setbacks are as follows:
 - Rear yard – 5 feet
 - Side Yard – as required by the zoning district in which it is located
 - No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district M-H:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

- a. For lots under seven thousand (7,000) square feet:
 - Five hundred (500) square feet, maximum
- b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):
 - One thousand (1000) square feet, maximum
- c. For lots from one acre (43,560sqft) to three acres (130,680sqft)
 - Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.
- d. For lots from three acres (130,680sqft) to five acres (217,800sqft)
 - Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

Article XIV; Section 6 shall read:

No one single accessory structure shall be greater in size than the primary structure.

1. All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and architecturally similar in design and character with the principal dwelling unit.
2. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. No accessory structure shall be located within the required front yard
4. In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot. Accessory structures may not exceed the square footage of the principal structure
5. Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Maximum sizes of an accessory structure located within the zoning district MX:

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

b. For lots thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on this ____ day of _____, 2022.

Jeff Harrington, Mayor

ATTEST:

Christina Brake, CMC, City Clerk
(SEAL)

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Mark Lee

Subject: BSZO-02-21 - Zoning Ordinance Amendment - Accessory Dwelling Units

Recommendation: Staff and the Planning Commission (6-0) recommend approval

Action: Make a motion to adopt an ordinance allowing for Accessory Dwelling Units

Background: Accessory Dwelling Units are becoming a very popular way to increase housing supply without changing the physical character of neighborhoods. According to AARP, ADU's can be utilized by the owners in many different ways, including;

- EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.
- FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be

assisted themselves as they age.

- INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)
- HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

Discussion: TADU's can come in many shapes, styles and varieties. As a result, staff researched and reviewed surrounding communities that have regulations in place. Additionally, information provided by AARP "The ABCs of ADUs" and the Urban Institute "Designing Accessory Dwelling Unit Regulations," as prepared for the City of Alexandria, Virginia.

With local regulations and best practices in mind, regulations were drafted that address the use of ADU's within Bonner Springs. This item was discussed over the course of two workshops followed by the required public hearing held by the Planning Commission. The Planning Commission is recommending approval.

Financial Impact: ADU's will likely increase valuations of properties, which may increase property valuations.

ARTICLE XXII SUPPLEMENTARY

DISTRICT REGULATIONS

SECTION 1. HEIGHT REGULATIONS: Chimneys, cooling towers, elevator head-houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, ornamental towers, and spires, church steeples, antennas (not for commercial purposes) or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations. In all districts, one (1) additional foot of height above the specified height limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot, provided the application is submitted to the Planning Department and approved by both the Planning Commission and Governing Body.

SECTION 2. LOT SIZE REQUIREMENTS AND BULK REGULATIONS FOR PUBLIC UTILITY FACILITIES: Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:

1. Electric and telephone substations and distribution systems.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas or water.
4. Pumping stations.
5. Radio, television and microwave transmitting or relay stations and towers.
6. Transformer stations.
7. Water towers or standpipes.

SECTION 3. YARD REGULATIONS:

1. Minimum Yard Requirements: The yard requirements heretofore established shall be adjusted in the following cases:
 - (a) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
 - (1.) Where no lots within the same block front on one of the two intersecting streets, the side yard requirements along such street shall be fifteen (15) feet.
 - (2.) The buildable width of a lot of record at the effective date of this ordinance shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard five (5) feet in width along the side street.

SECTION 4. ACCESSORY DWELLING UNITS: Accessory Dwelling Units shall be allowed within the following zoning districts: AG (Agricultural District – Loring Area), A-1 (Agricultural District), R (Rural Residential District – Loring Area), R-S (Rural Suburban District), R-1 (Single Family Residential District) and R-1A (Residential Special District)

1. Recreational vehicles do not constitute an Accessory Dwelling Unit
2. ADU's are limited to no more than 1,000 square feet, and

3. No Accessory Dwelling Unit shall be larger in total living area than that of the principal structure, this does not include lower level garages of detached ADU's
4. ADU's shall contain no more than two (2) bedrooms
5. All ADU's require the owner of the primary dwelling or ADU be a permanent resident of the parcel in which it was constructed (Owner/Occupancy)
6. An ADU may be constructed as a new building, created by renovating and/or adding on to an existing accessory structure currently located on the same lot, created by constructing an addition to an existing home, created by converting a portion of the existing home, an entire floor, an attic or basement
7. If said ADU is constructed by converting a portion of an existing home, said area shall be required to provide a means of emergency egress per the adopted building code
8. ADU's constructed above detached garages shall be required to provide mechanical equipment separate from the garage, and they shall be required to provide a means of emergency egress directly to the ground via an exterior stairway, no emergency egress shall exit through the garage
9. Only one ADU is allowed per lot, regardless of lot size
10. The architectural styling of the ADU shall be architecturally similar in design to the principal structure premanufactured metal clad buildings do not meet this standard
11. Setbacks shall adhere to those required of other accessory buildings within the zoning district in which they are located when constructed as an accessory building
12. An ADU shall not exceed two (2) stories in height or twenty-five feet (25')
13. Any structure to be utilized as an ADU shall conform to the current Building Code as adopted, including permit requirements
14. ADU's will be issued an address of the principal structure and given a Unit letter at the end (ex. 212 W. Kump Ave. Unit B)
15. The ADU shall provide a minimum of one off street parking space, with access to a public street system, this space may be located on the public street as allowed by law or located within the lot of said ADU
16. ADU's shall not be constructed over or upon any public or private utility, drainage or access easement
17. An ADU constructed as an addition to an existing home must meet the same setbacks as required within the zoning district in which it is located
18. A "tiny home" or similar shall be considered an ADU if it is permanently anchored to the ground per code and any wheels and tires removed

SECTION 5. TEMPORARY USES PERMITTED: No temporary structure or use shall be built, moved, remodeled, altered or enlarged unless the temporary structure or use is permitted by these regulations. (Revised, Ordinance No. 1745)

1. **Christmas Tree Sales:** Christmas tree sales are permitted in any business or industrial district for a period not to exceed sixty (60) days. There are no yard or setback requirements, provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.

ARTICLE XXVIII

RULES AND REGULATIONS

SECTION 1. RULES: In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
4. The word "shall" is mandatory
5. The word "may" is permissive
6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
7. The word "Board" means the Bonner Springs Board of Zoning Appeals.
8. Unless otherwise specified, all distances shall be measured horizontally.
9. The word "City" means the City of Bonner Springs, Kansas.
10. The abbreviation N/A means not applicable
11. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

SECTION 2. INTERPRETATION:

1. Minimum Requirements: In interpretation and application, the application of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
3. Private Agreements: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provision of these regulations shall govern.
4. Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason

of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

SECTION 3. DEFINITIONS: For the purpose of the zoning regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory Building: A subordinate building which serves as a function clearly incidental to or customarily found in connection with and located on the same lot as that of the main use. Customary accessory buildings include garages, carports, and small storage sheds. (Revised Ordinance No. 1884)

Accessory Dwelling Units (ADU) - An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. ADU's shall be constructed to ensure they do not change the residential character of the principal use or surrounding area. ADU's are buildings or part of a buildings that provide complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is -

- a. Attached to the principal dwelling, or
- b. A detached building on the same lot.
- c. Within an existing structure (internally, i.e. finished basement, single floor)

Accessory Use: A subordinate use which serves an incidental function to or customarily found in connection with and on the same lot as the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

Adult Entertainment Business: See Adult Entertainment Code for the definition and specific requirements for the issuance of a special use permit.

Agricultural Districts: Shall include "AG" and "A-1" uses. (Revised Ordinance No. 1636)

Agricultural Use: The use of a tract of land of not less than five (5) acres for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed there- on, and the family thereof, but such use shall not include feedlots as defined by the Kansas Statutes Annotated.

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

Alteration: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.

Alternative Tower Structure: This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. (Revised, Ordinance No. 1803)

Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite

dishes and omni-directional antennas, such as whips but not including satellite earth stations. (Revised, Ordinance No. 1803)

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Revised, Ordinance No. 1803)

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy. (Revised, Ordinance No. 1803)

Apartment: A room or suite of rooms in a multiple-dwelling intended or designed for use as a residence by a single family.

Basement: A story of a building having more than one-half of its height below grade and which serves as substructure or foundation for the remainder of the building.

Bed & Breakfast: The use of an existing residential dwelling wherein short term lodging with one or more meals for compensation is provided and the living space is shared with the family in residence. (Revised, Ordinance No. 1681)

Board of Zoning Appeals: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

Building: Any structure used or intended for supporting or supporting or sheltering any use or occupancy. (Revised, Ordinance No. 1710)

Building, Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Inspector: The person or persons authorized and empowered by the City Manager to administer the requirements of these zoning regulations.

Cellar: A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.

Cell Site: A tract or parcel of land that contains the cellular communication antenna, its support structure, accessory buildings and parking, and may include other uses associated with an ancillary to cellular communication transmission. (Revised, Ordinance No. 1803)

Cellular Telecommunications: A Commercial Low Power Mobile Radio Service licensed by the Federal Communication Commission (FCC) in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area. (Revised, Ordinance No. 1803)

Cellular Telecommunications Facility: A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunications or radio signals from mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines. (Revised, Ordinance No. 1803)

Co-Location: Locating wireless communications equipment from more than one provider on a single site. (Revised, Ordinance No. 1803)

Commercial Districts: Shall include “C-1”, “C-2”, and “C-S” uses. (Revised, Ordinance No. 1636)

Common Carrier: A public radio service in which a single licensee provides one-way or two-way service to multiple users. (Revised, Ordinance No. 1803)

Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. (Revised, Ordinance No. 1803)

Communications Facility: A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures or towers and accessory buildings. (Revised, Ordinance No. 1803)

Communications Transmission System or Communications System: A wired communications transmission system, open video system or wireless communications transmission system. (Revised, Ordinance No. 1803)

Condominium: A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multiple-family dwelling.

Contractor Equipment: Equipment used in the operation of a construction business including but not limited to bobcats, backhoes, forklifts, tractors, generators, welders, sprayers, and commercial mowers. (Revised, Ordinance No. 2276)

Contractor Trailer: A trailer with a Gross Vehicle Weight (GVW) in excess of 2,000 lbs. including but not limited to gooseneck, dual axle, tandem, dump, fifth-wheel or equipment trailers. (Revised, Ordinance No. 2276)

Day Care Center: A building or structure where care, supervision, custody or control is provided for more than ten (10) unrelated children under the age of sixteen years for less than twenty-four (24) hours. (Revised, Ordinance No. 1745)

Day Care Home: A single family residence where care, supervision, custody or control is provided as a home occupation for a maximum of ten children under sixteen years of age, including the children of the provider under the age of sixteen years and with a limited number of children under kindergarten age, in compliance with county and state regulations. (Revised, Ordinance No. 1745)

Disability: A condition, with respect to a person, which means: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. Such terms do not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802). (Revised, Ordinance No. 1630)

District: A section of the City of Bonner Springs for which the regulations governing the use of land and buildings are uniform.

Dwelling: A building or portion thereof, not including manufactured homes, which is designated and used exclusively for residential purposes. (Revised ordinance No. 1636)

Dwelling for the Elderly and/or Disabled: A two-family or multiple-family residential building having accommodations for and occupied exclusively by elderly or disabled residents and attendant maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Disabled persons are those with disability as defined in these regulations. For purposes of these regulations, a dwelling for elderly and/or disabled shall not be construed as a group home as defined herein. (Revised, Ordinance No. 1630)

Dwelling, multiple: A residential building designed for and occupied by more than two families, independently.

Dwelling, Single-Family: A residential building designed for and occupied by one family. For purposes of these regulations, residential-design manufactured homes and group homes shall be considered single-family dwellings. (Revised, Ordinance No. 1630)

Dwelling, Single-Family Attached: A portion of a residential building designed for and occupied by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

Dwelling, Two-Family: A residential building designed for and separately occupied by two families.

Earth Sheltered Residence: A residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.

Effective Radiated Power (ERP): The product of the antenna power input and the numerically equal antenna power gain. (Revised, Ordinance No. 1803)

Encroachment: Any architectural or structural feature which projects into the setback and is measured at grade. Chimneys, balconies, roof overhangs, etc. two feet above grade and not extending more than three (3) feet into the setback. (Revised, Ordinance No. 1710)

Enhanced Specialized Mobile Radio (ESMR): A specialized mobile radio network which utilizes the integrated digital enhanced network. (Revised, Ordinance No. 1803)

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to illuminate outside areas. Fixtures that are installed indoors that are intended to illuminate something outside are considered exterior lighting for the intent of this Ordinance. (Revised, Ordinance No. 2068)

FAA: Shall mean the Federal Aviation Administration (Revised, Ordinance No. 1803)

Family: One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit, plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel, motel or commune.

FCC: Shall mean the Federal Communications Commission. (Revised, Ordinance No. 1803)

Fence: A protective, confining or decorative barrier separate from any building and not including any living plant material.

Fixture: The assembly that holds the lamp in a lighting system. It includes the elements designed to give output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment hardware. (Revised, Ordinance No. 2068)

Floor Area: For Computing Off-Street Parking Requirements: Shall mean the gross floor area of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- The basement floor area;
- The area of each floor of the structure; and
- The attic space having headroom of seven feet or more.

Foot-candle: The ratio of the quantity of light, measured in lumens to the surface area in square feet on which the lumens are falling. One foot-candle = One lumen per square foot. Foot-candle light densities are measurable with an illuminance meter. (Revised, Ordinance No. 2068)

Foster Home: A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Garage, Porch or Yard Sales: All general sales, open to the public, conducted from or on a residential premise in any residential district for the purpose of disposing of personal property. Garage sales shall include "lawn", "yard", "attic", "porch", "room", "back yard", "patio", and "rummage" sales. This definition shall not include a situation where no more than five (5) specific items are held out for sale, and all advertisement of such sale specifically names those items to be sold.

Gasoline Service Station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, major overhaul, motor replacement, body and fender repair or spray painting.

Glare: Intense light that results in discomfort and/or reduction of visual performance and visibility. (Revised, Ordinance No. 2068)

Governing Body: The Mayor and City Council of Bonner Springs, Kansas. (Revised, Ordinance No. 1630)

Group Home: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. For purposes of these regulations, group homes shall be considered single-family dwellings. (Revised, Ordinance No. 1630)

Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential building. See Article XXII, Section 6.

Hospital: A building, or group of buildings, having room facilities for one or more abiding patients, used for providing services for the inpatient, medical or surgical care of ill or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Industrial Districts: Shall include “I-1” and “I-2” uses. (Revised Ordinance No. 1636)

Interference: Disturbances in reception caused by intruding signals or electrical current. (Revised, Ordinance No. 1803)

Kennel: Any place, area, building, or structure where dogs or cats or other household domestic pets are boarded, bred, housed, cared for, fed, or trained by other than the owner. The occasional raising and sale of a litter of kittens or puppies or other household domestic pets shall not constitute a kennel.

Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment. (Revised, Ordinance No. 1803)

Light Trespass: Unwanted light emitted by a luminary, falling beyond the boundary of the property, that exceeds the standards contained herein. (Revised, Ordinance No. 2068)

Lodging or Boarding House: A dwelling or part thereof where meals and/or lodging are provided for compensation for two (2) or more persons, not transients, and where there are not more than twelve (12) sleeping rooms, nor sleeping spaces for more than twenty-four (24) people.

Lot: A piece, parcel or tract of land which is located within a single block fronting on a dedicated public street and is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single ownership or control for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance. A lot may be subsequently divided into two (2) or more lots; provided, that each new lot complies fully with this ordinance and any ordinances pertinent thereto at the time of division. A lot, therefore, may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed.

Lot Area: The product of the width multiplied by the length of a lot.

Lot, Corner: A lot abutting upon two or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Double Corner: A lot having two corners with two intersecting streets. (Revised Ordinance No. 1779).

Lot, Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds in the county in which the lot is located; or a parcel of land described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

Lot, Reverse Corner: A corner lot or double corner lot on which the front yard does not front the same direction as the other lots in the same block. (Revised, Ordinance No. 1779)

Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots or record, or any combination thereof.

Manufactured Home: A manufactured home is a prefabricated structure, transportable in one or more sections which in the traveling mode is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards as evidenced by an affixed certification label. For purposes of these regulations, a manufactured home is not a mobile home. Manufactured homes which are not subject to the City's construction codes are not to be confused with a modular home (see definition) which is also a prefabricated structure. Manufactured homes are subject to the City of Bonner Springs' zoning regulations. (Revised, Ordinance No. 1630)

Manufactured Home Districts: Shall include "M-H" and "M-P" uses. (Revised Ordinance No. 1636)

Manufactured Home, Residential-Design: A manufactured home on a permanent foundation which has (a) minimum dimensions of twenty-two (22) feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes. For purposes of these regulations, residential-design manufactured homes shall be considered single-family dwellings. (Revised Ordinance No. 1630)

Manufactured Home Lot: A plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage and electricity.

Manufactured Home Park: Any area, piece, parcel, tract or plot of ground equipped and required for support of manufactured homes and used or intended to be used by one or more occupied manufactured homes, but under no circumstance shall the manufactured home spaces be sold or offered for sale individually. The term "manufactured home park" does not include sales lots on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. (Revised, Ordinance No. 1630)

Manufacturing: Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product. (Revised, Ordinance No. 1710)

Massage Therapy (Therapeutic): See massage Therapy Ordinance for the definition and specific requirements for the issuance of a special use permit. (Revised Ordinance No. 2133)

Medical Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

Mobile Home: A structure, transportable in one or more sections, which has a body width of eight (8) feet or more and a body length of thirty- six (36) feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air-conditioning and electrical systems contained therein. The definition 'mobile home,, does not include any structure which is subject to the Federal Manufactured Housing Construction and Standards. For purposes of these regulations, a mobile home is not a manufactured home of residential design, manufactured home, nor is it considered a single-family dwelling. Mobile homes are subject to the City of Bonner Springs zoning regulations. (Revised, Ordinance No. 1630)

Modular Home: A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of preselected, prefabricated units or modules that conform to the City of Bonner Springs' current construction codes (building, plumbing, electrical, mechanical) transported to and/or assembled on the site of its permanent foundation, in contradistinction to a dwelling structure which is custom built on the site of its permanent location.

Monopole Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors. Also known as a Self-Supporting Tower. (Revised, Ordinance No. 1803)

Motel: A building or group of buildings including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy, and (2) provide one off-street parking space on the same lot for each individual living or sleeping unit.

Municipal Safety Services: Police, fire, ambulance services of municipal government in which the primary function is to protect the safety and welfare of the general public.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This shall include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.

Nonconforming Use: A structure or land lawfully occupied by a use that does not conform to regulations of the district in which it is located. Types of nonconforming uses are described below:

- **Nonconforming Buildings, Structures and Uses Thereof:** Nonconforming buildings, structures and uses thereof shall be deemed to include any building or structure, all or substantially all of which building or structure is designed and constructed for a use not permitted in the district in which it is located, and the uses thereof, including any nonconforming use of land accessory thereto.
- **Nonconforming Uses of Buildings or Structures:** Nonconforming uses of buildings or structures shall be deemed to include any nonconforming use or part or all of a building or structure designed and constructed primarily for a use permitted in the district in which it is located, and any nonconforming use of land accessory thereto.
- **Nonconforming Uses of Land:** Any nonconforming use of land where no building or structure is located on the land; and nonconforming use of land where the use of a building or structure is accessory to such nonconforming use; or any nonconforming use of land where a building or structure occupies a portion of the land, and the nonconforming use of land is not accessory to a use of the building or structure.

Nursing Homes or Convalescent Homes: An institution or agency licensed by the State of Kansas for the reception, board, care or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Mixed Use District: Shall include “MX” uses. (Revised, Ordinance No. 2386)

Parking Area: An area devoted to off-street parking of five (5) or more vehicles on any one lot for public or private use with an all weather surface (bituminous or concrete). All outside areas used for display or storage shall be considered parking areas and require an all weather surface. (Revised, Ordinance 1779, 4-7-97)

Parking Space: A permanent all weather surface (bituminous or concrete) area for parking motor vehicles with all weather driveway connecting the parking lot to a street or alley for ingress and egress. Refer to parking and loading regulations. (Revised, Ordinance No. 1779)

Partially Shielded: The lamp of the fixture is shielded by a translucent material and is only partially visible from the outside structure. Light may be emitted at the horizontal level of the lamp. (Revised, Ordinance No. 2068)

Personal Communications Services (PCS): Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network. (Revised, Ordinance No. 1803)

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Planning Commission: The Planning Commission of Bonner Springs, Kansas.

Premises: A lot, together with all buildings and structures thereon.

Private Club: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve goods and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

Recreational Vehicle (RV) and Equipment: Any type of vehicle used primarily for recreational pleasure, which is either self propelled, mounted on, or pulled by another vehicle. Examples include but are not limited to travel trailer, motor home, camping trailer, truck or van camper, boat, snowmobile or personal water craft. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Rehabilitation Home: A building or use with the occupancy limited by the requirements of the building code as adopted for the explicit purpose of short term (no more than sixty (60) days per each individual) rehabilitation treatment due to addiction to controlled substances. (Revised, Ordinance No. 1745)

Repeater: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell. (Revised, Ordinance No. 1803)

Residence, Single-Family: A single-family dwelling.

Residential Districts: Shall include “R”, “R-S”, “R-1”, “R-1A”, “R-2”, and “R-3” uses. (Revised, Ordinance No. 1636)

Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.

Restaurant, Drive-In: An establishment whose primary purpose is the sale, dispensing of service of food, refreshments or beverage in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

Retail: The sale of goods, commodities or merchandise in small quantities to the general public. (Revised, Ordinance No. 1710)

Roof and/or Building Mount Facility: A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof or building face. (Revised, Ordinance No. 1803)

Salvage Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include auto wrecking yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvage materials as a part of a manufacturing operation.

Seasonal: Relating to or varying in occurrence according to the season, but shall not mean for a period exceeding six months. (Revised, Ordinance No. 1710)

Shielded: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The lamp is not visible from outside the fixture with a shielded light fixture, and no light is emitted above the horizontal plane of the fixture. Also considered a full cut-off fixture. (Revised, Ordinance No. 2068)

Sight Triangle: Refer to Article XXII, Supplementary District Regulations, Section 9, Minimum Sight Triangles (Revised, Ordinance No. 1710)

Sign: Any device, surface, display or fixture that uses any color, form, graphic, illumination, symbol or writing to advertise, announce or identify the purposes of a person or entity or to communicate information of any kind to the public. (Revised, Ordinance No. 1710)

Stable, Commercial: A commercial establishment for boarding, breeding, training or raising four (4) or more horses, including rental of horses for riding or other equestrian activities. (Revised, Ordinance No. 1801)

Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access of adjacent properties.

Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Street Network:

- **Arterial:** A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.
- **Collector:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- **Expressway:** A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
- **Local:** A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

- Attachment of new front where structural supports are not changed
- Addition of fire escapes where structural supports have not changed,
- New windows where lintels and support walls are not materially changed.
- Repair or replacement of non-structural members

Structure: That which is built or constructed, edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Revised, Ordinance No. 1710)

Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises.

Temporary Lighting: Lighting that is intended to be used for a special event for seven (7) days or less. (Revised, Ordinance No. 2068)

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular towers, alternative tower structures and the like. (Revised, Ordinance No. 1803)

Up Lighting: Lighting that is intended in such a manner as to emit light rays above the horizontal plane. (Revised, Ordinance No. 2068)

Wholesale: The sale of goods or products in large quantities to retail customers for resale. (Revised, Ordinance No. 1710)

Wind Energy Conversion Systems (WECS): Any device commonly or technically referred to as a wind charger, windmill, wind turbine, or wind generator which converts wind energy to a form of usable energy. These terms shall include all associated support structures. (Revised, Ordinance No. 2223)

Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

Yard, Front: A yard across the full width of the lot extending from the front line of the building to the front lot line of the lot. (Revised, Ordinance No. 1800)

Yard, Rear: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear building line. (Revised, Ordinance 1710)

Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

Zone or District: A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space are herein established.

Zoning Area: The area to be zoned as set out on the official Zoning District map filed of record.

Zoning Regulations: The term "zoning regulations" or "this or these regulations" shall mean the requirements stipulated in the regulations herewith attached.

This Page Intentionally Left Blank



Designing Accessory Dwelling Unit Regulations

Recommendations for the City of Alexandria, Virginia

Christina Stacy, Eleanor Noble, Jorge Morales-Burnett, and Lydia Lo

November 2020

Accessory dwelling units (ADUs), or secondary housing units on residential lots, may be one way to increase housing supply without changing the physical character of neighborhoods. They represent a potential wealth-building opportunity for cost-burdened homeowners, a way for elderly residents to age in place while maintaining privacy, and an alternative for young people who want to live at home to save money. ADUs may also increase the supply of rental housing for low- and moderate-income renters in high-cost neighborhoods.

However, designing ADU regulations that minimize the barriers for their development while being sensitive to the desires of existing residents can be challenging. Although many cities have enacted laws allowing for ADU construction, some regulations make adding an ADU too burdensome for homeowners interested in development (Chapple et al. 2018). For example, in Arlington, Virginia, tight regulations on ADUs meant only 20 units were built between 2009 and 2017 (Anacker 2018). Portland, Oregon, on the other hand, has a flexible ADU regulation with a clear and streamlined permitting process, and the city issued 4,047 ADU permits between 1995 and 2019 (Lo et al. 2020).

This brief summarizes recommendations for the design of an ADU regulation for the City of Alexandria, Virginia, based on an evaluation of prior research, community engagement and feedback, discussions with leaders in cities who have instituted ADU regulations, and civic engagement. We make 10 recommendations:

- **Adopt a “by-right” process** for ADU development that reduces uncertainty for homeowners, reduces cost, and streamlines the process for development, and **make the initial review**

process for determining whether an ADU is allowed on a property as quick and easy as possible.

- **Do not impose an owner occupancy requirement** on either the main dwelling or the ADU.
- **Do not require off-street parking.**
- **Adopt a tiered approach to setbacks**, whereby single-story detached ADUs have smaller, less restrictive setbacks than larger, two story units, and **implement regulations for ADU window placements** to maintain the privacy of nearby homes.
- **Impose size limits on ADUs** that ensure the units are not too large (and therefore less like to be affordable) but also do not overly restrict the size of the ADU for homeowners with smaller homes.
- **Do not place any minimum lot size restrictions** on the development of ADUs.
- **Adopt the same restrictions around short-term rentals** for ADUs as for other homes in Alexandria.
- **Consider developing innovative financing mechanisms** and partnerships with banks and CDFIs to ensure that homeowners of all wealth and income levels are able to build their own ADUs.
- **Support programs that incentivize rather than require affordability** to increase the supply of affordable rental units in the city. Also consider partnering with a local developer or nonprofit to front the cost of building an ADU in exchange for rent sharing or affordability.
- **Consider both resident input and equity implications** in the design and implementation of an ADU regulation.

We hope that these recommendations allow the city to minimize barriers to ADU construction while maintaining the unique character and charm of the City of Alexandria. These recommendations should also be helpful for other cities looking to implement or revise their ADU regulations.

What Are ADUs?

“Accessory dwelling unit” is a legal and regulatory term for a secondary house or apartment that shares the building lot of a larger, primary house. ADUs generally come in three forms: interior, attached, and detached. An interior ADU could be an attic, a basement, or an internal carve-out on a main floor. An attached ADU, sometimes called a “bump-out,” is an addition to the primary home. A detached ADU is a separate building in the side or back yard. Some detached ADUs are apartments above garages. Figures 1 through 4 show some examples of ADUs.

FIGURE 1
A Detached ADU



Source: buildinganadu.com.

FIGURE 2
An Interior ADU (basement)



Source: rightarmconstruction.com.

FIGURE 3
A Detached, Above-Garage ADU



Source: buildinganadu.com

FIGURE 4
A Bump-Out ADU



Source: buildinganadu.com

Building an ADU can take from a few months to a few years depending on a city's zoning and permitting process, and it can cost anywhere from \$20,000¹ to \$400,000 to build; a typical detached ADU costs somewhere around \$200,000.² The total building cost depends on various "hard costs"—like local labor and construction materials, and "soft costs"—like permitting fees, architecture services, and land use attorney fees, which could make up 20 to 30 percent of the total development costs (Emrath and Walter 2018).³

History of ADUs

Detached ADUs, what many people think of when they think of ADUs, were relatively common in single-family homes built in the early twentieth century. Following World War II, increasingly restrictive zoning policies, private disinvestment from urban centers, white flight, federal subsidies, and an increasing dependence on the automobile for transportation encouraged suburbanization and low-

density residential development. Although local governments effectively banned new ADUs through the 1960s, residents in cities experiencing population booms met the demand for workforce housing partly through illegal ADU construction. During World War II, for example, San Francisco built around 25,000 illegal secondary units (HUD 2008). From a legal perspective, the tide turned slowly. As urban planning movements like smart growth (focused on building cities, towns, and neighborhoods that are economically prosperous, socially equitable, and environmentally sustainable) and new urbanism (focused on walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces) emerged in the late 20th century, many cities began embracing urban infill projects and allowing ADUs (HUD 2008).

Since the early 2000s, ADUs have become increasingly popular as a policy solution for housing needs caused by changing demographics in metropolitan regions (Been, Gross, and Infranca 2014). The combination of shrinking household sizes, additional single-person households, and the growing elderly population has raised concerns about housing availability—especially given limited new housing construction in many metro regions. These demographic shifts not only create a housing mismatch, but exacerbate a housing shortage that is already at crisis levels in many metro regions (Been, Gross, and Infranca 2014). The problem of housing affordability—already significant in the national capital region—is likely to only worsen without further action. For example, Amazon’s HQ2 is expected to increase Alexandria’s housing shortage; recent estimates predict that 13,600 additional housing units are needed to accommodate household growth from 2015 to 2030 (Turner et al. 2019).⁴

Current State of Development

Many cities across the country have successfully enacted ADU laws, but the mere presence of a policy does not guarantee the construction of units. The number of ADUs that get built varies, partly based on regulatory restrictiveness. Nevertheless, even in the cities with the most flexible regulations and the highest rates of ADU development, ADUs only account for about 1 percent of the total housing stock. Table 1 documents several examples of regions with ADU regulations, selected based on their proximity to Alexandria, their comparability to Alexandria, or their high rates of ADU development.

TABLE 1

Number of Accessory Dwelling Units (ADUs) and Regulation Components in Selected Cities and Counties

	Arlington County, VA	Bloomington, MN	Boulder, CO	Fairfax County, VA ^a	Los Angeles, CA	Montgomery County, MD	Portland, OR	San Francisco, CA	Seattle, WA	Washington, DC
# of ADUs built/ permits issued	45 permits, 2009–20	2 permits, 2009–20	230 built, 1983–2018	177 permits, 1986–2020	7,052 permits, 2013–18	133 built, 2013–18	4,047 permits, 1995–2019	210 permits, 2015–18	2,597 permits, 1996–2020	75 permits, 2016–20 ^b
ADUs as a share of total housing units	0.04%	0.00%	0.51%	0.04%	0.48%	0.12%	1.43%	0.05%	0.75%	0.02%
Regulation components										
By-right development	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Minimum lot size	No	No	Yes	Yes, for detached	No	No	No	No	Yes	No
Owner occupancy requirement	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
Parking requirements	No ^c	No	Yes	Yes ^d	Yes	Yes	No	No	No	No
Short-term rentals allowance	Yes	Yes	No	No	Under interpreta tion	No	Yes	No	Yes	Yes

Sources: For Arlington County, VA: David Whitehead, “Why Has Arlington Only Legalized 20 Accessory Dwellings in 8 Years?” Greater Greater Washington, October 5, 2017, <https://ggwash.org/view/65059/only-20-accessory-dwelling-units-legalized-in-8-years-in-arlington-virginia-new-rules-could-mean-more>; “Zoning Ordinance,” January 25, 2020. For Bloomington, MN: “Code of Ordinances,” accessed November 23, 2020. For Boulder, CO: “Municipal Code.” For Fairfax County, VA: “Zoning Ordinance, Article 8: Special Permits,” 2019; “zMOD Follow-Up Discussion Handout for Land Use Policy Committee Meeting,” February 4, 2020. For Los Angeles, CA: Dan Bertolet and Nisma Gabobe, “LA ADU Story: How a State Law Sent Granny Flats Off the Chart,” Sightline Institute, April 5, 2019, <https://www.sightline.org/2019/04/05/la-adu-story-how-a-state-law-sent-granny-flats-off-the-charts/>; “Ordinance No. 186481,” December 19, 2019. For Montgomery County, MD: Rebecca Tan, “Officials Call It a Common-Sense Zoning Change. These Homeowners Say It’s a ‘Betrayal,’” *Washington Post*, July 22, 2019, https://www.washingtonpost.com/local/md-politics/officials-say-its-a-common-sense-zoning-change-these-homeowners-say-its-a-betrayal/2019/07/22/5eb48724-a295-11e9-b732-41a79c2551bf_story.html; “Ordinance No.: 19-06,” December 31, 2019; Jane P. Lyons, “Stimulating Accessory Apartment Development,” Montgomery County Council, 2018. For Portland, OR: Kol Peterson, “ADU Permit Trends in Portland in 2017 and 2018,” Accessory Dwellings, January 14, 2019, <https://accessorydwellings.org/2019/01/14/adu-permit-trends-in-portland-in-2017-and-2018/>; Rebecca Esau, “Program Guide: Accessory Dwelling Units,” Bureau of Development Services, March 15, 2019. For San Francisco, CA: Budget and Legislative Analyst’s Office, “Policy Analysis Report,” January 31, 2019; “Accessory Dwelling Units (ADU) Program for Multi-Unit Buildings,” Planning Department, accessed November 23, 2020; For Seattle, WA: “Permit Information,” January 10, 2020; “Accessory Dwelling Unit,” Department of Construction & Inspections, accessed November 23, 2020. For Washington, DC: Accessory Dwelling Units,” Zoning Handbook, accessed November 23, 2020.

Notes: ^a Accessory dwelling units are currently allowed only in single-family detached homes in Fairfax County with special permit approval by the Board of Zoning Appeals and require an occupant of either the main house or the accessory unit to be over the age of 55 or a person with a disability. ^b Washington, DC, issued 151 permits during this period, roughly half of which were canceled or expired. ^c Parking for ADUs is required if the site has no off-street parking and on-street parking is in high demand. ^d Based on the determination of the Fairfax County Board of Zoning Appeals.

Community Engagement and Feedback

To understand community preferences around the design of an ADU regulation, the Urban research team and the City of Alexandria engaged with community members. Because of the COVID-19 pandemic, all community meetings and presentations for this study were held remotely. To collect feedback from residents, we posted two online presentations and administered two short surveys after each presentation that contained open-ended requests for feedback about the development of a potential ADU regulation. The City also administered one survey after a virtual community meeting that included more direct, multiple-choice questions. The feedback from these surveys is summarized here, and then interwoven in more detail in the sections below on recommendations.

The first presentation gave an overview of ADUs, and the post-presentation survey requested high-level feedback from residents on the topic. We received 240 responses. Residents raised eight key issues:

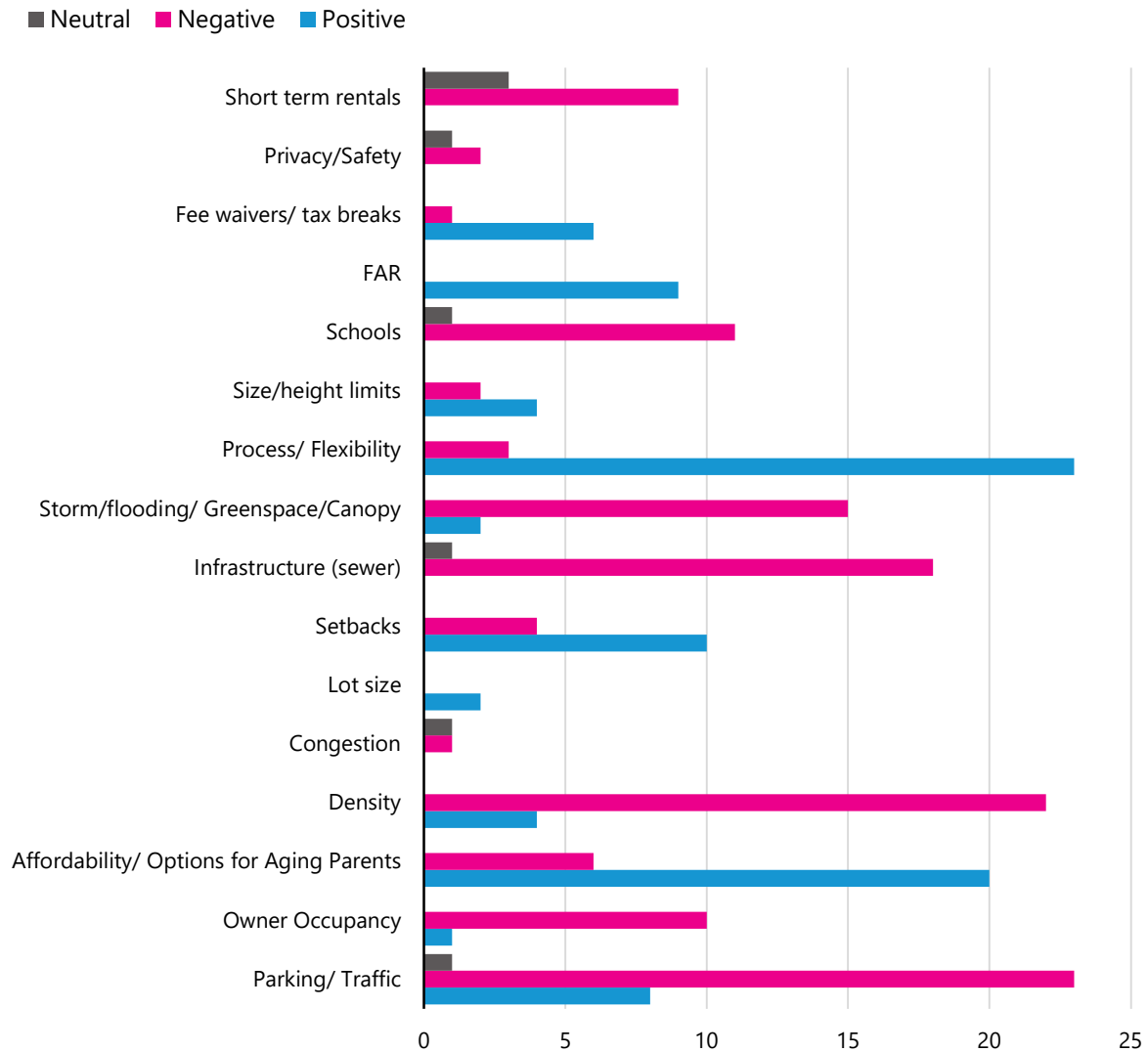
- ADU policies in other jurisdictions
- density
- environmental impacts
- expanded housing options
- neighborhood impact
- setbacks
- size limits and floor-area ratio requirements
- traffic and parking

Based on this feedback, we prepared a second presentation that helped answer some questions residents raised in the first feedback form. The second presentation also went into more depth about the specific components of a potential ADU regulation and summarized the feedback heard after the first presentation. Feedback after this second presentation is summarized in figure 5, which shows the sentiment of responses by topic. In the figure, “positive” means the respondent felt positively about ADUs in relation to the topic listed, and “negative” means that the respondent felt negatively about the topic or the ways in which ADUs will affect that item. For instance, someone who would like the ADU regulation to be flexible is considered positive on the process/flexibility topic; someone who would like a full review before an ADU is developed is considered negative. Similarly, someone who feels positively about density and the ability of ADUs to increase density is considered positive on the density issue, while someone who feels negatively about density and about ADUs increasing density is considered negative.

Finally, the City and the Urban research team conducted a virtual community meeting, where they presented a draft ADU regulation and answered questions and comments about the proposal. Sixty-one residents attended this virtual meeting, and 107 questions were asked. After releasing the draft recommendations, the City administered a final questionnaire that included more specific, multiple-choice questions about the regulation. Generally, residents were positive about allowing ADUs in Alexandria and supported the proposal as written (figure 6).

FIGURE 5

Survey Comments by Topic and Sentiment

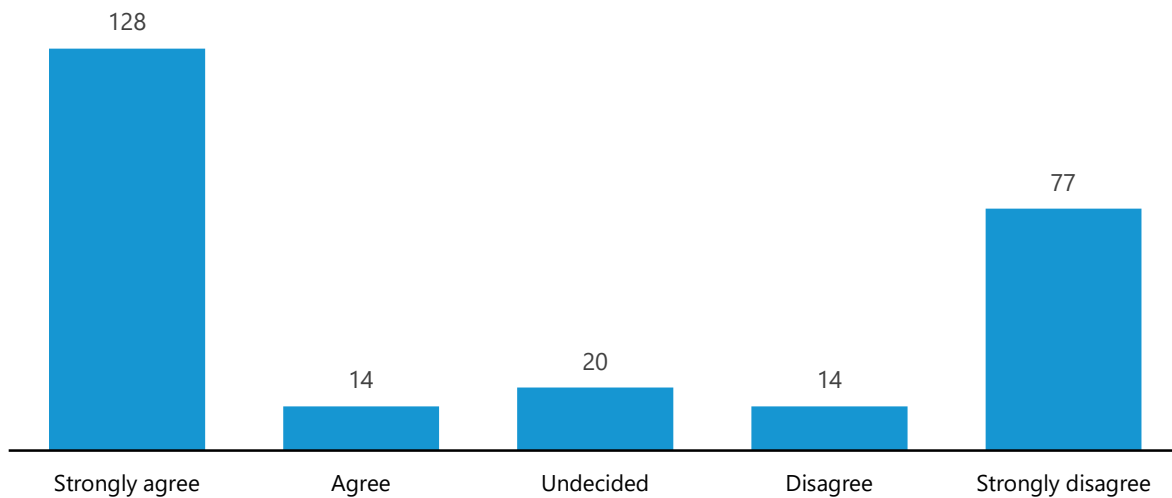


Source: Authors' analysis of survey feedback.

Note: FAR = floor-to-area ratio.

FIGURE 6

Responses to Survey 3, Question 1: "I Support Allowing ADUs in Alexandria"



Source: Urban Institute analysis of survey data.

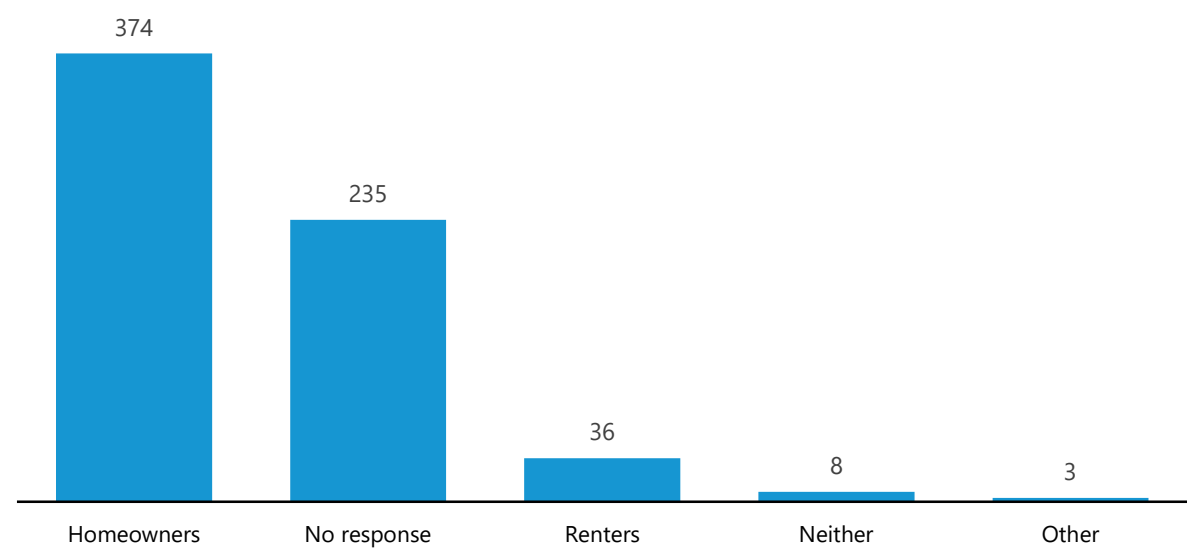
The results of the remaining third survey questions can be found in appendix B. Residents generally supported an occupancy requirement (59 percent for and 18 percent against); were split on whether to allow short-term rentals, with slightly more residents opposing them (35 percent for allowing them and 44 percent for prohibiting them); were split on whether to require off-street parking, with more residents opposing off-street parking requirements (49 percent, compared with 36 percent for requiring them), were split on the proposed setback requirements of one foot unless a window faces a neighbor's property, in which case the setback would be three feet (54 percent felt this was appropriate while 47 percent felt it was inappropriate); generally supported the proposed height limits of 20 feet or the height of the main house, whichever is less (61 percent felt this was appropriate and 39 percent felt it was inappropriate), and generally supported excluding portions of detached ADUs similar to the way the City currently excludes detached garages and sheds (61 percent felt this was necessary and 39 percent felt it was unnecessary).

Most residents said they would be most comfortable having ADUs within a house in their neighborhood (48 percent), but many also felt comfortable with a detached structure (31 percent) or one above a garage (21 percent). Resident who said they were interested in constructing an ADU (51 percent) said they would be most likely to build a new detached structure (21 percent), followed by one within the existing home (16 percent) and one above a current garage or other structure (14 percent).

While this feedback is useful for designing a regulation with resident preferences in mind, it should be noted that most of the respondents to all the surveys were homeowners, thus skewing the results toward higher-income residents (figure 11). Additionally, only 3 percent of responses came from 22311, the lowest-income zip code, while 18 percent of responses came from 22301, the highest-income zip code (figure 12). A fully representative survey of residents was beyond the scope of this study but would be needed to accurately represent the full set of opinions and preferences for ADUs. We recommend

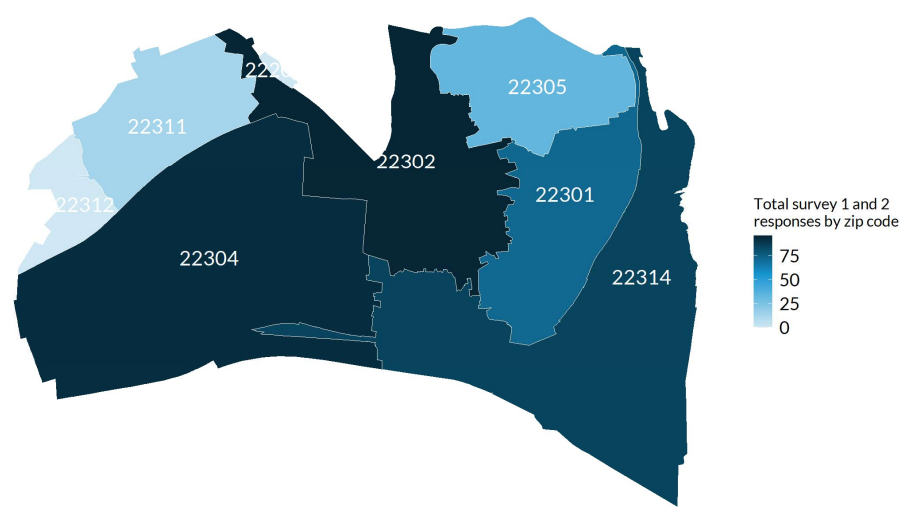
this approach for larger policy changes. We also recommend that the city take into account equity implications for both current residents and future residents when designing this and other regulations; since such regulations are partly about addressing the needs of future residents, asking only residents their views is inherently limited.

FIGURE 11
Survey Responses by Tenure



Source: Urban Institute analysis of survey data.

FIGURE 12
Responses by Zip Code



Source: Urban Institute analysis of survey data.

Evidence and Recommendations

Even though many cities allow for ADUs, specific regulations and other barriers often make it difficult for ADUs to be built. Cities can design ADU laws and incentives so that development is feasible while also considering the preferences of current residents. Below are evidence and recommendations for various components of an ADU regulation for the City of Alexandria.

CONDITIONAL OR DISCRETIONARY REVIEW PROCESSES

Conditional or discretionary review processes are reviews that require a homeowner interested in building an ADU on their property to apply for permission to build; they do not guarantee their right to do so. Depending on local regulations, this process can involve neighborhood hearings, written justifications, and public weigh-in, and it can drastically impede ADU development. These can be intimidating and expensive, particularly for first-time developers who are usually homeowners; they can be forced to spend anywhere from \$1,000 to \$30,000 for site plans, land-use attorneys, and fees without guaranteed approval. These logistics also add time and uncertainty to the process (Peterson 2018).

If attaining a permit is too burdensome, such as by requiring reviews with a zoning board, potential ADU homeowners can become discouraged. All the cities listed in table 1 that have had 200 or more ADUs developed within their boundaries have by-right development rules for ADUs, which creates a faster, more predictable process for approvals. By-right development makes it easier for housing supply to be aligned with the demand in a city, and that can in turn reduce rents overall (National Multifamily Housing Council 2019).

Even before permitting can begin, homeowners need to know whether an ADU is allowed on their property and familiarize themselves with the rules, such as setbacks or minimum lot sizes. In Los Angeles, a [tool called Cover](#) was developed so that homeowners could determine in a matter of minutes whether their property was eligible for constructing ADUs. Seattle recently developed a similar tool called [ADUniverse](#). Having city workers available to help citizens easily determine the eligibility of their property, or tools like Cover, can make the process more efficient and ensure that the intended outcomes from the ADU policy are met.

Alexandria residents who mentioned the permitting process during our community engagement were mostly supportive of a flexible process (23 compared with 3 who requested more extensive reviews). Supporters of by-right development wanted the zoning process to be as flexible as possible and to be paired with resources on financing options, tax incentives, and waived infrastructure fees. Questions arose about whether the process should differ for interior ADUs versus external ADUs. Opponents noted they wanted ADUs to require zoning approval for each application “to ensure the unit does not destroy the look and feel of a neighborhood,” according to one commenter, though this was not the majority point of view.

We recommend that the city adopt a “by-right” process for ADU development that reduces uncertainty for the homeowners, reduces cost, and streamlines the process for development. We also

recommend that the City **make the initial review process for determining whether an ADU is allowed on a property as quick and easy as possible.**

OWNER OCCUPANCY REQUIREMENTS

Some cities require the owner of a property with an ADU to either live in the ADU or the main dwelling. This provision is usually promoted as a way to prevent speculation, limit absentee landlordism, and maintain the lot's appearance. It also often includes bylaws about family composition allowed on the lot.

Among the feedback forms we examined, 10 Alexandria residents requested that the city implement owner occupancy requirements, while 1 requested that the city not impose such restrictions. In the final survey, 59 percent of residents supported an owner occupancy requirement. Many of those who wanted an occupancy requirement referenced fears of homes and their associated ADUs becoming investment properties only owned by trusts or LLCs. They feared that not requiring occupancy would encourage speculative investment rather than long-term housing provision and defeat the regulatory goal of expanding housing options. Again, survey responses were skewed toward homeowners in higher-income zip codes. Very few responses came from renters in lower-income zip codes.

While encouraging ADU development by present and involved local homeowners is a policy priority, owner occupancy restrictions have not achieved this goal in other cities, and fears of speculative investment in ADUs did not materialize. One neighborhood in Portland that required owner occupancy had fewer owners who lived on the property (35 percent) than the rest of the city (90 percent). The policy was difficult to enforce and later overturned as it counterintuitively made the permitting process difficult and discouraged development by first-time homeowner-developers (Peterson 2018).

Owner occupancy requirements also restrict ADU development because lenders are less prone to loan against properties with deed restrictions of this sort and because owners are not allowed to move off the property without selling (Peterson 2018).

Given the likelihood that such a requirement would place undue burden on ADU development and drastically stifle overall production, **we recommend that the city not impose an owner occupancy requirement** on ADUs, particularly since owner occupancy requirements are hard to enforce and often ineffective at getting owners to live on the property. If the City must enact a residency requirement because of resident concerns, we recommend that these restrictions be as flexible as possible.

OFF-STREET PARKING REQUIREMENTS

While parking is a highly contentious issue in most cities, prior research has shown that most ADUs do not create parking challenges in the affected neighborhoods, and requiring them for ADUs can make development overly burdensome and expensive. Parking requirements impede ADU development for several reasons. On many lots, building an additional parking spot is either impossible or highly undesirable; building parking spaces can cost the homeowner \$3,000–\$5,000 per spot, excluding curb cuts. Even if it is possible to get parking requirements waived, the extensive review and permitting

process to ease restrictions is burdensome to new developers, who are typically just homeowners (Peterson 2018).

A survey of Bay Area residents showed that of the people who had at least one secondary unit on their block, almost two-thirds reported that there was no negative impact from the presence of that unit. While the most prevalent complaint from the remaining one-third of respondents was increased parking congestion in the block, the authors also found that ADU tenants were disproportionately likely to own no car at all (Chapple et al. 2012). Moreover, studies have found that in Portland and Vancouver, ADUs did not increase traffic congestion (Peterson 2018).

In the first two feedback forms, we heard from 23 Alexandria residents who were concerned about parking and congestion issues, 8 who felt positive about parking in the context of ADUs, and 1 who was neutral. On the final survey, residents slightly preferred no parking requirement: 49 percent of respondents were against requiring off-street parking and 36 percent in support of it. Residents concerned about parking issues tended to say that the city already struggled with parking shortages (especially in West End) and that narrow streets were not designed for street parking. Those who felt that the city should not require off-street parking for ADUs noted that such requirements are regressive and that a better solution might be to limit the number of parking permits per property to the amount of curb space in front of the property.

Based on the prior research showing that ADUs are unlikely to create increased parking congestion, and because of the high burden that parking requirements place on ADU developers, **we recommend that the city not impose an off-street parking requirement.** Such a requirement would be overly burdensome and likely lead to inequities, since the added cost plus larger lot size needed to fulfill this requirement would likely only be possible for higher-income homeowners. If the city must require parking, it should do so only for lots that are far from transit and in areas that already have a lack of street parking.

SETBACKS

Setback standards for ADUs generally range from 1 foot to 20 feet, depending on the city. Setback standards from 10 to 20 feet often limit ADU development in neighborhoods that are most in need of infill construction: areas with walkable, smaller lots near transit. Portland has developed a tiered approach where setbacks vary based on ADU height; the maximum height for a detached ADU is 20 feet when located outside the required setbacks for the zone, and 15 feet when it is within the required setbacks for the zone. To protect the privacy of neighbors, windows and doors are only allowed on sides of the ADU that are further than five feet from the property line (Peterson 2018). It is also important to compare setback requirements for all current and historic detached structures (such as garages) for easy ADU conversion.

In the final survey, 54 percent felt that the proposed setback requirements were appropriate (one foot if there is no window facing the neighbor's property and three feet if there is). In the first two community feedback forms, 10 responses were supportive of small setbacks for ADUs, and 4 wanted stricter setback requirements. Two residents recommended the same setbacks as current garage

requirements while requesting that the City ensure that foundations can support two-story structures if an ADU goes above a garage. Two noted that a minimum five-foot setback is not sufficient (for rear and side yards). Another thought the setback should be determined by whether there were windows facing the outside lots or less than five feet if they faced a vacant lot or if they had a fence.

We recommend that the city adopt a tiered approach to setbacks, whereby single-story detached ADUs are allowed to have smaller, less restrictive setbacks (for example, around 2 feet) than larger, two-story units (of, say, 5 to 10 feet). We also recommend that the City implement regulations around window placements on ADUs to maintain the privacy of nearby homes, and that the City allow for the conversion of existing structures, like garages, into ADUs at their current setbacks.

SIZE AND HEIGHT LIMITS

Many ADU laws require that they cannot be larger than a certain size and/or a certain height, either proportional to the size of the home or a definitive size for all ADUs in the city. Size limits can ensure that the ADU is accessory to the main home. Size limit regulations can also be helpful for increasing the supply of small, affordable housing.

However, restrictions based on the size of the main dwelling can unintentionally lock less-wealthy homeowners out of the market or force developers with smaller homes to build 300–400-square foot ADUs, which are too small for most renters. While 600 square feet is a common size cap, 800–1,000 square feet for detached ADUs is seen as the area needed to fill the two-bedroom rental gaps in many cities (Peterson 2018).

In the feedback forms, some residents requested size limits that ensure that ADUs are smaller than the main dwelling. Four residents recommended not having tight restrictions on lot size requirements and/or tying permitting to a size limit set by square feet rather than a percentage of home size, since the latter makes the policy regressive. They also generally supported excluding portions of detached ADUs similar to the way the City excludes detached garages and sheds (61 percent felt this was necessary and 39 percent felt it was unnecessary).

We recommend that the city impose size limits on ADUs that ensure the ADUs are not too large (and therefore less likely to be affordable) but also do not overly restrict the size of the ADU for homeowners with smaller homes. For instance, the city could place a maximum limit on ADUs of 600 or 750 square feet for smaller homes (owners could still build a smaller one if they wish), and a size maximum for larger homes based on the proportion of the home size to ensure that the ADUs are accessory to the main home without locking lower-income homeowners out of the market. For height, the city could allow ADUs up to two stories or the height of the main home, whichever is less.

MINIMUM LOT SIZES

Many cities only allow ADUs on lots of a certain minimum size. These rules invariably lock out lower-income homeowners from the ADU market and may only allow for ADUs in areas with less demand. Survey respondents who mentioned lot sizes were all in favor of no minimum lot size requirement.

Some cities have created laws that allow for smaller minimum lot sizes in denser neighborhoods, such as Hillsborough, North Carolina, where the lot size must be twice that of the zoning district's minimum requirement. However, rules like this make deciding whether an ADU is allowed on a lot even more complicated, and therefore decrease the likelihood that it will be built. Therefore, **we recommend that the city not place any minimum lot size restrictions** on the development of ADUs.

HOOKUP AND DEVELOPMENT FEES

For first-time developers, impact fees, sewer and water hookup fees, and development fees can add unforeseen costs to a project—anywhere from \$10,000 to \$60,000 (Peterson 2018). Cities like Los Angeles, Portland, and San Francisco have spurred development by waiving impact and hookup fees altogether. Removing prohibitive fees proves that a city is committed to addressing its housing crisis. In some cases, fee waivers can also be easier and quicker to pass than additional zoning regulations. Another way to reduce utility fees is to allow ADUs to share sewer and water lines with the primary home, if the system can handle it.

Survey respondents expressed strong concerns about extra water runoff from additional impermeable surfaces, creating additional flooding problems. One commenter recommended placing additional impermeable surface restrictions by neighborhood, depending on flooding history. However, some noted that homeowners already pay for stormwater infrastructure and should not have to pay twice. Another commenter recommended the city incentivize or provide credits if ADUs use solar power.

Given Alexandria's infrastructure challenges and concerns from residents about flooding and sewage capacity, **we recommend that the city further research the possibility of waiving impact fees.**

SHORT-TERM RENTALS

One of the most contentious ADU policy debates is whether to allow them to house short-term rentals (STRs). Because ADUs are frequently tied to city and municipal goals for housing supply and affordability, STRs are often banned or highly regulated since they are seen to not help address these issues. This restricts one of the unique and most appealing characteristics of an ADU for homeowners: its flexibility. Additionally, most ADUs are used as long-term rentals (LTRs) even if STRs are allowed; a 2018 point-in-time study in Portland found that around 74 percent of ADUs were being used as LTRs or residences for a family member or friend and only 32 percent were being used as STRs (Gebhardt, Gilden, and Kidron 2018). The flexibility of temporarily using an ADU as a short-term rental is a huge draw for developers who may need additional income after housing a family member or friend for free or in between long-term rentals (Palmeri 2014). Peterson (2018) argues that banning STRs would not substantially increase the number of LTRs provided by ADUs anyway because it would likely decrease the overall development of ADUs and because most ADUs are used as STRs only briefly before being converted into LTRs. Additionally, many full single-family homes allow STRs, so disallowing them in ADUs will not drastically affect the overall short-term rental numbers in a city.

If a city decides to restrict short-term rentals, there are alternatives to outright bans and ways to incentivize long-term rentals. While Los Angeles and Santa Cruz banned STRs, Portland decided to

waive fees for all ADUs except those registered to short-term rental landlords. Los Angeles and San Francisco put caps on the number of days a year that a unit can be used as an STR (120 and 90, respectively). Cities can also monitor the use of ADUs and enforce an STR regulation later on if such rentals are deemed a problem. Finally, it is important to compare the ADU regulations to regulations for other residential housing forms to ensure that ADUs are not unfairly targeted.

Survey respondents were concerned that allowing short-term rentals encourages speculative investment from non-resident businesses and poor accountability for property maintenance, and it does not support the city's goal of improving housing affordability because STRs "drive up rents and deplete the housing stock." These comments came both from general ADU opponents and from supporters who wanted ADUs to help boost long-term housing supply. In total, nine respondents requested bans on short-term rentals in ADUs and three were neutral about them. In the final feedback form, respondents were split on whether to allow short-term rentals: slightly more residents opposed them (44 percent, compared with 35 percent for allowing them). Of the cities and counties in our sample in table 1, Arlington, Bloomington, Portland, Seattle, and Washington, DC, all allow STRs in ADUs.

Since STRs are already allowed on other properties in the city without restriction, and since they can be a tool needed to help finance ADUs, **we recommend that the city not add any additional restrictions on STRs beyond what is restricted in other homes.** While some proponents of the use of ADUs for increased housing options were concerned that allowing STRs would not increase the stock of long-term rental housing, banning STRs may have that impact anyway since it would drastically limit the options for recouping early costs of development. The research shows, moreover, that even if STRs are allowed, most ADUs are rented as LTRs anyway. If the City decides that it must regulate STRs in ADUs, we recommend that it finds a compromise, such as limiting them to a certain number of days per year or using incentive programs to limit their use.

FINANCING

While good zoning regulation can lay the groundwork for ADU development, financing is by far the biggest hurdle for first-time and low- and moderate-income homeowners. Depending on the style of ADU built, financing the construction of such units can pose an insurmountable barrier to homeowners who have no experience or capital for development investments. Costing anywhere from \$20,000 to \$400,000, ADU construction usually requires homeowners find a special line of credit or financing. But most banks do not have products that suit such needs. The current tools available to homeowners who need capital for ADU construction are home equity lines of credit and cash-out refinances. Both may be infeasible for many middle- and lower-income homeowners who have little equity in their homes.

- **Home equity lines of credit, or HELOCs,** leverage homeowners' existing equity. A homeowner must have at least 10 percent equity in their home, after which they can get a loan for an amount above that 10 percent threshold. However, HELOCs consider only the current value of a home, not the future value including the ADU, and thus may be too small to cover construction costs. Another downside of HELOCs is they are often variable-rate mortgages, and they require high credit scores to access.

- **Cash-out refinances** also allow borrowers to tap into the equity of their home—again, based on the current value, not the future value of the home with the ADU. Cash-out refinances require the homeowner to have at least 15 percent equity in the property. This is a higher threshold than HELOCs, but cash-out refinances have fixed, amortized interest rates, which is a benefit.

Renovation financing that accounts for the value of the home including the ADU (after construction) would be a great option for homeowners, but it is rarely offered by banks in areas where ADUs are not already common. Some people also rely on savings, loans from their 401(k) accounts, loans from family and friends, or credit cards and other unsecured loans. Another option is construction loans, but they have higher interest rate and often only make sense if the property is going to be sold or refinanced upon completion. While such products may work for some households, the need for more standard and innovative financing options from banks and government lenders still stands.⁵

Some cities have tried to fill this gap by creating unique ADU construction financing programs and partnerships. Los Angeles began an [ADU Accelerator Program](#) that provides \$10,000 to homeowners who rent their accessory unit for three years. Incentives for ADU production can also be tied to affordability and equity concerns; Los Angeles partnered with developers and CDFIs to help finance and build ADUs for those who agree to rent to people using housing choice vouchers.⁶ The City of Napa provides a forgivable loan if the unit is rented to someone with low income.⁷ In Washington, DC, the United Planning Organization and the Coalition for Smarter Growth stepped in to help low-income homeowners develop ADUs with a pilot that offers funding, a homeowner's ADU manual, how-to guides, and policy reports for local governments.⁸ Researchers at New York University (NYU) also recommended considering a revolving loan fund that targets homeowners to fill the gap that is left due to the difficulty of accessing capital through banks (Been, Gross, and Infranca 2014).

The researchers at NYU also suggest considering an amnesty program that waives fees temporarily for illegal units to encourage upgrades so the units meet certain health and safety requirements (Been, Gross, and Infranca, 2014). While this may impose greater costs on the owners of these units, upgrading could raise the resale value based on the appraisal process.

As mentioned above, cities can also consider waiving impact fees, which make development of particularly more modest ADUs more difficult to complete, as the fees can mean a larger percentage of the cost relative to more expensive ADUs. In fact, ADUs increase density in neighborhoods and therefore cost the city less to service than infrastructure expansion for suburban construction,⁹ so the higher density can help recoup some costs of waiving the fees. Among survey respondents, six were supportive of fee waivers and tax incentives for ADU development, while one was opposed to such programs.

Finally, cities can partner with developers or nonprofits to share costs and revenues with homeowners. A startup in Portland called Dweller purchases and installs premade ADUs in backyards and splits the rent revenue with the homeowner.¹⁰

Therefore, **we recommend that the City look into innovative financing mechanisms and partnerships** to ensure that homeowners of all income levels are able to benefit from developing their own ADU.

AFFORDABILITY INCENTIVES AND REQUIREMENTS

The extent to which ADUs affect the overall supply and affordability of housing in a city depends on the degree of demand for such units and the ease of creation—both elements determined in part by the zoning code and planning departments’ partnership with local social and financing organizations. However, prior research suggests that ADUs offer promise for improving affordability and supply at a critical segment of the market (Been, Gross, and Infranca 2014; Gebhardt, Gilden, and Kidron 2018; Maaoui 2018; Wegmann and Chapple 2012).

ADUs have frequently been viewed as a more affordable alternative to traditional multifamily rental units. Given their high cost to construct for homeowners, most ADUs rent at a high rate per square foot, but their smaller size means total monthly rent levels are lower than larger apartments (Been, Gross, and Infranca 2014). Additionally, homeowners often rent them to family or friends at a below-market rate (Maaoui 2018). However, even when rented to strangers, one study found that ADUs rented for 6 percent less than non-secondary units (Wegmann and Chapple 2012). According to a study in Oregon, 13 percent of ADUs were rented for no money, and 7 percent were rented for \$500 or less (DEQ 2014). Another study in Alberta, Canada, found that 25 percent of ADUs were rented for less than \$500 (Gebhardt, Gilden, and Kidron 2018). This is comparable, and often exceeds, common inclusionary zoning affordability goals of 10–30 percent of units rented at affordable rates. Consequently, ADUs are considered a form of naturally occurring affordable housing.

Some cities have taken extra measures to provide housing to the lowest-income renters. For example, a nonprofit in LA, the Backyard Homes Project, offers financing, building design, and construction support in exchange for a pledge to house Section 8 voucher holders.¹¹ The nonprofit received 130 applications for the 10 units it helped build.

While incentivizing ADU development for very low-income renters may seem intuitively beneficial, income restrictions can be counterproductive. Housing advocates in DC’s ADU zoning design process recognized that an affordability requirement would have “killed the market” for building ADUs, given the level of effort involved in meeting affordability standards.¹² Kol Peterson, a prominent ADU advocate, stated that because there are already so many financial and regulatory barriers for first-time ADU developers, affordability standards should be incentivized or subsidized rather than mandated.¹³ Therefore, **we recommend that the city look into programs that incentivize rather than require affordability** to increase the supply of affordable rental units in the city.

COMMUNITY ENGAGEMENT

Finally, it is important for cities to meaningfully engage the community in the policymaking process, particularly people who may benefit from a greater supply of affordable housing options and those who are prone to oppose new development in their neighborhood.

Unfortunately, those likely to benefit from renting ADUs are unlikely to participate in these discussions because (1) they may not yet be residents of the city, and (2) an ADU regulation has no immediate impact unless they happen to rent an ADU somewhere down the line (as opposed to homeowners who could either benefit from building an ADU or those who fear immediate impacts on

their neighborhood from their development). Therefore, it is important to keep in mind that there are likely voices not heard in these discussions from people who would support ADUs, and we recommend that the city **consider both resident input and equity implications** in the design and implementation of an ADU regulation.

Conclusion

If implemented appropriately, a regulation allowing for ADUs in Alexandria could have community benefits while maintaining the character of the city. Alexandria is predicted to need an additional 13,600 housing units to accommodate household growth from 2015 to 2030, and most of those units need to be affordable to middle- and low-income households (Turner et al. 2019). ADUs could help Alexandria mitigate this housing shortage by increasing housing supply for renters, addressing a mismatch in the size and configuration of available units, and creating an additional revenue stream for homeowners without requiring families or developers to take on land assembly and new construction burdens.

Appendix A. Prior Research on ADUs

Prior research on ADUs suggests that the units can offer benefits to homeowners, aging residents, college-age residents, and people with disabilities.

IMPACTS ON HOMEOWNERS

ADUs offer benefits to homeowners by helping them build wealth and subsidize their mortgages (Been, Gross, and Infranca 2014). While ADUs are not an effective way to turn a profit quickly, they can be a lucrative longer-term investment. In *Backdoor Revolution*, Kol Peterson says that “In talking to more than two hundred ADU owners, I’ve never met anyone who had financial regrets about building their ADU.” Studies of ADUs in Canada have actually found that they increase the value of surrounding homes (Davidoff, Pavlov, and Somerville 2019).

AGING RESIDENTS

ADUs offer benefits to cities seeking to improve housing options for aging residents. American land use policies since World War II have promoted single-family detached homes in the suburbs, which has resulted in poor access to services and limited the ability of families to alter or expand single family homes to support caregiving of elders (Liebig, Koenig, and Pynoos 2006). ADUs can help solve this problem by allowing for multigenerational housing in single-family homes, which is often a preferred care alternative to board-and-care homes, continuing-care retirement communities, or nursing homes (Liebig, Koenig, and Pynoos 2006). In addition, intergenerational co-residence can be a solution to the growing lack of affordable housing for both younger and older households (Liebig, Koenig, and Pynoos 2006). Grandparents in the home can share parenting responsibilities and ease tensions between parents and their children, decrease involvement in delinquent activities, reduce depressive episodes, and improve children’s academic performance (Uhlenberg 2000).

Additionally, sprawl and auto-centric development have negative impacts on older adults, which ADUs could help mitigate. AARP lists expensive commutes, increased social isolation, higher infrastructure costs, greater dependency on automobiles for mobility and independence, and more financial vulnerability as a few of sprawl's negative social and physical consequences (Arigoni 2018). The Census predicts that by 2030 one in five of all US residents will be at least 65 years old, and ADUs give older adults with excess space in their homes the ability to age in place and remain connected to their neighborhood (Census 2018). It also provides an additional income stream for cost-burdened older homeowners. More than 30 percent of all older households are cost burdened, and that number increases to 45 percent for those still paying off a mortgage.¹⁴ This has led many ADU policies, like those in Portland, Seattle, Minneapolis, and DC, to be championed by AARP and other elderly advocate groups. And a recent study in Portland found that over 15 percent of ADUs were occupied by adults ages 55 and older (Gebhardt, Gilden, and Kidron 2018).

MILLENNIALS

ADUs may help mitigate demographic trends emerging among millennials. Alexandria faces a growing population of single-person households. More young adults are waiting longer to transition into home ownership and adulthood than before, many continuing to live with their parents (Blazheski 2016; Fry 2016). Compared with other jurisdictions in the DC metro region, Alexandria has one of the lowest average household sizes and one of the largest shares of single-person households).¹⁵ Such households require less space than a two-person household, increasing the need for denser housing stock. ADUs provide a private, rentable living space for these individuals (elders, adult children, single renters, etc.).

PEOPLE WITH DISABILITIES

The ability to customize ADUs has also made them an attractive housing options for people with disabilities. Assisted living facilities can range from \$5,000 to \$7,000 a month (Petrovski 2010). ADUs allow people with disabilities to live autonomously yet close to family, friends, or caretakers in the main unit. In Bethesda, Maryland, all licensing and operation fees are waived if the ADU is being used by someone with a disability (Masters 2019).

ENVIRONMENTAL IMPACTS

From an environmental perspective, ADUs can offer carbon savings due to their small size, overall home energy efficiency improvements, and role in neighborhood densification. According to the US Department of Housing and Urban Development, ADU construction has an inherently smaller carbon footprint than single-family or even multifamily units because their smaller size requires less lumber and other carbon-producing materials.¹⁶ America's housing size has increased dramatically over the past 30 years while household sizes have dropped, leading to less efficient per-person benefits from heating and cooling emissions (HUD 2015). Reducing a home's footprint by 50 percent can lead to a 36 percent reduction in lifecycle greenhouse gas emissions (Carlin 2014; DEQ 2010), and increasing the number of residents who use an existing home's heating and cooling reduces energy waste (Geffner 2018; Palmeri 2014).

ADUs further reduce emissions by gently densifying neighborhoods, thereby increasing the customer base for nearby small businesses and public transit. These two effects reduce the total miles driven per household (Kim and Brownstone 2010). Portland also reported that ADU residents owned fewer cars than other residents.¹⁷

In terms of stormwater runoff, three of the five types of ADUs (basement, internal carve-out, and above-garage ADUs) do not increase existing building footprints and thus do not affect a lot's overall impervious surface area. However, areas concerned with stormwater management can apply total lot coverage limits to reduce the possibility of ADUs contributing to flooding.

IMPACTS ON HISTORICAL DISTRICTS

Some residents may be concerned about the impacts of ADUs on historical districts. However, before the application of widespread zoning restrictions in the 1960s and 1970s, it was common for large houses to have smaller units on their lot or attached for intergenerational uses or servants' quarters (Evans 2018). Consequently, many historic districts already feature foundations or facilities for ADUs.

APPRAISING ADUS

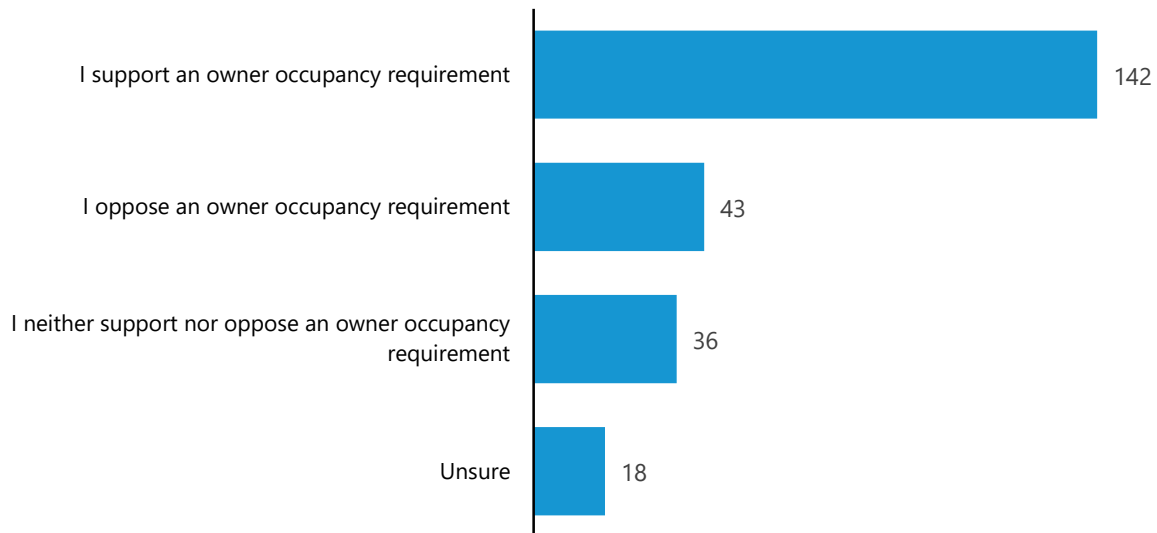
One challenge with ADUs is that they can be hard to appraise because they often do not consider the income that ADUs can generate. Brown and Watkins (2012) test an income-based approach to valuation and find that for 14 properties with ADUs in Portland, Oregon, an income capitalization approach yielded valuations significantly higher than actual sale prices, by 7.2 percent or 9.8 percent on average, depending on the formula used. ADUs also contributed on average 25 percent or 34 percent of each property's appraised value, depending on the formula used. The authors argue that valuation by income can increase appraiser insight as ADUs become common.

Appendix B. Additional Survey Results

Below are the results of questions 4 through 13 of the final survey. Questions 2 and 3 were demographic questions about zip code and homeownership status.

FIGURE B.1

Responses to Survey 3, Question 4: For properties with an ADU, staff proposes requiring the property owner to reside in either the main house or ADU. The following best describes my preferences for an owner occupancy requirement.

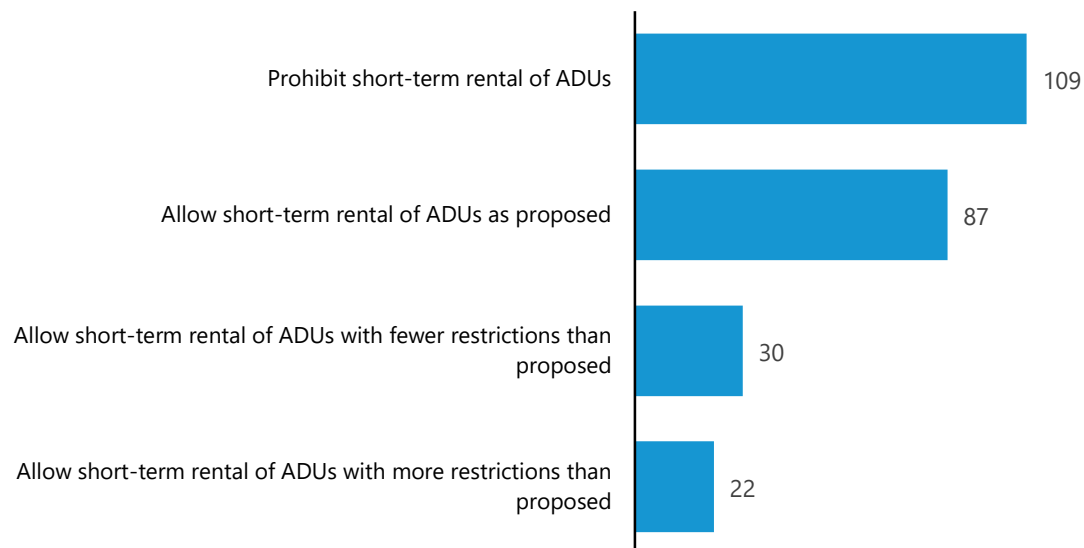


Source: Urban Institute analysis of survey data.

Notes: 239 people responded to this question, and 16 skipped it.

FIGURE B.2

Responses to Survey 3, Question 5: Staff proposes allowing short-term rental (AirBnBs, etc.) of ADUs. Under this proposal, only one short-term rental would be permitted in either the ADU or main house. I think the City should:

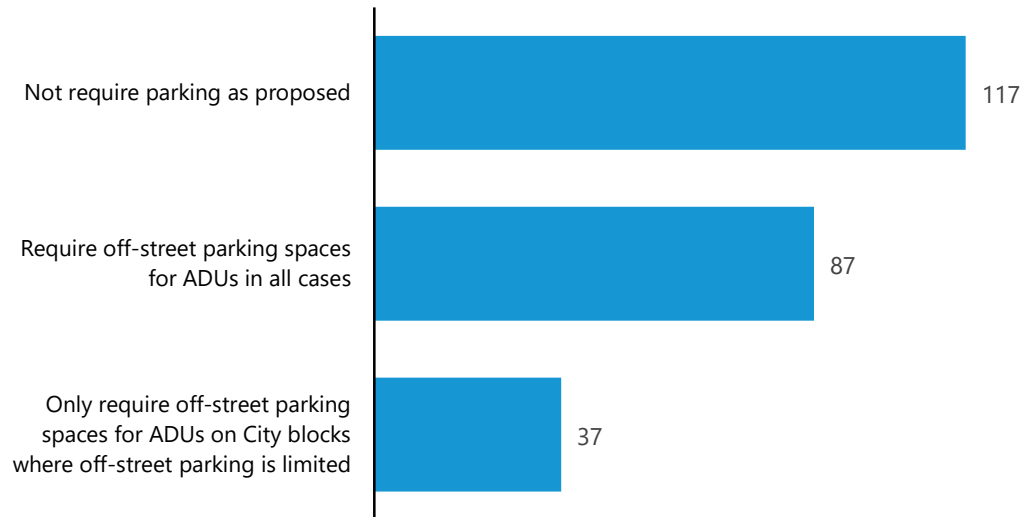


Source: Urban Institute analysis of survey data.

Notes: 248 people responded to this question, and 7 skipped it.

FIGURE B.3

Responses to Survey 3, Question 6: Staff proposes no off-street parking requirements for ADUs. I think the City should:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question and 14 skipped.

FIGURE B.4

Responses to Survey 3, Question 7: Staff proposes one-foot setbacks for ADUs unless there are windows that face a neighbor's property. In those cases, the required setback would be three feet. I think this setback is:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question and 14 skipped.

FIGURE B.5

Response to Survey 3, Question 8: Staff proposes limiting the height of an ADU to 20 feet, or the height of the main house, whichever is less. In terms of neighborhood compatibility, I think this height limit would be:



Source: Urban Institute analysis of survey data.

Notes: 240 people responded to this question, and 15 skipped it.

FIGURE B.6

Responses to Survey 3, Question 9: Staff proposes a maximum size limit based on one-third of the existing house or 750 square feet, whichever is larger. I find this size limit to be:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question, and 14 skipped it.

FIGURE B.7

Responses to Survey 3, Question 10: Staff proposes excluding portions of detached ADUs similar to the way the City currently excludes detached garages and sheds. I find this proposal to be:

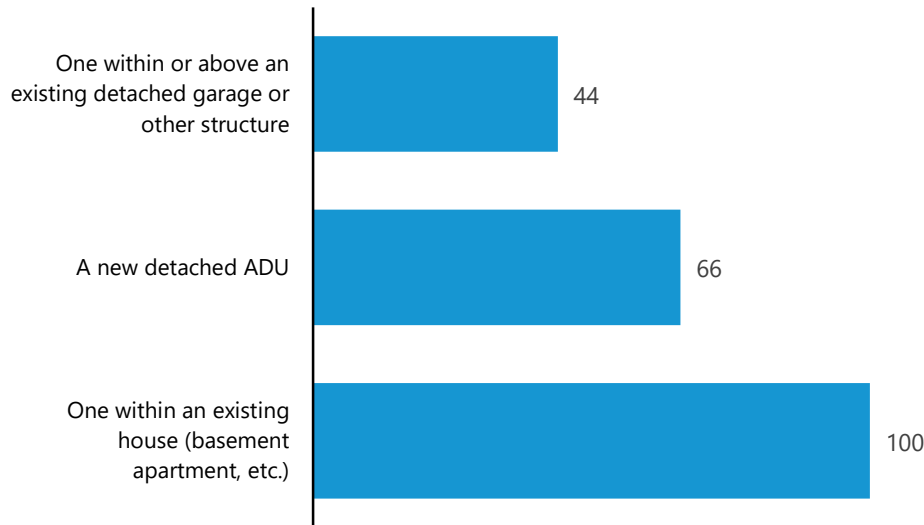


Source: Urban Institute analysis of survey data.

Notes: 202 people responded to this question, and 53 skipped it.

FIGURE B.8

Responses to Survey 3, Question 11: What type of ADU would you be most comfortable having in your neighborhood?

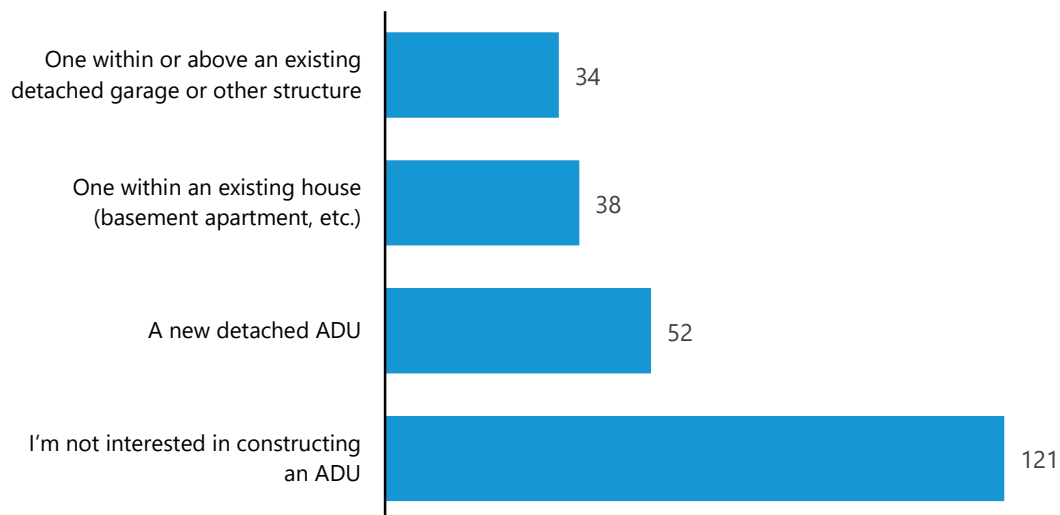


Source: Urban Institute analysis of survey data.

Notes: 210 people responded to this question, and 45 skipped it.

FIGURE B.9

Responses to Survey 3, Question 12: If you were to construct an ADU, which type would you construct?



Source: Urban Institute analysis of survey data.

Notes: 245 people responded to this question, and 10 skipped it.

Notes

- ¹ Jennifer Baum Lagdameo, “7 Smart ADU and Additions that Cost as Little as \$18k,” Dwell, April 2, 2020, <https://www.dwell.com/article/cost-of-building-backyard-adu-addition-f85c50f7>
- ² Kol Peterson, “Calculating the Costs of Building an ADU,” BuildinganADU, accessed October 16, 2020, <https://www.buildinganadu.com/cost-of-building-an-adu>.
- ³ For a more complete overview of prior research on ADUs, see appendix A.
- ⁴ See also Leah Hendey, Margery Austin Turner, Peter Tatian, Bhargavi Ganesh, Sarah Storchak, and Yipeng Su, “What HQ2 Could Mean for the Washington Region’s Housing Market, in 7 Charts,” Urban Institute, October 23, 2018, <https://apps.urban.org/features/amazon-hq2-washington-housing-charts/>.
- ⁵ Laurie Goodman and Solomon Greene, “To Unleash Housing Supply, Allow and Finance Accessory Dwelling Units,” *Urban Wire* (blog), February 3, 2020, <https://www.urban.org/urban-wire/unleash-housing-supply-allow-and-finance-accessory-dwelling-units>.
- ⁶ Jared Brey, “New Project Aims to Finance Backyard Homes for Section 8 Tenants in Los Angeles,” Next City, May 7, 2019, <https://nextcity.org/daily/entry/new-project-aims-to-finance-backyard-homes-for-section-8-tenants-in-los-ang>.
- ⁷ “Junior Unit Initiative Program,” City of Napa, accessed November 20, 2020, <https://www.cityofnapa.org/747/Junior-Unit-Initiative-Program>.
- ⁸ Jared Brey, “Program Helps DC Homeowners Provide Low-Cost Housing—and Build Wealth.” Next City, February 18, 2020, <https://nextcity.org/daily/entry/program-helps-dc-homeowners-provide-low-cost-housing-and-build-wealth>.
- ⁹ Dan Bertolet, “Impact Fees Are ADU Busters: When Cities Waive Charges, Homeowners Jump to Build In-Law Suites and Backyard Cottages,” Sightline Institute, February 15, 2019, <https://www.sightline.org/2019/02/15/impact-fees-are-adu-busters/>.
- ¹⁰ Laura Bliss, “Portland’s ‘Granny Flats’ Get an Affordable Boost,” CityLab, March 12, 2018, <https://www.bloomberg.com/news/articles/2018-03-12/in-portland-granny-flats-and-adus-get-affordable-boost>.
- ¹¹ “The Backyard Homes Project: An Affordable Housing Initiative,” LA Más, accessed November 20, 2020, <https://www.mas.la/affordable-adus>.
- ¹² Author interview with DC housing advocate, January 9, 2019.
- ¹³ Author interview with Kol Peterson, January 16, 2019.
- ¹⁴ Jennifer Molinsky and Whitney Airgood-Obrycki, “Older Adults Increasingly Face Housing Affordability Challenges,” *Housing Perspectives* (blog), Joint Center for Housing Studies of Harvard University, September 21, 2018, <https://www.jchs.harvard.edu/blog/older-adults-increasingly-face-housing-affordability-challenges>.
- ¹⁵ “Demographics—Households,” City of Alexandria, accessed November 18, 2020, <https://www.alexandriava.gov/planning/statistics/default.aspx?id=106273>.
- ¹⁶ “The Case for Small Home Design as a Component of Sustainability Efforts.” *PD&R Edge*, US Department of Housing and Urban Development, August 8, 2016, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-080816.html>.
- ¹⁷ Martin John Brown, “Are ADUs Green Housing?” *Accessory Dwellings*, July 9, 2014, <https://accessorydwellings.org/2014/07/09/are-adus-green-housing/>.

References

- Anacker, K. 2018. "A Brief Overview of Local Regulations of Accessory Dwelling Units in the Washington, DC Metropolitan Statistical Area." *Real Estate Entrepreneurship*
- Arigoni, D. 2018. "Preparing for an Aging Population." AARP Livable Communities.
- Been, Vicki, Benjamin Gross, and John Infranca. 2014. "Responding to Changing Households: Regulatory Challenges for Micro-Units and Accessory Dwelling Units." What Works Collaborative white paper. New York: NYU Furman Center for Real Estate and Urban Policy.
- Blazheski, F. 2016. "Multifamily vs. Single Family Trends." BBVA Research, U.S. Economic Watch.
- Brown, Martin John, and Taylor Watkins. 2012. "Understanding and Appraising Properties with Accessory Dwelling Units." *Appraisal Journal* (Fall): 297–309.
- Carlin, T. M. 2014. "Tiny Homes: Improving Carbon Footprint and the American Lifestyle on a Large Scale." *Celebrating Scholarship & Creativity Day*. 35.
- Census Bureau. 2018. "Older Population Expected to Outnumber Children for First Time in U.S. History." Washington, DC: US Census Bureau.
- Chapple, K., Wegmann, J., Wemann A., and Dentel-Post, C. 2012. "Yes in My Backyard: Mobilizing the Market for Secondary Units." Center for Community Innovation, 1-19.
- Chapple, K., Wegmann, J., Mashhood, F., and Coleman, R. 2018. "Jump Starting the Market for Accessory Dwelling Units: Lessons learned from Portland, Seattle, and Vancouver." Urban Land Institute, 1-29.
- DC ZC (District of Columbia Zoning Commission). 2014. "Special Public Meeting." Neal R. Gross Court Reporters and Transcribers.
- DEQ (Department of Environmental Quality). 2010. "A Life Cycle Approach to Prioritizing Methods of Preventing Waste from the Residential Construction Sector in the State of Oregon." State of Oregon Department of Environmental Quality.
- . 2014. *Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners*. Portland: State of Oregon Department of Environmental Quality.
- Emrath, Paul, and Caitlin Walter. 2018. "Regulation: Over 30 Percent of the Cost of a Multifamily Development." Washington, DC: National Association of Home Builders; National Multifamily Housing Council.
- Evans, K. 2018. "Integrating Tiny and Small Homes into the Urban Landscape: History, Land Use Barriers and Potential Solutions." *Journal of Geography and Regional Planning* 11(3): 34–45.
- Fry, R. 2016. "For First Time in Modern Era, Living with Parents Edges Out Other Living Arrangements for 18- to 34-Year-Olds: Share Living with Spouse or Partner Continues to Fall." Washington, DC: Pew Research Center.
- Gebhardt, Matthew, Beth Gilden, and Yael Kidron. 2018. *Accessory Dwelling Units in Portland, Oregon: ISS Survey 1st Report*. Portland, OR: Portland State University, Institute for Sustainable Solutions.
- Geffner, T. 2018. "Towards a Smaller Housing Paradigm: a Literature Review of Accessory Dwelling Units and Micro Apartments." University Honors Theses. Paper 515.
- Holden, D. 2013. "The Fight Against Small Apartments: Why Neighborhood Groups Are Uniting to Stop Developers from Building Tiny, Affordable Units." *The Stranger*.
- HUD (US Department of Housing and Urban Development). 2008. "Accessory Dwelling Units: Case Study." Washington, DC: HUD, Office of Policy Development & Research.
- Kim, J. and Brownstone, D. 2010. "The Impact of Residential Density on Vehicle Usage and Fuel Consumption." University of California, Irvine.
- Liebig, PS., Koenig, T., and Pynoos, J. 2006. "Zoning, Accessory Dwelling Units, and Family Caregiving: Issues, Trends, and Recommendations." *J Aging Soc Policy* 18 (3-4): 155–72.

- Lo, Lydia, Eleanor Noble, Diane K. Levy, and Rolf Pendall. 2020. *Land Use Reforms for Housing Supply: Case Studies on the Process for Passing and Implementing Regulation Changes*. Washington, DC: Urban Institute.
- Masters, K. 2019. "County Council Approves Housing Incentives for Disabled Tenants." Bethesda Beat.
- Maaoui, Magda. 2018. "A Granny Flat of One's Own? The Households that Build Accessory-Dwelling Units in Seattle's King County." *Berkeley Planning Journal* 30:102–16.
- National Multifamily Housing Council. 2019. *The Housing Affordability Toolkit. Tool: By-Right Development*. Washington, DC: National Multifamily Housing Council.
- Palmeri, Jordan. 2014. "Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners." Portland, OR: Portland State University, Transportation Research and Education Center.
- Peterson, Kol. 2018. *Backdoor Revolution: The Definitive Guide to ADU Development*. Portland, OR: Accessory Dwelling Strategies, LLC.
- Petrowski, E. 2010. "Prefab 'In-Law' Cottages Mix High-tech Features, Comfort." AARP.
- Turner, Margery Austin, Leah Hende, Maya Brennan, Peter Tatian, Kathryn Reynolds, Aaron Shroyer, Sarah Strochak, Martha Fedorowicz, Steven Martin, and Yipeng Su. 2019. *Meeting the Washington Region's Future Housing Needs*. Washington, DC: Urban Institute.
- Uhlenberg, P. 2000. "Integration of Old and Young." *The Gerontologist* 40 (3): 276–79.
- Wegmann, Jake, and Karen Chapple. 2012. "Understanding the Market for Secondary Units in the East Bay." Working Paper 2012-03. Berkeley: University of California, Berkeley, Institute of Urban and Regional Development.

About the Authors

Christina Stacy is a senior research associate in the Metropolitan Housing and Communities Policy Center at the Urban Institute, where she specializes in urban economics, equity, and inclusion. Her work focuses on the intersection of economics and urban spaces and how housing, transportation, local economies, health, and crime interact.

Eleanor Noble is a research assistant in the Metropolitan Housing and Communities Policy Center. Her research interests include housing affordability, evictions, and zoning and land use. Her past projects have examined the landscape of landlords in North Minneapolis and public transit use and perception by transgender and gender nonconforming riders.

Jorge Morales-Burnett is a research assistant in the Metropolitan Housing and Communities Policy Center. His research interests include local economic development, urban resilience, and housing affordability.

Lydia Lo is a research analyst in the Metropolitan Housing and Communities Policy Center. Her research interests include housing instability, affordable housing, urban growth and land-use planning, gentrification, and racial equity.

Acknowledgments

This brief was funded by the City of Alexandria. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission. Thank you to Sam Shelby, Tamara Jovovic, Julia Santure, and Alexa Powell at the City of Alexandria for their partnership on this work. Thank you also to Yonah Freemark for his review and advice.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute's funding principles is available at urban.org/fundingprinciples.



500 L'Enfant Plaza SW
Washington, DC 20024

www.urban.org

ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Copyright © November 2020. Urban Institute. Permission is granted for reproduction of this file, with attribution to the Urban Institute.

The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



BASEMENT ADU



DETACHED ADU



ATTACHED ADU



SECOND-STORY ADU



GARAGE-CONVERSION ADU

AARP[®]
Real Possibilities



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
Free Newsletter: AARP.org/Livable-Subscribe

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset Magazine* and on NBC's *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 250 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as a vice chair of Portland, Oregon's Planning and Sustainability Commission.

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

WRITTEN AND EDITED BY: Eli Spevak, Orange Splot LLC | Melissa Stanton, AARP Livable Communities
ART DIRECTOR: Mimi Park, Design Park, Inc.
COPY EDITOR: Don Armstrong | **ART PRODUCTION:** Steve Walkowiak

PROJECT ADVISERS AND REVIEWERS:

Danielle Arigoni, Director, AARP Livable Communities
Karen Chapple, Professor, University of California, Berkeley
Lina Menard, Founder, Niche Consulting
Heather Peters, Senior Housing and Community Development Policy Analyst, San Mateo County, California
Kol Peterson, Cofounder, AccessoryDwellings.org | Caravan: The Tiny House Hotel | ADU Tour: Portland, Oregon
Denise Pinkston, Partner, TMG Partners
Harriet Tregoning, past Principal Deputy Assistant Secretary, U.S. Housing and Urban Development
Jake Wegmann, Assistant Professor, University of Texas at Austin

COVER IMAGE CREDITS (clockwise from top left)

Front: Communitecture: Architecture, Planning, Design | Alex Hayden | AccessoryDwellings.org | AccessoryDwellings.org | Melissa Stanton, AARP
Back: Kol Peterson, BuildingAnADU.com | Eli Spevak, Orange Splot LLC | Schuyler Smith, Polyphon Architecture & Design, LLC

A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, one of the first municipalities in the nation to encourage the creation of accessory dwelling units.

Visit AARP.org/ADU to download or order this free guide and find more resources about accessory dwelling units.

Copyright © 2019 by AARP | AARP is a registered trademark. | All rights reserved. No part of this publication may be reproduced in any form or by any means without the prior written permission of AARP, except brief quotations in connection with reviews written specifically for inclusion in magazines, newspapers or websites, or limited excerpts strictly for personal use.

Welcome! Come On In

AARP surveys consistently show that the vast majority of people age 50 or over want to remain in their homes and communities as they age rather than relocate

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall and decrease in households with children — will continue to boost the demand for smaller homes in more compact neighborhoods.

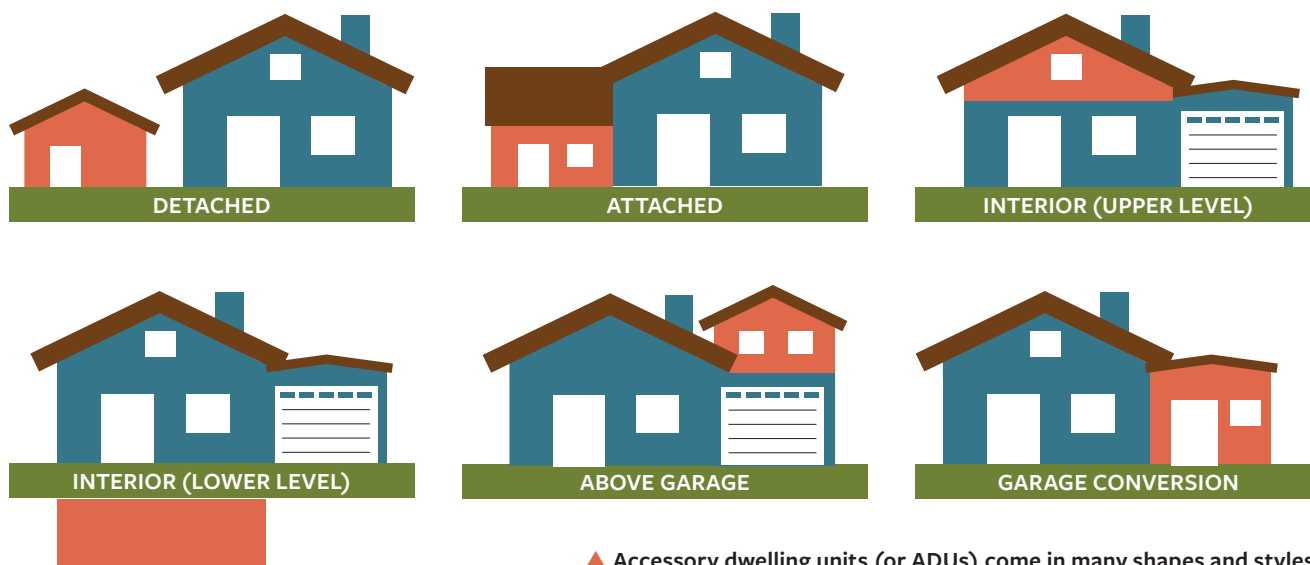
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2018 AARP Home and Community Preferences Survey, people age 50-plus who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (84%)
- provide housing for relatives or friends (83%)
- feel safer by having someone living nearby (64%)
- have a space for guests (69%)
- increase the value of their home (67%)
- create a place for a caregiver to stay (60%)
- earn extra income from renting to a tenant (53%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and even states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.



The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can include ADUs in their mix of housing options.

ADUs Come in Many Shapes and Styles

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what's being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver
- Unlike tiny houses (see page 17), ADUs are compact but not teeny, so they're a more practical option for individuals, couples and families seeking small, affordable housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- ADUs can help older residents remain in their community and “age in place”



CREATIVE COMMONS

▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rented an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

ADUs are also known as ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure up different images. (Who wouldn't rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you've never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted at right.



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot's primary residence, pay her home mortgage.

- accessory apartment
- alley flat
- back house
- backyard bungalow
- basement apartment
- carriage house
- coach house
- garage apartment
- granny flat
- guest house or cottage
- in-law suite
- laneway house
- mother-daughter house
- multigenerational house
- ohana unit
- secondary dwelling unit
- sidekick

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

Since ADUs can be created in many different shapes and styles, they're able to fit discreetly into all sorts of communities, including suburban subdivisions, row-house streets (either with or without back-alleys), walkable town or urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon | Photo by David Todd



▶ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance.

Location: Davidsonville, Maryland | Photo by Melissa Stanton, AARP



◀ A **GARAGE ADU** makes use of an attached or detached garage by converting the space into a residence. Other options involve adding a second-story ADU above a garage or building a new structure for both people and cars.

Location: Portland, Oregon | Photo by Radcliffe Dacanay

An **INTERNAL ADU** is created when a portion of an existing home — an entire floor, part of a floor, or an attic or basement — is partitioned off and renovated to become a separate residence.

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU sits atop a 1,900-square-foot primary dwelling.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met), during construction of the house, or (see page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Derin Williams

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an affordable housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in a sense, free.
- ADUs are typically owned and managed by homeowners who live on the premises. Such landlords are less likely to raise the rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain no studio or one-bedroom housing options at all.
- Some municipalities are boosting ADUs as part of affordable housing and anti-displacement strategies. Santa Cruz, California (see opposite), is among the cities with programs to help lower-income households build ADUs or reside in them at reliably affordable rents.

ADUs are able to house people of all ages

- An individual's housing needs change over time, and an ADU's use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it's often easier to get community support for ADUs than for other housing types.

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2017
Average square footage of new single-family homes	983	2,571
Number of people per household	3.8	2.5
Square feet of living space per person	292	1,012

Fact: ADUs house more people per square foot of living area than single-family homes do.

SOURCE: NATIONAL ASSOCIATION OF HOME BUILDERS (AVERAGE HOME SIZES), U.S. CENSUS BUREAU (AVERAGE HOUSEHOLD SIZES)

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



AARP



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people with land built as many homes as they wished. There were few or no zoning rules, municipal services or infrastructure (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers and stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

converted into rental homes. By becoming landlords, the owners gained income from their otherwise unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing ADUs — but only if the residences remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

But elsewhere, even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings. Many communities today don't allow new ADUs, even if they did in the past — and even if ADUs currently exist there. (Countless units in single-family homes or yards are technically illegal or are allowed simply because they were created when such residences had been legal.)

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release an influential model state act and local code for ADUs.

More recently, there's been renewed interest at the state and local levels (see page 8) in legalizing and encouraging the creation of ADUs, driven by the increasingly high cost of housing and, in some places, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property.

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence.



THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

Design: Communitecture | Home Lift: Emmert International | Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met.

Other communities start with those basic standards and then layer on extra requirements (see page 14) that can make it challenging to create an ADU.

Municipalities nationwide have been relaxing their restrictions against ADUs, and some states have been encouraging their creation by requiring communities to allow them.

- In 2017, California required all of its cities and counties to allow ADUs so long as the property owner secured a building permit. In Los Angeles, Mayor Eric Garcetti has said ADUs could provide the city with a needed 10,000 housing units. He's touted ADUs as a "way for homeowners to play a big part in expanding our city's housing stock and make some extra money while they're at it."
- That same year, a New Hampshire law established that local zoning codes had to allow ADUs nearly everywhere single-family housing was permitted. The change stemmed in large part from the frustration of builders who couldn't construct the type of amenities, such as backyard cottages and garage apartments, that their clients desired.
- Oregon requires cities and counties of certain sizes within urban growth boundaries to allow ADUs in all single-family neighborhoods.
- As of 2019, major cities that allow ADUs include Anchorage, Alaska; Atlanta, Georgia; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Philadelphia, Pennsylvania; Phoenix, Arizona; Seattle, Washington; and Washington, D.C. Communities in Massachusetts, Kentucky, Illinois, Indiana and Oregon have sought advice from AARP and Orange Spot about revising their zoning codes to allow ADUs.

► **The unique floor plan of this single-family Maryland farmhouse allows for a first floor residence (accessed through the door on the right) and an upper-level ADU that can be reached through the entrance at left.**

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- let garages be converted into ADUs without requiring replacement off-street parking
- allow a second ADU if one of the homes on the property meets accessibility standards

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO BY MELISSA STANTON, AARP

HOME VISIT #4

Internal ADU (Main Level)

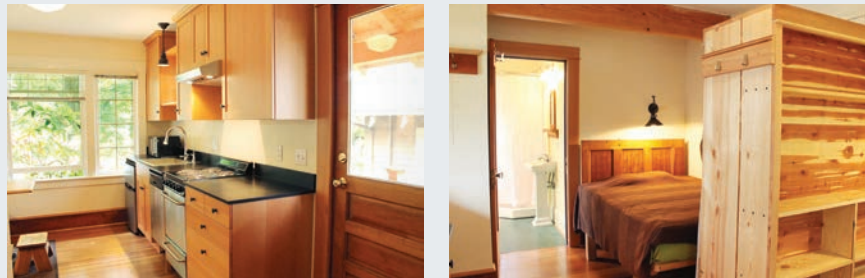
Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance (top) lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area.

*Design: Rita Haberman | Builder: RS Wallace Construction | Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows seen below are part of the main residence.



how having downstairs neighbors will change what you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP | Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake's Southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6

Detached ADU (One-Story)

Decatur, Georgia

Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad's house for himself and his family and built a detached ADU (or DADU) for Walt.

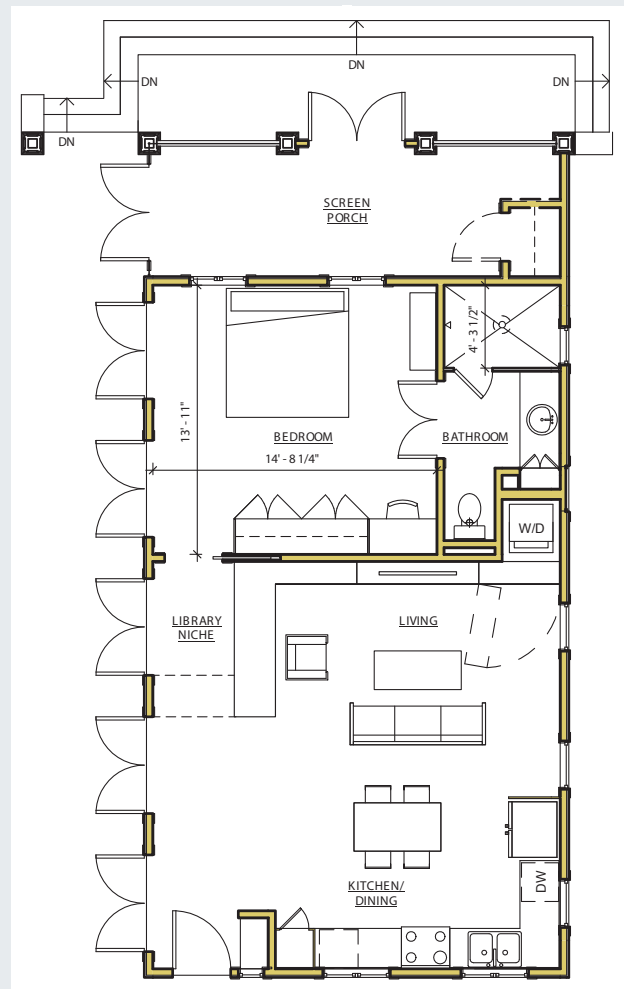
"From not finding what we wanted for Dad, we decided to create it," says Scott. "Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years."

NEAR AND FAR: "We wanted the houses to be separate and to feel like we're each on our own property, but we're there for each other," says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn't have to sell his home and leave his neighborhood. "He was able to keep his own stuff and turn over what he didn't need to us," says Scott. "It kept my dad in place, which I think was important."

FUTURE PLANS: Scott says the ADU is "serving its intended purpose" but that someday down the road it could be used as a long- or short-term rental. "The ADU could turn into lots of different things over the course of its lifetime."

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Garage conversions (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

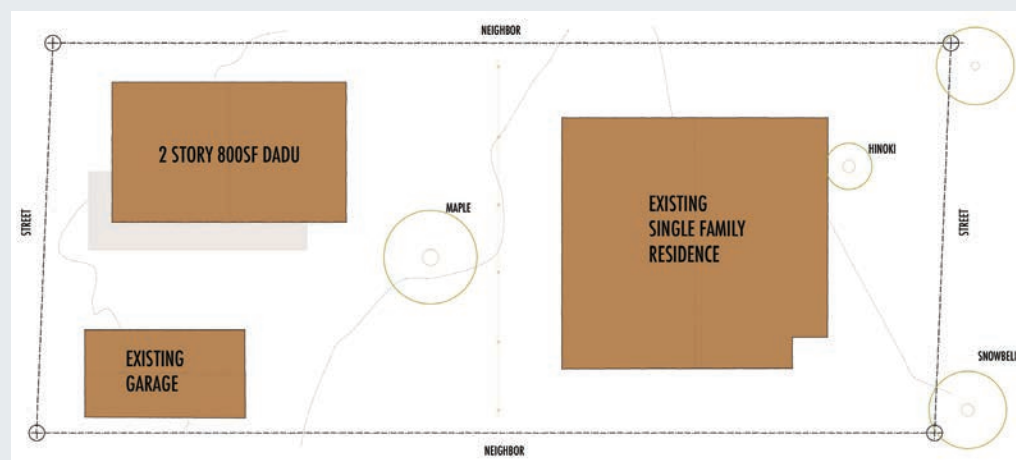
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden | Cost to build: \$250,000 in 2014
Article adapted from *Where We Live: Communities for All Ages* (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



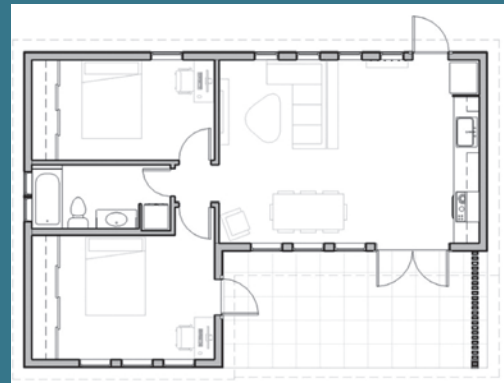
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn’t shine in, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017 | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. Regulations about ADUs are typically written or adopted at the local government level.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how tall they can be, how many square feet they can contain, what they can look like and how they can be used. These rules can be found in the local zoning code.

Over the past few decades it has become clear that there's a balance to strike between the strictness of ADU regulations and how often ADUs get built.

For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built there increased from about 30 per year between 2000 and 2009 to practically one ADU a day in 2015.

Changes in California's ADU laws allowed Los Angeles to achieve an even more dramatic increase, going from 80 permit applications in 2016 to nearly 2,000 in 2017. Allowing both an ADU and a "Junior ADU," or JADU — an interior ADU of 500 square feet or fewer — on properties in Sonoma County were among the urgent

policies adopted in the wake of Northern California's many devastating fires.

Meanwhile, in many jurisdictions, well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that they actually get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing could establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.)

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain geographic areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

TRADING SPACES: An ADU is always the smaller of two dwellings on a property, but it's possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling.

Are ADUs allowed in your community?

Find out by calling the office in charge of land use and permits or stopping by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed in your community and you want them to be, ask an elected official or the local department of zoning and planning for information about how the codes can be updated. Then get organized and start advocating!

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community's zoning code needn't be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of single-dwelling development
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that's affordable and respond to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of property? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned, single-family lot.” (Some communities provide lot size standards, but many don't.)

4. Creation: This is where the code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Vancouver, British Columbia; Sonoma County, California; and Tigard, Oregon, are among the few that allow two per lot (typically one internal and one external). Some communities also allow duplexes or townhomes to have ADUs, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those that apply to the primary dwelling on the same property. (See page 17 for more about ADU uses.)

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance, “an ADU may not exceed 1,000 square feet

or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. (An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”)

- **Parking:** Most zoning codes address the amount and placement of parking. Some don't require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU's roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more about making sure that ADUs fit into existing neighborhoods.)
- **Entrances and stairs:** Communities that want ADUs to blend into the background often require that an ADU's entrance not face the street or appear on the same facade as the entrance to the primary dwelling (unless the home already had additional entrances before the ADU was created).

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached structures that don't meet that standard.) Although this sort of rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely state that the building coverage of a detached ADU may not be larger than a certain percentage of the lot that is covered by the primary dwelling.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules.

Visit [AARP.org/ADU](https://aarp.org/ADU) to see examples of ADU zoning codes from selected cities.

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.

▼ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became parts of our family.”



Providing places to park

ADU regulations often include off-street-parking minimums on top of what’s already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there’s insufficient physical space to accommodate the parking. However, additional parking often isn’t needed.

Data from Portland, Oregon, shows that there are an average of 0.93 cars for each ADU, and that about half of all such cars are parked on the street. With fewer than 2 percent of Portland homes having ADUs (the highest percentage in the country), there is about one extra car parked on the street every six city blocks. This suggests that any impacts on street parking from ADUs are likely to be quite small and dispersed, even in booming ADU cities.

More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling’s existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using some combination of off-street parking, curb parking, and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It’s not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren’t reflected in certificates of occupancy or by safety inspections.

Some cities have found that legalizing ADUs, simplifying ADU regulations and/or waiving fees can be effective at getting the owners of illegal ADUs to “go legit” — and address safety problems in the process.

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities take a simple approach, regulating ADUs just as they do other homes. So if a home-based childcare service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals often regulate them across all housing types. If there are already rules like this, special ones might not be needed for ADUs. An approach employed in Portland, Oregon, is to treat ADUs the same except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner-occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by filing an annual statement confirming residency. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate.

While not technically ADUs, tiny houses can serve a similar purpose

► Because tiny houses — such as the 100-square-foot “Lucky Penny,” pictured — are built on a trailer with wheels rather than on a fixed foundation, they are typically classified as recreational vehicles (RVs) rather than permanent residences. Although tiny homes are usually smaller than 400 square feet, many of them do contain a kitchen and bathroom.



Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Ditilh, PhotoXplorer



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs

by visiting
AARP.org/ADU

Sign up for the free, weekly

**AARP Livable
Communities
e-Newsletter**

Be among the first to learn when
AARP releases more livability
guides and resources.

AARP.org/Livable-Subscribe

AARP®

Real Possibilities

D20473



ACCESSORY DWELLING UNITS REGULATIONS

**Johnson County, Kansas
Resolution No. 009-13 Adopted March 7, 2013**

Article 18: ACCESSORY STRUCTURES, BUILDINGS AND USES

Section 7. ACCESSORY USES IN GENERAL

D. Accessory Dwelling Uses:

1) Purpose and Intent:

- a. The general purpose and intent of allowing Accessory Dwelling Units (ADU) in the unincorporated portion of the County is to:
 - 1) Allow life-style choices in single-family neighborhoods that respond to changing demographics and economic conditions;
 - 2) Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security, and services (e.g., on-site healthcare worker, housekeeper, childcare worker);
 - 3) Provide homeowners the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings (e.g., family game or media rooms with kitchens);
 - 4) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are well-designed and compatible with the neighborhood and constructed under the requirements of these Regulations; and
 - 5) Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

b. ADUs not intended to replace Duplex and other Multi-family districts and dwellings:

Allowing ADUs is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different than a duplex in that typically the two units that make up a duplex are attached to each other, are relatively equal in size and height, and one unit usually does not dominate the other. In contrast, an ADU may or may not be attached and, unless otherwise allowed by this section, is subordinate in size, location, and appearance to the Principal Dwelling Unit that it accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying Principal Dwelling Unit shall be owner-occupied, unless otherwise allowed by this section.

c. Standards to regulate ADU appearance:

It is the intent of these regulations to establish performance and appearance standards that will allow ADUs to be placed in neighborhoods with a minimum impact on adjacent or nearby properties. Such performance and appearance standards are intended to ensure that, among other things, ADUs are unobtrusive and subordinate in size, location, and appearance to the

Principal Dwelling Unit (unless otherwise allowed by this section) and are compatible with adjacent properties and the neighborhood.

The appearance standards are intended to support and promote the design of ADUs by replicating or complimenting identifiable and desirable neighborhood development patterns so that ADUs will blend rather than contrast with the existing neighborhood character. For example, oftentimes neighborhoods exhibit identifiable patterns such as uniform setbacks from the street or similar architectural detailing (i.e., roof pitch, building materials, or colors). ADUs should be designed and located to compliment these patterns. Neighborhoods can exhibit patterns or lack of patterns with respect to numbers, sizes, placement, and design detailing of accessory buildings. For example, large parcels in rural areas tend to have more and larger accessory buildings (i.e. barns, stables, and metal utility buildings) that do not tend to mirror the design of the associated residence but have a more utilitarian form (i.e., metal siding and lower roof pitches) and do not tend to have uniform setbacks from the street (but, rather, often tend to cluster next to the residence); whereas, smaller parcels in suburban areas tend to have fewer and smaller accessory buildings (i.e. detached garages and tool sheds) that tend to mirror the design of the associated residence (i.e., similar colors, exterior materials, and roof pitch) and are more apt to be in line with a uniform setback from the street. In turn, ADUs that are designed and located to replicate these patterns will be more likely to blend and be compatible with the surrounding neighborhood.

2) Review Process and Performance Standards:

Administratively Reviewed Certificate:

ADUs may be allowed in all Rural, Planned Rural, Residential, and Planned Residential zoning districts on any lot, tract, or parcel where a single-family dwelling is allowed; subject, however, to the below referenced performance standards that shall be administratively reviewed and approved by the Zoning Administrator in accordance with Article 5, Section 6 of these regulations for the purposes of obtaining required Zoning Permit and Accessory Dwelling Unit Certificate (ADU Certificate) approval.

Publicly Reviewed Permit:

ADUs not administratively approved by the Zoning Administrator may be allowed in all Rural, Planned Rural, Residential, and Planned Residential zoning districts on any lot, tract, or parcel where a single-family dwelling is allowed if an Accessory Dwelling Unit Permit (ADU Permit) is approved by the Board of County Commissioners in accordance with Section 7(D)(3) of this Article.

Performance Standards:

a. Owner Occupancy Required:

- 1) The Property Owner shall occupy either the Principal Dwelling Unit or the ADU as their domicile, unless otherwise allowed by this section. The Property Owner shall submit proof

of such domicile to the Zoning Administrator as evidenced by voter registration or other such means accepted by the Zoning Administrator.

- 2) Notice: The Property Owner shall record against the subject property a written notice with the Johnson County Department of Records and Tax Administration. The notice shall alert future owners or lessors of the subject lot, tract, or parcel of the limitations of Section 7(D) of this Article and that the lawful existence of the ADU is predicated upon the occupancy of either the ADU or the Principal Dwelling Unit by the current Property Owner as their domicile.
- 3) Waiver: The Zoning Administrator may waive the owner-occupancy requirement of Section 7(D)(2)(a)(1) of this Article for Property Owner absences of less than one (1) year that meet one of the following qualifying conditions:
 - a) the Property Owner requires off-premises care or treatment;
 - b) the subject property enters probate or has a decedent's estate matter requiring additional time to resolve; or
 - c) the Property Owner experiences an unforeseen life change such as a change of employment or transfer.

The waiver is subject to renewal by the Zoning Administrator on an annual basis if the above qualifying conditions continue to be met. However, more than one annual renewal will be reviewed with greater scrutiny in order to uphold the intent of these regulations that ADUs shall be owner occupied.

- 4) Definitions: For purposes of this section: a) "Property Owner" means the deed holder and/or contract purchaser of the lot, tract, or parcel; b) "domicile" means the place where a person resides and has their true fixed permanent home, and to which place they have, whenever they are absent, the intention of returning, and from which they have no present intent of moving; and c) "owner occupancy" means that a Property Owner, as reflected in the deed records, makes his/her legal domicile at the site.
- b. **Size of Lot, Tract or Parcel:** An ADU shall be located on a lot, tract, or parcel no smaller than two (2) acres in size.
 - c. **Maximum Number:** There shall be no more than one ADU per lot, tract, or parcel.
 - d. **Method of Establishment:** An ADU may be established through one of the following methods, among others:
 - 1) converting floor area within the existing Main Building to an ADU;
 - 2) adding floor area to the existing Main Building that is dedicated to an ADU;
 - 3) constructing a new Main Building in which a portion of the floor area is dedicated to an ADU;

- 4) converting all or a portion of the floor area within an existing accessory structure to an ADU;
- 5) adding floor area to an existing accessory structure that is dedicated to an ADU; or
- 6) constructing a new accessory structure in which all or a portion of the floor area is dedicated to an ADU.

Nothing herein shall be construed, however, to alleviate the necessity of first obtaining county approval of the ADU.

- e. **Detached ADUs:** The structure occupied by a Detached ADU shall be considered a type of accessory structure and shall be constructed in accordance with all County building codes and in accordance with all applicable requirements of these regulations, unless otherwise allowed or restricted by this section. An ADU, however, may occupy an existing accessory structure, in whole or in part, that has been determined by the Zoning Administrator to be a legal nonconforming structure with respect to building height, setbacks, or the like, as long as construction of the ADU does not extend or increase such nonconformity and as long as the ADU meets all other requirements of this section and these regulations.
- f. **Attached ADUs:** The structure occupied by an Attached ADU shall be considered to be part of the Main Building and shall be constructed in accordance with all County building codes and in accordance with all applicable requirements of these regulations, unless otherwise allowed or restricted by this section. An ADU, however, may occupy a Main Building that has been determined by the Zoning Administrator to be a legal nonconforming structure with respect to building height, setbacks, or the like, as long as construction of the ADU does not extend or increase such nonconformity and as long as the ADU meets all other requirements of this section and these regulations.
- g. **Maximum Size:**
 - 1) Attached ADUs: The Livable Area of an Attached ADU shall not exceed 50 percent of the Livable Area of the Principal Dwelling Unit prior to the establishment of the ADU.
 - 2) Detached ADUs:
 - a) The Livable Area of a Detached ADU shall not exceed 900 square feet.
 - b) Detached ADUs shall meet and count towards the size and number limitations regarding accessory buildings and structures as set forth in Article 18, Section 6 (B) and (C) of these regulations.
- h. **Height and Yard Requirements:**
 - 1) Detached ADUs: Detached ADUs are considered by these regulations to be a type of accessory building and, therefore, shall be constructed in accordance with the applicable accessory building height and yard requirements.
 - a) Detached ADUs shall not be located in the Front Yard.

- b) Detached ADUs shall be located a distance no greater than 200 feet from the Main Building.
- 2) Attached ADUs: Attached ADUs are considered by these regulations to be part of the Main Building, and, therefore, shall be constructed in accordance with the applicable main building height and yard requirements of the underlying zoning district.
- i. **Supplementary and Accessory Uses and Accessory Structures:**
 - 1) Supplementary and accessory uses and accessory structures are allowed on a lot, tract, or parcel containing an ADU if they are in accordance with the requirements of these regulations.
 - 2) It is the intent of these regulations that the addition of an ADU shall not significantly increase the levels and intensities of accessory and supplementary uses on the property and that the Property Owner shall control the distribution of these accessory and supplemental uses and structures to ensure that they are in compliance with the requirements of these regulations.
 - 3) The below referenced uses shall be allowed on a lot, tract, or parcel that also contains an ADU only in the following manner:
 - a) Home Occupations: Home occupations shall be allowed in the ADU or the Principal Dwelling Unit, or both, in accordance with Article 18, Section 5 of these regulations, provided that all home occupations located on the property shall jointly meet, and shall not jointly exceed, all restrictions and limitations as set forth in Section 5 of this Article.
 - b) Transient Uses: ADUs are intended for long-term use only. ADUs shall not be used as a Tourist Home including bed and breakfast purposes unless the ADU is authorized by the approval of an Accessory Dwelling Unit Permit (ADU Permit) in accordance with Section 7(D)(3) of this Article. Rental of an ADU for a period of less than 90 consecutive days is prohibited.
- j. **Parking and Driveway Requirements:**
 - 1) Parking Spaces: A minimum of one parking space shall be provided on the lot, tract, or parcel for an ADU. Principal Dwelling Unit parking shall be provided as required by the underlying zoning district.
 - 2) Driveway Entrances: The ADU shall utilize existing driveway entrances unless a driveway entrance is approved by the County Engineer. To the greatest extent feasible, existing driveways and parking areas shall be utilized.
 - 3) Fire Safety: All portions of a detached ADU shall be located a distance of no greater than 200 feet from a driveway that provides continuous access from the ADU to a driveway entrance approved by the County Engineer.

k. Appearance Standards:

- 1) The design of all ADUs shall uphold the single-family character of the property and the ADU shall be subordinate in size, location, and appearance to the Principal Dwelling Unit, unless otherwise allowed in this Section. The ADU shall be compatible in appearance with adjacent properties and the neighborhood.
- 2) When evaluating a proposed ADU, the appearance elements set forth in “a” thru “h”, below, should be considered by the Zoning Administrator, during review of an ADU Certificate application, to ensure that the ADU will be compatible with and have minimal, if any, impact on adjoining properties and the neighborhood’s character and to ensure that the other appearance standards set forth in Section 7(D)(2)(k)(1) of this Article have been met. The Appearance Elements shall be used as a non-exclusive indicator of whether the requirements of the Appearance Standards of this section have been satisfied. It is not intended that the Appearance Elements shall be utilized on a purely mathematical basis, by adding up the eight elements’ pros and cons. Rather, the significance of individual elements may vary when applied to different applications, and the Zoning Administrator shall conduct a weighing and balancing of the elements, and may assign more significant weight to some elements rather than to others, as deemed appropriate under the facts of each particular situation. Further, the Zoning Administrator may also utilize other factors deemed relevant, in addition to the Appearance Elements, to assist in such person’s review and determination.
 - a) Height and Bulk: What is the predominate height of homes and accessory buildings in the neighborhood (e.g., one or two stories)? How does the height of the ADU compare with the height of the Principal Dwelling Unit? Does the ADU have a larger bulk or greater height than the Principal Dwelling Unit?
 - b) Setbacks and Separation: Are homes set back the same distance from the street or are they staggered? Is there a typical or established house and lot pattern? Is there a typically wide or narrow space between homes?
 - c) Exterior Color and Materials: Is there one material or color that is predominantly used for homes in the neighborhood? How does the materials and colors of the ADU compare with the Principal Dwelling Unit. Do they match or harmonize? Are they contrasting?
 - d) Roofs: What do most of the roofs in the neighborhood look like (e.g., materials, color, or pitch)? How does the roof of the ADU compare with the roof of the Principal Dwelling Unit? What architectural details are found on the Principal Dwelling Unit (e.g., dormers, overhangs, and eaves)? Does the ADU have the same detailing?
 - e) Entryways: Is the entryway to the ADU oriented away from the main street? Is the ADU entryway on a different façade or building plane than the Principal Dwelling

Unit entryway? Is the ADU entryway smaller with less architectural detailing (e.g., porches, arches, columns, or overhangs) than the Principal Dwelling Unit entryway?

- f) **Accessory Buildings:** Where do most of the homes have their garages (e.g., attached, detached, or in the front, back, or side of the house)? Do lots typically have only one structure or several (e.g., sheds, garages, pools, or barns)? Are the accessory structures decorative or utilitarian (e.g., gazebo versus barn)? Does the design (e.g., color, exterior materials, and roof pitch) of the accessory structures typically match the design of the homes?
- g) **Location and Orientation of Improvements:** Where is the best ADU location to minimize impacts, including privacy on adjoining properties (e.g., views from windows)? Are exterior doorways and outdoor living areas such as porches or balconies oriented toward the interior of the property? Are exterior improvements (e.g., patios, pools, and gazebos) associated with the ADU located to minimize impacts and maintain the privacy of neighboring residences?
- h) **Landscaping and Screening:** Is landscaping, fencing, or a combination of both typically used to define lot lines and separate homes? Are front yards well-landscaped or is the most prominent feature a paved parking area? Is there heavy or light vegetation in the back yard areas (e.g., trees or hedges)? Is the ADU screened with fencing, landscaping, open space separation, or other buildings or structures in a manner that maintains the privacy of adjacent parcels and reduces visual impacts on neighboring parcels?

l. Variances and Existing Conditional Use Permits:

- 1) If the construction of the Main Building or ADU requires or required approval of a variance from the height, yard, or the like, requirements of these regulations, then an ADU shall only be allowed if authorized by the approval of an Accessory Dwelling Unit Permit (ADU Permit) as provided in Section 7(D)(3) of this Article.
- 2) If there is a conditional use permit (CUP) in effect that includes the subject property, then an ADU shall only be allowed if authorized by the approval of an Accessory Dwelling Unit Permit (ADU Permit) as provided in Section 7(D)(3) of this Article.

m. Other Regulations and Codes: The ADU and all modifications to the Main Building shall be constructed in accordance with any and all applicable governmental codes and regulations, including but not limited to the County environmental, building, and fire codes.

n. Enforcement and Revocation: Failure to comply with the requirements of Section 7(D)(2) of this Article shall be a violation of these regulations and shall be subject to enforcement per Article 6 of these regulations.

In addition to other remedies provided by these regulations, including those of Article 6 of these regulations, any ADU Certificate allowing an ADU may be revoked at any time by the Board if

the applicant is notified in writing and granted a hearing as provided in this Section, when there has been a determination by the Zoning Administrator that:

- 1) The applicant has made material misrepresentations or false statements of fact in the application, or
- 2) The provisions or conditions of this Article or these regulations have been violated, or
- 3) The standards of performance, conditions placed on the use as part of the permit approval process are not being met, or the use is not complying with any other County regulations applicable to the operation of such uses.

Prior to revocation of an ADU Certificate, a written notice that a violation has occurred shall be mailed to the permit holder. That notice shall afford the permit holder a specified time period to abate the violation and shall further grant the permit holder a hearing before the Board.

3) **Accessory Dwelling Unit Permit:**

In the event an applicant desires to deviate from the performance standards of Section 7(D)(2) of this Article, or if an ADU Certificate application was submitted and denied pursuant to the procedure set forth in Article 5, Section 6 of these regulations, then an applicant may submit an application for an Accessory Dwelling Unit Permit (hereinafter "ADU Permit").

a. **Purpose of ADU Permit:**

Section 7 of this Article provides criteria and procedures for ADUs which may be properly allowed upon consideration in each case of, among other things, the impact of the ADU upon neighboring land and the community.

ADUs may produce unique and special impacts because of their location, design, life span, size, traffic circulation, and similar such characteristics which impact on available or provided public facilities so that each such ADU not meeting the performance standards of Section 7(D)(2) of this Article must be considered and evaluated individually.

The Board shall decide whether each ADU proposed shall be granted an ADU Permit subject to the general and specific standards contained in this Section including the purposes and intents as set forth in Section 7(D)(1) of this Article and subject to such conditions and/or restrictions as are reasonable and appropriate to protect the character of the area and ensure the compatibility of the neighborhood in which it is located. The Board may deny requests which fail to satisfy standards and requirements and purposes and intents contained herein or which are not in harmony with the purposes and interest of these regulations or the health, safety, and general welfare of the County.

b. **General Provisions:**

ADU Permits may be approved only if found to be in the interest of the public health, safety, and general welfare of the community.

As a condition of approval of an ADU Permit, the Board may place such reasonable conditions and restrictions relative to the proposed ADU which address, among other things, the establishment, construction, and maintenance of the ADU as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions and purposes and intents contained within this Article, other County regulations, and state and federal requirements.

Unless allowed by an approved ADU Certificate per Article 5, Section 6 of these regulations, no ADU shall be constructed or put to use until and unless an ADU Permit application has been submitted and an ADU Permit has been formally approved by the Board as required by Article 4 of these regulations.

ADUs allowed by an ADU Permit must abide by all of the conditions of the approval of such ADU Permit. Failure to comply with the requirements of the ADU Permit shall cause the ADU Permit to come under the revocation provisions of Section 7(D)(3)(f) of this Article.

c. Application Requirements:

- 1) Development Plan: A site plan that includes all of the items listed in Sections 3 and 6 of Article 15 and which complies with the development plan requirements of Articles 11 and 15 must be submitted as part of an ADU Permit application. This includes Section 3(J) of Article 15 which requires that “preliminary sketches of building elevations depicting the general style, size and exterior construction materials of the buildings proposed in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.”

The development plan must indicate how the proposed use would satisfy the screening, setback, and other such ADU performance and development standards and zoning regulations as specified for the particular ADU.

- 2) Written Narrative Description: A written narrative description of the proposed ADU must be submitted by the applicant. If the nature of compliance is not explicitly clear from the information indicated on the development plan, the narrative description shall address how the proposed ADU would satisfy the performance and development standards, purposes and intents, and zoning regulations as applies to the particular ADU. The narrative description shall also address how the proposed ADU shall meet and comply with the Issuance of ADU Permits in Section 7(D)(3)(e) of this Article. The narrative description shall also describe the reasons which appear to make the site in question appropriate for the proposed ADU, the steps to be taken to cause the use to be compatible with other parcels of real property near the site in question, and other such reasonable information about the proposed use that would be necessary or helpful for the impacts of the proposed use to be fully evaluated and considered.

- 3) Application Requirements and Processing Procedures: ADU Permit applications shall comply with the application requirements and procedures as provided in Article 4 of these regulations. All applicants are encouraged to schedule and hold a pre-application conference with the Zoning Administrator or his or her designee as a first step toward filing and application for an ADU Permit. Arrangements for this conference shall be made by contacting the Planning Office.

d. General Development and Performance Standards:

- 1) An ADU Permit may be approved for an unlimited term of years, but shall be subject to termination and revocation for failure to comply with the terms and provisions of the ADU Permit, and the requirements of these regulations, as more fully set forth herein.
- 2) The owner-occupancy requirements of Section 7(D)(2)(a) of this Article shall be met, and any or all of the other performance standards within Section 7(D)(2) of this Article may be required as conditions of approval of the ADU Permit.
- 3) In General: The ADU Permit shall operate in accordance with a) the appropriate performance standards contained in this Article and in Article 11 of these regulations, b) the development plan review considerations in Article 15 of these regulations, and c) the Final Development Plan, the Statement of Intent and the description(s) of the use in the record(s) of the ADU Permit application review and consideration proceedings. These performance standards are minimum requirements. However, the Board may add, should the occasion require, more restrictive but reasonable requirements as conditions on the ADU Permit to govern the ADU.
- 4) Lot Area, Lot Dimension and Yard Requirements: The ADU shall abide by the lot area, lot dimension, yard requirements, and the like of the particular zoning district in which the ADU is located, unless a variance or rule exception is approved as provided in these regulations. However, the Board may add more restrictive requirements by imposing reasonable conditions on the ADU as needed to assure compatibility with the surrounding properties.

Rule Exception: The applicant may request a Rule Exception from the lot area, lot dimension, yard requirements, and the like of a particular zoning district in which the ADU is located. A Rule Exception may be requested in writing on forms provided by the Planning Office or by letter if all information required on such forms is provided within the letter. Requests for Rule Exceptions may be submitted with the ADU Permit application, or may be submitted during the course of consideration of the application. Requests for Rule Exceptions shall be considered by the Zoning Board and a report on the Zoning Board's recommendations or failure to recommend thereon, shall be provided to the Board of County Commissioners, who shall make the final decision thereon.

Rule Exceptions shall not be recommended for approval by the Zoning Board nor

approved by the Board of County Commissioners unless they find that such approval shall be compatible with the surrounding neighborhood and shall not be contrary to the public interest or unnecessarily burden the County, and shall not annul the intent and purpose of these regulations.

e. Issuance of ADU Permits

- 1) The proposed ADU Permit shall be reviewed using established land use criteria such as, but not limited to, that suggested by the Kansas Supreme Court in the case of *Golden v. Overland Park, Kansas*.
- 2) The Zoning Board shall not recommend that an ADU Permit be granted unless, based upon the evidence presented to it in each specific case, it has considered the following:
 - a) That the granting of any ADU Permit is in harmony with the general purpose and intent of these regulations, and will not be injurious or detrimental to the public health, safety, and general welfare.
 - b) That the granting of the PERMIT will not:
 - i) Impair an adequate supply of light and air to adjacent property;
 - ii) Unduly increase hazards from fire or other dangers;
 - iii) Unduly increase traffic on streets or highways beyond their capacity;
 - iv) Unduly increase the potential for flood damages to adjacent property or lead to additional public expense for flood protection, rescue or relief;
 - v) Otherwise unduly impair the public health, safety, comfort, morals or general welfare of the inhabitants of the County, or otherwise create a nuisance or nuisance-like situation; or
 - vi) Pollute the air, land or water.
- 3) That the ADU:
 - a) Will be designed, constructed, operated, buffered, screened, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not be incompatible with the character of the area.
 - b) Will be compatible with and not be hazardous or unduly disturbing to existing or planned future neighboring uses and zoning.
 - c) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater disposal; or that the persons or agencies responsible for the establishment of the proposed use shall agree to adequately provide any such

essential facilities and services. With respect to this standard, the minimum infrastructure requirements in Article 31 of these regulations shall be guidelines for interpretation of the minimum infrastructure needed for each ADU.

Each ADU shall be considered with respect to the infrastructure available and whether additional or improved infrastructure would be needed for the proposed ADU. If additional or improved infrastructure would be needed, an ADU Permit may be approved if the applicant shall comply with Article 31, Section 2, (C) (1) and (2).

- d) Will not create excessive additional requirements at public cost for public facilities and services.
- e) Will have vehicular approaches to the property which are so designed and would be provided to prevent an interference with traffic on surrounding public arterial streets.
- f) Will not result in the destruction, loss, or damage of a natural, scenic, aesthetic or historic feature of major importance.
- g) Will comply with the lot, yard, and open space; sign; and off-street parking and loading space requirements of these regulations unless otherwise specifically granted.

f. Revocation of ADU Permits:

In addition to other remedies provided by these regulations, including those of Article 6 of these regulations, any ADU Permit allowing an ADU may be revoked at any time by the Board if the applicant is notified in writing and granted a hearing as provided in this Section, when there has been a determination by the Zoning Administrator that:

- 1) The applicant has made material misrepresentations or false statements of fact in the application, or
- 2) The provisions or conditions of this Article or these regulations have been violated, or
- 3) The standards of performance, conditions placed on the use as part of the permit approval process are not being met, or the use is not complying with any other County regulations applicable to the operation of such uses.

Prior to revocation of an ADU Permit, a written notice that a violation has occurred shall be mailed to the permit holder. That notice shall afford the permit holder a specified time period to abate the violation and shall further grant the permit holder a hearing before the Board.

Article 5: Permits

Section 6: ADMINISTRATIVE APPROVAL OF ZONING PERMITS AND CERTIFICATES FOR ACCESSORY DWELLING UNITS:

- A. Before a building permit is issued to allow the construction of an Accessory Dwelling Unit (ADU) in accordance with the requirements of Article 18, Section 7 (D) of these regulations, the applicant shall submit an application for an Accessory Dwelling Unit Certificate (hereinafter "ADU Certificate") which shall include a Development Plan in accordance with the requirements of Article 15, Sections 3 and 6 of these regulations, to be administratively reviewed by the Zoning Administrator.
1. Terms of Approval: Approval is subject to compliance with the intent and requirements of Article 18, Sections 7(D)(1) and (2) of these regulations. Furthermore, the Zoning Administrator shall use these sections of the regulations and the Development Plan review considerations contained in Article 15, Section 11 to review the application. The Zoning Administrator shall approve or deny the application. Therefore, BOCC approval shall not be required for application approval under this provision. Approval may be made subject to conditions.
 2. If the Zoning Administrator approves the application, the Zoning Administrator shall issue a Zoning Permit if the actual site development conforms with the requirements of the approved Development Plan for the particular property.
 3. If the Zoning Administrator denies the application, then the applicant may appeal the decision of the Zoning Administrator in accordance with the provisions of Article 3, Section 5 of these regulations.
 4. If the application is deemed by the Zoning Administrator to not meet the Terms of Approval of Section 6(A)(1) of this Article, and if the applicant does not appeal the Zoning Administrator's decision, then the applicant may submit an application for an Accessory Dwelling Unit Permit which shall be reviewed by the applicable Zoning Board and the Board of County Commissioners in accordance with the requirements of Article 18, Section 7(D)(3) of these regulations.

Article 2: DEFINITIONS

Section 3: DEFINITIONS OF BASIC TERMS:

"Building, Main"

See "Building, Principal".

"Building, Principal"

Any building where the main, primary, or principal use is conducted on the lot, tract, or parcel on which it is located. For residentially zoned lots, such a building would be a dwelling. The phrases "Principal Building" and "Main Building" shall be considered to be interchangeable.

"Dwelling, Accessory"

The phrases "Accessory Dwelling Unit" and "Accessory Dwelling" shall be considered to be interchangeable.

"Dwelling Unit, Principal"

When the principal use conducted on a lot, tract, or parcel is a single-family dwelling unit, then the principal use shall also be known as the principal dwelling unit. The principal dwelling unit is located within the Main Building.

In the case of a lot, tract, or parcel containing only one dwelling unit, the dwelling unit is the principal dwelling unit.

In the case of a lot, tract, or parcel containing a principal dwelling unit and an accessory dwelling unit, the principal dwelling unit is the larger of the dwelling units.

"Dwelling Unit, Accessory"

A dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects. The phrases "Accessory Dwelling Unit" and "Accessory Dwelling" shall be considered to be interchangeable. The following types of accessory dwelling units are referred to in these regulations:

1. "Attached Accessory Dwelling Unit"

An accessory dwelling unit within a portion of or connected to the Main Building. An accessory dwelling unit shall be considered to be attached to the Main Building: a) if it has a wall in common with the Main building or if it is connected to the Main Building by way of a Livable Area and b) if it meets the requirements of Article 18, Section 2(B) of these regulations.

2. "Detached Accessory Dwelling Unit"

A dwelling unit standing apart and detached from the Main Building and located on the same lot, tract, or parcel.

"Dwelling, One-Family or Single-Family"

A building with one dwelling unit arranged, intended, or designed for occupancy by one family, and which may include an Attached Accessory Dwelling Unit, and including Residential Design Manufactured Homes and including Group Homes Type One.

"Guest House"

Dwelling without a kitchen providing residential accommodations for temporary or occasional guests:

1. in a detached accessory building located on the same premises as a Main Building,
2. primarily for use by temporary or occasional guests of the occupants of the premises,

3. without kitchen facilities,
4. without separate utilities, and
5. not rented or otherwise used as a separate dwelling.

“Livable Area”

A space within a dwelling unit that is heated, has a ceiling height of at least seven feet, and has finished walls, floors, and ceilings. Walls and ceilings shall be deemed finished if they are covered with plaster, wallboard, wood paneling, or similar material. Floors shall be deemed finished only if they are covered with carpeting, tile, linoleum, finished wood, decorative concrete, or similar material. This definition includes hallways, closets, dormers, laundry room facilities, stairs, and storage rooms if they are a functional part of the living area and not part of an unfinished area such as an unfinished attic or unfinished basement. In rooms with sloped ceilings (e.g., finished attics) livable area is considered that portion of the room with a ceiling height of at least five feet.

ARTICLE 17: SUPPLEMENTARY HEIGHT, AREA AND BULK

Section 6: MULTIPLE BUILDINGS ON SINGLE LOTS

- A. Except for an Accessory Dwelling Unit as allowed in Article 18, Section 7(D) of these regulations and except as provided below in subsection B, more than one (1) main structure or building (e.g., dwelling unit in the multifamily zoning district) may be located on a lot, tract, or parcel only in those situations where a lot, tract, or parcel is zoned for a multiple family, planned retail business, or planned employment center use, but such structures and buildings shall be on a lot, tract, or parcel which has front, side and rear yards as required for the zoning district in which the lot, tract, or parcel is located. Where such multiple structures or buildings would be under separate ownership, permanent rights of access shall be provided to all ownerships which do not abut or have the right of access to an approved street and such access ways and the improvements therein shall be clearly shown on the approved development plans.

ARTICLE 4. APPLICATION PROCEDURES FOR REZONING, CONDITIONAL USE PERMITS, ACCESSORY DWELLING UNIT PERMITS, DEVELOPMENT PLAN APPROVALS OR SUBDIVISION APPROVALS, AND AMENDMENTS TO THE ZONING OR SUBDIVISION REGULATIONS

Section 1. WHO MAY PETITION OR APPLY:

- A. A proposal for a Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision approval may be initiated by the Board, the Planning Commission, any Zoning Board, the owner of property affected, or upon application of the following persons:

1. The lessee or the holder of an option to lease; or
2. The holder of an option to purchase or real estate contract to buy; or
3. An agent acting for and on behalf of the owner of the property affected.

However, all applicants referenced above in Section 1, (A)(1-3) shall, at the time of making application, provide written evidence satisfactory to the Board, that the applicants have the authority and consent of the owner to make such an application regarding the subject real property. All applicants, at the time of making application, shall enter upon the application the name, correct mailing address and phone number of the owner(s). For purposes of making an application only, the word "owner(s)" shall include all those individuals that may have a beneficial interest or ownership in the subject real property.

- B. Applications for amendments, revisions or changes to the Zoning Map or Zoning or Subdivision Regulations may also be made by the Board, an owner or person as provided in Section 1, (A)(1-3), the Planning Commission or any Zoning Board upon their own motion for final determination by the Board.
- C. Proposals initiated by the Board shall first be submitted to the Planning Commission or the appropriate Zoning Board as applicable for a recommendation as provided herein.

Section 2. PROCEDURES FOR CONSIDERATION OF A REQUEST FOR A REZONING, CONDITIONAL USE PERMIT, ACCESSORY DWELLING UNIT PERMIT, DEVELOPMENT PLAN APPROVAL, SUBDIVISION PLAT APPROVAL, OR AMENDMENT TO THE REGULATIONS:

A. Application Procedure:

1. All applications or requests shall be made to the Zoning Administrator on forms provided by the Planning Office.
2. All applicants are encouraged to schedule and hold a pre-application conference with the Zoning Administrator or his or her designee as a first step toward filing an application for a Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Preliminary Development Plan, or Preliminary Plat. Arrangements for this conference shall be made by contacting the Planning Office.
3. The applicant for a proposed Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Preliminary Development Plan, or Preliminary Plat shall provide the Planning Office with a list of the names and addresses of the owners of record of all property within 1,000 feet of the property in question. Such list shall have been originated by a licensed abstractor, title company or similarly qualified person whose services have been secured by the applicant and said list shall be compiled from the official records of the County Register of Deeds and not just the apparent owners as evidenced in the real estate tax records.

4. Upon receipt of such an application and the payment of the appropriate fee as established by resolution of the Board, the Zoning Administrator shall note thereon the date of filing and make a permanent record thereof.
5. All applications shall be set down for hearing not later than sixty (60) days after receipt of a completed application. Determination that an application is complete shall be made by the Zoning Administrator who shall make such determination within twenty (20) days after the application is filed. The Zoning Administrator shall provide written notice of the reason(s) that the application was found to be incomplete, and the written notice shall suggest changes the applicant could make to complete the application.
6. Whenever an application for a Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision Plat is pending, the subject real property shall not be cleared of trees or ground cover vegetation or graded without prior written approval by the Zoning Administrator.

B. Hearing and Notice Requirements:

1. All proposed Rezonings, Conditional Use Permits, Accessory Dwelling Unit Permits, Development Plans or Subdivision Plats regarding specific tracts of real property shall be submitted to the appropriate Zoning Board for recommendation.

All proposed amendments, revisions, or changes to the Zoning or Subdivision Regulations or to the Zoning Map, other than those changes resulting from rezoning application(s) regarding specific tracts of real property, shall be submitted to the Planning Commission for recommendation.

2. Prior to a Zoning Board making a recommendation on a proposed Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Preliminary Development Plan, or Preliminary Plat regarding specific tracts of real property, the Zoning Board shall hold a public hearing thereon and a proper record shall be made of the proceedings.

Prior to the Planning Commission making a recommendation on a proposed amendment, revision, or change to the Zoning or Subdivision Regulations or to the Zoning Map, other than those changes resulting from rezoning application(s) regarding specific tracts of real property, the Planning Commission shall hold a public hearing thereon and a proper record shall be made of the proceedings.

Notice of such public hearings shall be published once in the official County newspaper at least twenty (20) days prior to the date fixed for the hearing.

3. The published notice shall state the date, time, and place of the hearing and shall contain a statement regarding the proposed change in regulations or the zoning classification or zoning district boundaries of the property. In all cases other than amendments to the regulations, the notice shall

contain the legal description and street address or general street location of the property, and its present and proposed zoning classification.

4. In addition to notice by publication, written notice of proposed Rezoning, Conditional Use Permits, Accessory Dwelling Unit Permits, Preliminary Development Plans, or Preliminary Plats shall be mailed at least ten (10) days prior to the hearing to all owners of record of lands located within 1,000 feet of the property as indicated on the certified list of such owners provided with the application.
 - a. The written notice shall:
 - 1). State that interested parties shall have an opportunity to be heard at the public hearing.
 - 2). Be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change.
 - b. Failure to receive mailed notice shall not invalidate any subsequent action taken.
5. Exceptions: In the case of an application to amend, revise or change the Zoning or Subdivision Regulations or the Zoning Map, other than those changes resulting from rezoning application(s) regarding specific tracts of real property, the above stated requirements shall be followed except that notice of the public hearing shall not be required to be individually mailed to all potentially affected persons. Therefore a certified list of owners shall not be required. General notice, however, shall be given by publication in the official County newspaper at least 20 days prior to the date fixed for the hearing.
6. Any such hearing may be continued for good cause at the request of the applicant or in the discretion of the Planning Commission or Zoning Board.

C. Action by the Planning Commission or Zoning Boards:

1. After the public hearing, the Planning Commission or the appropriate Zoning Board shall adopt its recommendations and submit the same, together with a record of the hearing thereon, to the Board of County Commissioners. In the event of a "failure to recommend," the application, together with a record of the hearing thereon, also shall be submitted to the Board of County Commissioners.
2. For Planning Commission actions on amendments, revisions or changes to the Zoning Map or to the Zoning or Subdivision Regulations or for Zoning Board actions on Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision Plat applications or Zoning Map amendments, revisions or changes which may result from rezoning applications, a vote either for or against the proposal by a majority of the members present shall constitute a recommendation of approval or disapproval. However, a vote either for or against a proposal by less than a majority of the members present shall constitute a "failure to recommend."

D. Action by the Board of County Commissioners:

1. After receipt of the recommendation of the Planning Commission or Zoning Board, the Board shall consider the Amendment, Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision Plat application and, notwithstanding the recommendation of the Planning Commission or Zoning Board may:
 - a. Adopt the recommendation, in whole or in part,
 - 1). By resolution in the case of Amendments, Conditional Use Permits, Accessory Dwelling Unit Permits, Rezonings, or Development Plans, ordering that the resolution be recorded with the office of the County Clerk and providing that the action shall become effective upon such recording, or
 - 2). By motion in the case of Subdivision Plats, and authorize the Board Chairperson to endorse the plat to acknowledge the acceptance of the dedication of public ways and easements, or
 - b. Disagree with the recommendation and return the application to the Planning Commission, or Airport Zoning Commission, or Zoning Board for further consideration along with a statement specifying the reasons for disagreeing, or providing suggested modifications.
 - c. Take no further action thereon, as it deems appropriate.
2. If the Planning Commission or Zoning Board submits a "failure to recommend" to the Board, the Board may take such action as it deems appropriate.
3. If the Board returns the proposed Amendment to the Planning Commission or Rezoning or Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan or Subdivision Plat to the Zoning Board for further consideration, the Planning Commission shall reconsider the proposed Amendment, or the Zoning Board shall reconsider the proposed Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision Plat, as returned and, within 30 days of receipt thereof, or within such lesser or greater time period set by the Board, shall either:
 - a. Submit a new recommendation to the Board; or
 - b. Resubmit the original recommendation.

No additional public hearing shall be required unless so directed by the Board.

4. If the Planning Commission or Zoning Board fails to deliver its recommendation to the Board within the prescribed time period, the Board shall consider such inaction on the part of the Planning Commission or Zoning Board as a resubmission of its original recommendation.
5. The Board, after receipt of a new or the original recommendation on the Amendment, Extension or Addition previously returned to the Planning Commission or Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan, or Subdivision Plat previously returned to the Zoning Board, shall reconsider such matter and thereafter, by resolution for Rezoning, Conditional Use Permits, Accessory Dwelling Unit Permits or Development Plans or by motions for Subdivision Plats, may adopt, in whole or in part, or may revise or amend and adopt all such matters, or may take no further action thereon, as it deems appropriate.
6. If the Board initiated the application, it need not return the application to the Planning Commission or Zoning Board, but may take such action as it deems appropriate after receiving the original recommendation from the Planning Commission or Zoning Board.

E. Recording of Official Actions:

1. If a Rezoning affects the boundaries of any zone or district, the resolution of the Board shall describe the change or boundaries as amended, and the Zoning Map shall be changed to reflect such amendment and shall be reincorporated as amended.
2. The resolution of the Board shall describe the boundaries of the property for which any Conditional Use Permit, Accessory Dwelling Unit Permit or Development Plan is approved or denied.
3. All Rezoning, Conditional Use Permits, Accessory Dwelling Unit Permits, Development Plans, or Variances shall become effective upon adoption by the Board.

F. Protest Petitions:

1. Regardless of whether a Zoning Board recommends approval, disapproval, or "fails to recommend" regarding an application for a Rezoning including Preliminary Development Plans for Planned Zoning Districts, Conditional Use Permit, or Accessory Dwelling Unit Permit, if a protest petition is filed as provided for herein, the resolution adopting such Rezoning, Preliminary Development Plan, Conditional Use Permit, or Accessory Dwelling Unit Permit, shall not be passed except by a favorable vote of at least 4/5 of all of the members of the Board of County Commissioners. A protest petition must be filed in the office of the Johnson County Clerk within 14 days after the date of the conclusion of the public hearing held pursuant to the publication notice. As such, in the event a public hearing held pursuant to publication notice is continued by a Zoning Board to a future date, the 14 day period will not begin to run until the conclusion of the continued hearing. However, should the Board return an application to a Zoning Board for reconsideration, a protest petition will

not be accepted nor will it be valid if filed with the County Clerk following the reconsideration by the Zoning Board.

2. To be valid, the protest petition shall be, among other things, duly signed and acknowledged by the owners of 20% or more of any real property subject to the Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, or Preliminary Development Plans for Planned Zoning Districts, or by the owners of 20% or more of the total area, except public streets and ways, located within 1,000 feet of the boundaries of the property subject to the Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, or Preliminary Development Plan.
3. Protest Petitions must be signed and acknowledged by each and every owner(s) of property protesting a given action. The word "owner(s)" for purposes of protest petitions shall include all those individuals that may have ownership in the subject real property or property within 1,000 feet as provided in Section 2, (F)(2) of this Article. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. In the event a corporation, partnership or other organization meets the requirements to protest an action and desires to sign a petition, the following must appear on the petition for such an organization to be counted with the petition:
 - a. The proper name in which title to their property is held; and
 - b. The address of their property; and
 - c. The name of the individual signing on behalf of the corporation, partnership or other organization; and
 - d. Some indication of capacity or authorization of the individuals to sign on behalf of the corporation, partnership or organization.

Finally, the signature of each owner(s) signing the petition must be properly notarized.

Section 3. FEES:

A filing fee shall be paid at the time of application for a Rezoning, Conditional Use Permit, Accessory Dwelling Unit Permit, Preliminary Development Plan, Preliminary Plat, or Amendment. Filing fees shall be in the amount established by resolution of the Board. No fee shall be charged if the request is from a Zoning Board, the Planning Commission, or the Board.

Section 4. POSTING OF A SIGN:

Each applicant for a Rezoning, a Conditional Use Permit, Accessory Dwelling Unit Permit, Preliminary Development Plan, or Preliminary Plat shall place at least one sign upon the lot, tract or parcel of land at least twenty (20) days before the scheduled first date for the public hearing on the application. The applicant shall maintain the sign for at least the 15 days immediately preceding the date on which the public hearing is initially opened. If the public hearing is continued by the Zoning Board, the sign shall be amended or replaced to accurately describe the date, place, and time scheduled for the continued hearing. The sign shall be furnished by the Zoning Administrator to the applicant and the applicant shall firmly affix and attach each sign on the property in a place visible from adjoining streets as hereinafter set forth. Prior to the public hearing on the application, the applicant shall file an affidavit with the Johnson County Planning Office verifying that the sign has been maintained and posted as required by these regulations. Failure to submit the affidavit prior to the public hearing may result in a continuance of the hearing.

The sign(s) shall generally read as follows and shall contain at least the following information:

**(REZONING, CONDITIONAL USE PERMIT, ACCESSORY DWELLING UNIT PERMIT,
DEVELOPMENT PLAN APPROVAL, PRELIMINARY PLAT APPROVAL) PENDING**

Application Number _____

From: (zoning district) _____ To: (zoning district) _____
or for (use, number of lots, building area, etc.) _____
PUBLIC HEARING AT _____ (time or location) _____ BEFORE THE
_____ ZONING BOARD
ON _____ (date) _____ at _____ (time or location) _____
BOARD OF COUNTY COMMISSIONERS, JOHNSON COUNTY, KS.

The sign(s) shall be removed by the applicant within ten (10) days after final action on the application. The bottom of the sign(s) shall be a minimum of two (2) feet above the ground line. The sign(s) shall be placed within five (5) feet of the street right-of-way line, in a position on the lot, tract or parcel of land as to have no visual obstructions thereto and to be readily seen by passersby. If the lot, tract or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing all streets. Failure to comply with this requirement shall not deprive the Zoning Board of its jurisdiction or affect any decision, but may be due cause for the Zoning Board to refuse to hear the application or to adjourn the hearing or to require further notice.



Section 5. HEARING CONTINUANCES:

Any hearing may, for good cause shown, at the request of the Applicant, or in the discretion of the Zoning Board, be continued.

Section 6. LIMITATIONS ON REAPPLICATION:

Whenever an application requesting an Amendment, Rezoning or Conditional Use Permit, Accessory Dwelling Unit Permit, Development Plan or Preliminary Plat has been denied by the Board, the application or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial. Determinations of whether an application is substantially similar shall be made by the Zoning Administrator.

ARTICLE 6. ENFORCEMENT, VIOLATIONS AND PENALTIES

Section 1. PROHIBITED ACTS AND CONDUCT:

From and after the effective date of these regulations, no person shall violate any of the provisions of these regulations, or fail to comply with any of its requirements, including, but not limited to, any conditions or terms established in connection with grants of variances, conditional use permits, accessory dwelling unit permits, accessory dwelling unit certificates, or administrative development plans, nor use their property, building or structure in any way except as permitted and in the manner provided by these regulations, and any act, conduct or use which fails to comply with the provisions of these regulations and any codes, rules or standards adopted as a part of these regulations, shall be and hereby is declared to be unlawful as a violation of the Zoning and Subdivision Regulations of Johnson County, Kansas.

ACCESSORY DWELLING UNITS: GENERAL INFORMATION

The *Zoning Regulations* were amended on March 7, 2013 to allow an Accessory Dwelling Unit (ADU) in association with a Principal Dwelling Unit on the same lot or parcel in the rural and residential zoning districts of unincorporated Johnson County.

Definitions

- An ADU is defined as a dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects.
- The Principal Dwelling Unit is defined to be the larger of the two dwellings.

Purpose and Intent

The general purpose and intent of allowing Accessory Dwelling Units (ADU) in the unincorporated portion of the County is to:

- Allow life-style choices in single-family neighborhoods that respond to changing demographics and economic conditions;
- Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security, and services (e.g., on-site healthcare worker, housekeeper, childcare worker);
- Provide homeowners the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings (e.g., family game or media rooms with kitchens);
- Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are well-designed and compatible with the neighborhood and constructed under the requirements of these Regulations; and
- Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

ADUs are not Duplexes

Allowing ADUs is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different than a duplex in that typically the two units that make up a duplex are attached to each other, are relatively equal in size and height, and one unit usually does not dominate the other. In contrast, an ADU may or may not be attached and, unless otherwise allowed by this section, is subordinate in size, location, and appearance to the Principal Dwelling Unit that it accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying Principal Dwelling Unit shall be owner-occupied, unless otherwise allowed by this section.

Administrative Approval v. ADU Permit

If a proposed ADU meets the performance standards set forth in Article 18, Section 7(D)(2)(a) of the *Johnson County Zoning Regulations*, then the ADU may be administratively (Planning staff) approved. These performance standards have been chosen so that the proposed ADU will fit the character of the neighborhood and will have few impacts on the surrounding neighbors. If the proposed ADU does not meet the performance standards, then an applicant may submit an application for an Accessory Dwelling Unit Permit (ADU Permit) which requires a public hearing, a recommendation by the Zoning Board, and a final decision by the Board of County Commissioners.

Owner-occupancy Requirement

Owner-occupancy of either the ADU or the Principal Dwelling Unit is a condition of both administrative approval of the ADU and approval of the ADU Permit.

ADU Permit Review Requirements:

ADU Permits shall be reviewed using established land use criteria such as, but not limited to, that suggested by the Kansas Supreme Court in the case of *Golden v. Overland Park, Kansas* (which is also used to review rezoning and conditional use applications).

The ADU Permit shall be reviewed to ensure that granting the ADU Permit is in harmony with the general purpose and intent of the Regulations. More specifically, it is the intent of the Regulations that an ADU functions as an accessory to the Principal Dwelling Unit and that the ADU is subordinate in size, location, and appearance to the Principal Dwelling Unit that it accompanies.

Lastly, a finding shall be made that granting the ADU Permit will not impact surrounding parcels and the public in general.

18.50.025 Accessory Dwelling Units

 *Purpose: Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.*

⇔ *Note: this section lists accessory dwelling unit uses by zoning district summarized in the land use table.*

A. Applicability

1. This section applies to any Accessory Dwelling Unit (“ADU”).
2. An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is -
 - a. Attached to the principal dwelling, or
 - b. A detached building on the same lot.

B. Where Allowed

1. ADUs are permitted in accessory structures in the “A,” “R-1 and R-2” districts.
2. An ADU may be -
 - a. constructed as a new building, or
 - b. adapted from an existing building into an existing accessory structure on the same lot, or
 - c. adapted from a portion of the principal dwelling unit.
3. Only one ADU is allowed on a lot.

C. Standards

1. The accessory residential dwelling shall be located in the established rear yard at least ten (10) feet from the rear lot line.
2. The ADU shall conform to side yard setbacks.
3. Easements shall be dedicated for separate utilities to be provided to each dwelling unit.
4. The architectural style of the secondary dwelling structure shall conform to the architectural style and materials of the principal structure.

5. ADUs shall not exceed a gross floor area one-thousand (1,000) square feet or more than fifty percent (50%) of the principal structure's floor area, whichever is less, or have more than two (2) bedrooms.
6. An ADU shall not exceed two (2) stories or the height of the principal dwelling unit.
7. The ADU shall not cause lot coverage to exceed 75 percent, including the principal structures.
8. All structures shall meet or be brought up to current building code requirements.
9. The ADU shall obtain a separate address to help guarantee emergency response.
10. The ADU shall provide one off-street parking space with access to a public street from the existing driveway. This space may be located in the established front yard of the principal structure.

The Olathe Unified Development Ordinance is current through Ordinance 20-40, passed December 1, 2020.

Disclaimer: The City Clerk's Office has the official version of the Olathe Unified Development Ordinance. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited here.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.olatheks.org](http://www.olatheks.org)

[Code Publishing Company](#)

Residential Accessory Dwelling Units, Accessory Structures & Room Additions

Planning and Development Services Department

www.lawrenceks.org/pds

This covers the basic requirements for accessory dwelling units, accessory structures and room additions for residential one- and two-family dwellings. Consult with the [Planner of the Day](#) at (785) 832-3150 prior to establishing any home occupation business.

This should not be considered as a complete list of City of Lawrence Building Code or Land Development Code requirements. Complete information is available in the [codes](#) and [ordinances adopted by the City](#). The International Code Council (ICC) code books referenced in the City's adopted codes are available for review at the Building Safety Division office at 1 Riverfront Plaza, Suite 110 or the local public library, or can be purchased at the [ICC Book Store](#). Some materials and construction methods may require the use of an architect or other design professional. The City of Lawrence Land Development Code is available online, at the local library or from the Planning Office in City Hall at 455 N. Main St.

PERMITS AND PLANS REQUIRED

- **PERMIT REQUIRED** - A building permit is required for all additions to dwellings, accessory dwelling units and for detached tool and storage sheds exceeding 200 square feet. If the property is in a Planned Zoning District, conditions may apply regarding accessory structures. Contact the [Planner of the Day](#) at (785) 832-3150.
- **APPLICATION FORM** - A fully completed and signed City [building permit application](#) form is required.
- **PLOT PLAN** - A [plot plan](#) drawn to scale showing the lot with lot lines, lot dimensions, streets abutting the lot, proposed new and existing structures on the lot, setbacks of the proposed new accessory structure or building addition from adjacent property lines and other existing structures on the lot, easements and driveways must be provided.
- **CONSTRUCTION DRAWINGS** - Provide floor plan, framing plan, foundation plan, elevations (drawings of the front, rear and sides of a building or building addition) and use of each room, area or space. Drawings prepared and sealed by a Kansas licensed design professional are not generally required unless non-conventional construction is used or new loads are applied to existing structural members; sealed drawings may be required if unusual situations are identified at the time of the building permit plan review. Elevations may not be required for small accessory buildings not located in a design overlay or historic district.
- **ELECTRICAL** - Any electrical wiring to an accessory structure requires an [electrical permit](#) regardless of structure size.
- **LICENSING** – Contractors and sub-contractors (including framing; concrete; electrical; heating, air-conditioning and ventilation; plumbing) are required to be licensed to perform work within the City. An owner may perform as a contractor or sub-contractor provided they are the owner and occupant of the residence and complete and sign the [owner/occupant form](#).

ACCESSORY DWELLING UNITS - DESIGN STANDARDS

An accessory dwelling unit is defined in the Lawrence Land Development Code (LDC) as: "A dwelling unit that is incidental to and located on the same lot as the principal building or use, when the principal building or use is a dwelling." Per the LDC, accessory dwelling units are only allowed in RS40, RS20, RS10, RS&, MU or CN1 zoning districts. The City's [interactive map](#) can be used to determine a property's zoning designation. An accessory dwelling unit is prohibited to have a type B home occupation business per the LDC. Accessory dwelling units shall be registered with the Planning Director prior to their establishment.

PURPOSE

Accessory dwelling unit design standards are intended to ensure that accessory dwelling units: are compatible with the desired character and livability of the zoning districts in which they are located; respect the general building scale and placement of structures to allow sharing of common space on the lot, such as with driveways and yards; and are 960 square feet or smaller in size.

METHODS OF CREATION

- a) Conversion of an existing living area within a detached dwelling, attached dwelling (e.g., attic, basement or attached garage).
- b) Addition of floor area to an existing detached dwelling, attached dwelling or detached garage.
- c) Constructing a new detached dwelling, attached dwelling or detached garage with an internal accessory dwelling unit.

LOCATION OF ENTRANCES

- a) Only one entrance to the principal building may be located on the front facade that faces the street, unless the principal building contained an additional street-facing entrance before the accessory dwelling unit was created.
- b) When the accessory dwelling unit is located behind the rear wall of the principal building, the accessory dwelling entrance shall face the front lot line.
- c) An exception to subsection (b) above is dwelling units that do not have access from the ground such as dwelling units with entrances from balconies or elevated decks.

SIZE

The maximum size of an accessory dwelling unit may be no more than 33% of the living area of the detached dwelling or attached dwelling, or 960 square feet, whichever is less.

SETBACKS

Refer to the Accessory Structures – Design Standards section of this document for setback requirements for accessory structures.

NO CONSTRUCTION ON OR OVER EASEMENTS

Construction of any accessory dwelling unit structure on or over a public or private utility, drainage or access easement is not allowed.

An Ordinance of the Governing Body Amending Article XXII; by adding SECTION 4. ACCESSORY DWELLING UNITS and amending Article XXVIII; SECTION 3. DEFINITIONS by adding the definition of ACCESSORY DWELLING UNIT (ADU).

Be it ordained by the Governing Body of the City of Bonner Springs, Kansas:

SECTION I: The Zoning Ordinance, Article XXII; Section 4, Accessory Dwelling Units is added and shall read as follows:

Accessory Dwelling Units shall be allowed within the following zoning districts: AG (Agricultural District – Loring Area), A-1 (Agricultural District), R (Rural Residential District – Loring Area), R-S (Rural Suburban District), R-1 (Single Family Residential District) and R-1A (Residential Special District)

1. Recreational vehicles do not constitute an Accessory Dwelling Unit
2. ADU's are limited to no more than 1,000 square feet, and
3. No Accessory Dwelling Unit shall be larger in total living area than that of the principal structure, this does not include lower level garages of detached ADU's
4. ADU's shall contain no more than two (2) bedrooms
5. All ADU's require the owner of the primary dwelling or ADU be a permanent resident of the parcel in which it was constructed (Owner/Occupancy)
6. An ADU may be constructed as a new building, created by renovating and/or adding on to an existing accessory structure currently located on the same lot, created by constructing an addition to an existing home, created by converting a portion of the existing home, an entire floor, an attic or basement
7. If said ADU is constructed by converting a portion of an existing home, said area shall be required to provide a means of emergency egress per the adopted building code
8. ADU's constructed above detached garages shall be required to provide mechanical equipment separate from the garage, and they shall be required to provide a means of emergency egress directly to the ground via an exterior stairway, no emergency egress shall exit through the garage
9. Only one ADU is allowed per lot, regardless of lot size
10. The architectural styling of the ADU shall be architecturally similar in design to the principal structure premanufactured metal clad buildings do not meet this standard
11. Setbacks shall adhere to those required of other accessory buildings within the zoning district in which they are located when constructed as an accessory building
12. An ADU shall not exceed two (2) stories in height or twenty-five feet (25')
13. Any structure to be utilized as an ADU shall conform to the current Building Code as adopted, including permit requirements
14. ADU's will be issued an address of the principal structure and given a Unit letter at the end (ex. 212 W. Kump Ave. Unit B)
15. The ADU shall provide a minimum of one off street parking space, with access to a public street system, this space may be located on the public street as allowed by law or located within the lot of said ADU
16. ADU's shall not be constructed over or upon any public or private utility, drainage or access easement
17. An ADU constructed as an addition to an existing home must meet the same setbacks as required within the zoning district in which it is located
18. A "tiny home" or similar shall be considered an ADU if it is permanently anchored to the ground per code and any wheels and tires removed

SECTION II: The Zoning Ordinance, Article XXVIII; Section 3; Definitions is amended by adding the following definition for Accessory Dwelling Units.

Accessory Dwelling Units (ADU) - An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. ADU's shall be constructed to ensure they do not change the residential character of the principal use or surrounding area. ADU's are buildings or part of a buildings that provide complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is

- a. Attached to the principal dwelling, or
- b. A detached building on the same lot.
- c. Within an existing structure (internally, i.e. finished basement, single floor)

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on this ____ day of _____, 2022.

Jeff Harrington, Mayor

ATTEST:

Christina Brake, CMC, City Clerk
(SEAL)

Memorandum

Date: February 14, 2022
To: Mayor and City Council
From: Mark Lee

Subject: BSZO-02-21 - Zoning Ordinance Amendment - Architectural Design Standards

Recommendation: Staff and the Planning Commission (6-0) recommend approval

Action: Make a motion to adopt an ordinance implementing Architectural Design Standards

Background: Several municipalities have instituted building design guidelines to ensure that a certain architectural character is upheld. Some municipalities have chosen to regulate zoning districts based on use: residential, multi-family, commercial, office and industrial. In researching design criteria, staff reviewed seven (7) surrounding communities and their current regulations. Those seven communities were Lenexa, Shawnee, Basehor, Olathe, Lee's Summit (MO) and Overland Park. Liberty (MO) was reviewed specifically, as their design standards focus on a historic downtown district similar to Oak Street.

Discussion: Within the Comprehensive Plan of Bonner Springs is Appendix B, "Planning Principles and Design Guidelines"; these guidelines layout standards for street networks, preservation of greenspace, incorporation of different housing styles and densities, among other elements that pertain to site development. They further provide architectural guidelines for multi-family residential development and commercial development; the Appendix does not address industrial buildings or development. Staff has taken portions of Appendix B and created a document that addresses the building form as well as limited site layout concepts. This document is intended to be incorporated into Article XXII - Supplementary Regulations.

The proposed regulations would provide architectural standards for the following zoning districts:

C-1 (Central Business Dist. including Downtown), C-2 (General Business Dist.), C-S (Highway Service Dist.), I-1 (Light Industrial), I-2 (Heavy Industrial), R-3 (Multi-family Residential Dist.). Additionally, any districts carrying the designation of "Planned" MX (Mixed Use) are also included – these would regulate business facades and multi-family dwellings.

This item was discussed over two workshops and followed by the required public hearing. The Planning Commission recommends approval.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 7c

Topic: Architectural Design Standards for Multifamily, Commercial and Industrial facilities located within highly visible and heavily traveled corridors.

Narrative: Several municipalities have instituted building design guidelines to ensure that a certain architectural character is upheld. Some municipalities have chosen to regulate residential, multi-family, commercial, office and industrial. In staffs opinion regulating the design of single family or duplex homes can become burdensome and time consuming and is best handled through private Home Owners Associations.

The proposed regulations would provide architectural standards for the following zoning districts:

C-1 (Central Business Dist. including Downtown) C-2 (General Business Dist.)
C-S (Highway Service Dist.) I-1 (Light Industrial) I-2 (Heavy Industrial)
R-3 (Multi-family Residential Dist.)
As well as any of these districts carrying the designation of “Planned”
MX (Mixed Use) – these would regulate business facades and multi-family dwellings

Within the Comprehensive Plan of Bonner Springs is Appendix B, “Planning Principles and Design Guidelines”; these guidelines layout standards for street networks, preservation of greenspace, incorporation of different housing styles and densities, among other elements that pertain to site development. They further provide architectural guidelines for multi-family residential development and commercial development; the Appendix does not address industrial buildings or development. Staff has taken portions of Appendix B and created a document that addresses building form as well as limited site layout concepts. This document would then be incorporated into Article XXII - Supplementary Regulations.

In researching design criteria, staff looked at seven (7) surrounding communities and their current regulations. Those seven communities were Lenexa, Shawnee, Basehor, Olathe, Lee’s Summit (MO) and Overland Park. Liberty (MO) was looked at as well; their design standards focus on the historic downtown district.

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission approve the Zoning Ordinance amendment to Section XXII, Supplementary District Regulations; regarding architectural design standards for certain zoning districts throughout the city.

Attachments:

Planning Principals and Architectural Design Guidelines (19pgs)
City of Shawnee Design Guideline Brochures (4pgs)
City of Liberty, MO – “Design in the Liberty Square Historic District” (2pgs)
City of Overland Park Architectural Design Standards – web link
<http://online.encodeplus.com/regs/overlandpark-ks/doc-viewer.aspx#secid-6935>
City of Lenexa Architectural Design Standards (2pgs)

13. All units shall provide shelter from severe storms. The shelter area(s) shall be designed and constructed in accordance with Federal Emergency Management Agency (FEMA) Publication 320, Taking Shelter from the Storm: Building a Safe Room Inside Your House, latest edition; FEMA's National Performance Criteria for Tornado Shelters, May 1999; or the National Storm Shelter Association's Standard for the Design, Construction, and Performance of Storm Shelters.

Approved by the Shawnee Planning Commission on July 7, 1997, and amended on June 6, 2005.

Multi-Family Design Standards



For further information, contact the

Planning Department

11110 Johnson Drive

Shawnee, Kansas 66203

Phone: 913-742-6011

Fax: 913-631-7351

02/01/09



SHAWNEE

P L A N N I N G

DUPLEX AND MULTIPLE FAMILY RESIDENTIAL DESIGN STANDARDS

Development of duplex and multiple family units within the City of Shawnee shall be located in areas designated for such developments on the City's Land Use Guide. A variety of housing styles available to citizens assists in the building of a strong community. It is the desire of the City of Shawnee to create an architectural character for duplex and multi-family housing which is attractive whether the units will be for rent, or owned by the occupants.

It is the desire that such developments provide their own character, rather than creating communities that appear identical. The following design guidelines are provided which have been determined to be appropriate for such developments:

1. New landscaping, preservation of existing tree lines and use of natural features will be expected to be used as a means to make immediate impact within the development, and provide a natural means to beautify which can not be achieved through the built environment.
2. Housing units shall be oriented with varied front yards areas and spacing between units. Attention will be given to the orientation of the structures to maximize privacy between units and in relation to the current and/or anticipated development surrounding the site. Attractive and effective landscaping and buffering will be expected to occur between land uses.
3. Street design with curves and cul-de-sacs which is common in single family residential developments will be encouraged. Streets will be expected to be private, and will be maintained by the owner. To ensure adequate public safety access as well as ease of traffic movement throughout the site, adequate off-street parking to handle the needs of residents as well as their guests shall be provided. Adequate off-street parking will be provided so that on-street parking will be minimized. Covered parking units will be expected to be constructed using the same materials and colors as the units. The location of such parking shall be made as not to interfere with traffic flow, and shall not inhibit the ability of public safety vehicles to access the residential units. The entire traffic design shall be developed which does not compromise the ability of public safety equipment to access each unit in an expedient manner.
4. Rental units will be expected to have the same quality as condominium or town home units
5. Materials used on duplex or multiple family units shall be of high quality and be time-tested regarding maintenance.
6. Architectural features such as varied rooflines and window features will be expected to be incorporated into the building design.
7. Roofing materials shall be of high quality. Public safety officials discourage the use of wood shingles on duplex and multi-family dwellings. The use of standard composition shingles will not be accepted. "Timberline" or equivalent shingles, concrete tile or clay tile roofing materials will be expected to be used.
8. It is expected that all units will utilize brick, stone, or stucco (not synthetic stucco) covering at least 50% of the front of the unit. Such materials will also be expected on other elevations, especially those which face single family residential units, or are adjacent to arterial and/or collector streets. In lieu of the use of the above mentioned materials, such construction materials on elevations other than the front such as wood lap, or concrete fiber lap siding will be considered, vinyl materials are not acceptable. EIFS or similar material is not a suitable alternative to stucco. Masonry materials will be expected to be used on chimney construction.
9. When reviewing proposals for multiple family developments, attention will be given to amenities in relationship to the number of units will be reviewed. The mere provision of undeveloped open space will not be acceptable. (Multi-Family Amenity Policy adopted January 21, 2004.)
10. Units shall be placed in a manner to provide a 36-foot driveway from edge of curb to garage door or edge of building for a two car wide driveway, and a longer length for a one car wide driveway. (SMC 17.54.210)
11. Private sidewalks shall be placed in yard areas to provide access between driveways and entrances to the units.
12. Storage facilities shall be provided for developments without garages.

10. Materials Not Acceptable:

The following exterior construction materials shall not be used:

- Painted brick, block, stone or other painted masonry;
- EIFS (except to provide molded accents to enhance the architectural features of a building when trim such as limestone is not reasonable for use).

11. Exterior Building Material Colors:

Detailing and accent colors should be used as a method to highlight the theme and character of the development.

- Primary and secondary surfaces and highlights shall be neutral or earth tone colors;
- Standing seam metal roofs visible form the street shall be a neutral or earth tone color such as terra cotta, beige, bronze, hunter green or navy;
- Portions of man doors not covered in glass, guttering and downspouts shall be colored to match the existing walls;
- Awnings and/or canopies shall be of a uniform color and material.

12. Prototype buildings:

The use of prototype buildings may not be acceptable. A prototype may be required to be modified to use acceptable materials, colors, and design style.

13. Screens and Enclosures:

- Trash enclosures (except for the gates) shall be constructed of the same material as the building, and where possible screened with landscape materials. Enclosures shall generally be located at the rear of the building, and shall not be placed along street frontage. Gates shall

be constructed of a durable material to be easily maintained.

- All roof top units shall be completely screened from view and, to maintain a unified appearance, shall use materials and colors compatible with the building.
- Rooftop access ladders are encouraged to be placed in the interior of the building. Ladders on the exterior are encouraged to be placed on the rear of the building and painted to match the existing walls.

14. Drive-thru windows:

Drive-thru windows may be permitted where the resulting traffic patterns are safe, easily understood, and provide sufficient on-site stacking space. Such windows shall be encouraged to be placed on facades not facing a public street.

These standards shall be used by City staff and the Planning Commission in their review of site plan applications for construction of professional office and financial institution buildings and other similar use buildings (such as child care facilities) located in the Professional Office, Planned Office/Commercial, and other commercial zoning districts where such uses may be allowed.

For further information, contact the

Planning Department

11110 Johnson Drive

Shawnee, Kansas 66203

Phone: 913-742-6011

Fax: 913-631-7351

09/27/13

Office Building Design Standards



Good Starts Here.



SHAWNEE

P L A N N I N G

PURPOSE: These Standards are to provide developers of professional office and financial institutions and other similar use buildings (such as child care facilities) located in the Professional Office, Planned Office/Commercial and Commercial zoning districts. They are complementary to the regulations in the zoning ordinance, as well as the goals for such developments established in the Comprehensive Plan.

POLICY: These standards were prepared to provide detailed guidance regarding the expectations of staff, Planning Commission, and the Governing Body. The intent is to:

- Ensure high quality design of buildings constructed within the City of Shawnee;
- Ensure building design is compatible with overall site design;
- Create architectural interest;
- Establish uniformity in acceptable exterior construction materials; and
- Ensure the construction of high quality buildings that will retain their value over the long term.

While these standards are minimum standards, it is the expectation of the City that the overall design will result in construction of buildings that exceed these standards.

DESIGN STANDARDS:

1. Buildings shall be designed by an architect registered in the State of Kansas.
 2. Buildings shall be designed using scale, proportion, massing and building forms appropriate for their intended use. Building designs should reflect the character of the tenant.
- Buildings are expected to be of exceptional design quality and incorporate signature

elements consistent throughout the development. Architectural enhancements such as arches, covered pedestrian features and interesting rooflines are encouraged. Building designs shall incorporate off-set walls, variations in surface planes, shadow lines, curves and angles when appropriate, especially along longer facades and large wall masses.

4. Buildings shall be designed to provide a variety of color and texture with the use of banding, trim, patterned or detailed brick work, and other detail design features. Building designs with a minimal degree of detail are not acceptable.
5. Buildings along major arterial and collector streets shall incorporate color accents or architectural features to enhance visual interest along these roadways.
6. Building designs shall incorporate distinctive architectural features that distinguish the building from others.
7. Buildings for uses that are located in office parks or shopping centers shall adhere to building design and materials used within the overall development.

Building Heights

- One story buildings shall not exceed 28 feet in height;
- Two story buildings shall not exceed 36 feet;
- Three story buildings shall not exceed 45 feet;
- Free standing ATM machines or other similar devices shall not exceed an overall height of 14 feet, and shall be constructed using materials found on the adjacent principal structure.

Generally, the height of any parapets, towers, or other features shall be in proportion to the building as a whole. These features should be designed so as to not dominate the aesthetics

of the building. Any signage placed on these types of features shall not be placed at an elevation that exceeds the height of the principle rooflines of the structure adjacent to the feature.

Office buildings and branch banks located at high profile intersections or along major arterial streets will be expected to be multi-tenant or multiple story in elevation.

9. Acceptable Exterior Construction Materials:

It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on all elevations. All building elevations shall be constructed entirely or with a combination of the following:

Primary and Secondary Wall Surfaces:

- Solid brick masonry veneer;
- Stone (including limestone, sandstone, granite, slate, marble, or other hard and durable natural all weather stone);
- Colored architectural pre-cast concrete panels that incorporate rustication joints or inlaid brick, stone or tile;
- Colored or tinted glass; or
- Ceramic tile.

Angled Roof Surfaces:

- High quality laminated composition shingles;
- Pre-tinted concrete tile;
- Pre-finished standing seam flat metal provided with a 20-year enduring finish such as KYNAR or equivalent.

Acceptable Secondary Materials:

- Masonry block, pre-tinted, rough hewn or ground face.

Commercial

Building Design Standards

- Acceptable Secondary Materials:**
- Masonry block, pre-tinted, rough hewn or ground face;
 - Painted stucco;
 - Painted cementitious lap siding;
 - Ceramic tile.

9. Materials Not Acceptable

The following exterior construction materials shall not be used:

- Painted brick, block, stone or other painted masonry; EIFS (except to provide molded accents to enhance the architectural features of a building when trim such as limestone is not reasonable for use).

10. Exterior Building Material Colors

Detailing and accent colors should be used as a method to highlight the theme and character of the development.

- Primary and secondary surfaces and highlights shall be neutral or earth tone colors;
- Standing seam metal roofs visible form the street shall be a neutral or earth tone color such as terra cotta, beige, bronze, hunter green or navy;
- Portions of man doors not covered in glass, guttering downspouts and utility boxes shall be colored to match the existing walls;
- Awnings and/or canopies shall be of a uniform color and material.

11. Prototype buildings

The use of prototype buildings may not be acceptable. A prototype may be required to be modified to use acceptable materials, colors, and design style.

12. Screens and Enclosures

- Trash enclosures (except for the gates) shall be constructed of the same material as the building, and where possible,

screened with landscape materials. Enclosures shall generally be located at the rear of the building, and shall not be placed along street frontage. Gates shall be constructed of a durable material to be easily maintained.

- All roof top units shall be completely screened from view and, to maintain a unified appearance, shall use materials and colors compatible with the building.
- Rooftop access ladders are encouraged to be placed in the interior of the building. Ladders on the exterior are encouraged to be placed on the rear of the building and painted to match the existing walls.

13. Drive-thru windows

Drive-thru windows may be permitted where the resulting traffic patterns are safe, easily understood, and provide sufficient on-site stacking space. Such windows shall be encouraged to be placed on facades not facing a public street.

In addition to these standards set forth for commercial/retail developments, developers shall also refer to design standards for office buildings, financial institutions, medical facilities and similar office uses that may be also found in the office zoning districts.

These standards shall be used by City staff and the Planning Commission in their review of site plan applications for construction of commercial, retail and other similar use buildings (such as child care facilities, medical facilities and office buildings) located in the Commercial Highway, Commercial Neighborhood, and Planned Office/Commercial zoning districts.

For further information, contact the
Planning Department

11110 Johnson Drive

Shawnee, Kansas 66203

Phone: 913-742-6011

Fax: 913-631-7351

09/27/13



Good Starts Here.



SHAWNEE

P L A N N I N G

PURPOSE: These Standards are to provide developers of commercial and retail properties design standards to be used in new construction and redevelopment of commercial, retail and other similar developments (such as child care facilities, financial institutions, medical facilities and office buildings) located in the Commercial Highway, Commercial Neighborhood, and Planned Office/Commercial zoning districts. They are complimentary to the regulations in the zoning ordinance, as well as the goals for such developments established in the Comprehensive Plan.

POLICY: These standards were prepared to provide detailed guidance regarding the expectations of staff, Planning Commission, and Governing Body for the construction of these structures. The intent of these standards is to:

- Ensure high quality design of buildings constructed within the City of Shawnee;
- Ensure imaginative and creative commercial centers that signify a sense of place, are aesthetically pleasing, and provide the quality of built environment expected by Shawnee residents;
- Ensure building design is compatible with overall site design;
- Create architectural interest;
- Establish uniformity in acceptable exterior construction materials; and
- Ensure the construction of high quality buildings that will retain their value over the long term.

While most newly constructed commercial/retail buildings possess good architectural quality, examples of exceptional quality located in each of the commercial zoning districts are numerous. Examples of such quality would include Westbrooke Village, Paulo and Bill, Prairie Star Medical Building, and First National Bank of Kansas.

While the design standards below are minimum

standards, it is the expectation of the City of Shawnee that the overall design will result in construction of buildings that exceed these standards. The following standards shall be established:

DESIGN STANDARDS:

1. Buildings shall be designed by an architect registered in the State of Kansas.

2. Buildings shall be designed using scale, proportion, massing and building forms appropriate for their intended use. Building designs should reflect the character of the tenant.

3. Buildings are expected to be of exceptional design quality and incorporate signature elements consistent throughout the development. Architectural enhancements such as arches, covered pedestrian features and interesting rooflines are encouraged. Architectural detail along rooflines and entries is expected.

4. Buildings shall be designed to provide a variety of color and texture with the use of banding, trim, patterned or detailed brick work, and other detail design features. Building designs with a minimal degree of detail are not acceptable.

5. Building designs shall incorporate off-set walls, variations in surface planes, shadow lines, curves and angles when appropriate, especially along long facades and large wall masses.

6. Buildings for uses located in shopping centers shall adhere to building design and materials used within the overall development.

7. Building Heights

- The overall height of a commercial building shall be appropriate for its use. Building

facades shall not be increased in height to provide areas for signage.

- Free standing ATM machines or other similar devices shall not exceed an overall height of 14 feet, and shall be constructed using materials found on the adjacent principal structure.

Generally, the height of any parapets, towers, or features shall be in proportion to the building as a whole. These features should be designed so as to not dominate the aesthetics of the building. Any signage placed on these types of features shall not be placed at an elevation that exceeds the height of the principal rooflines of the structure adjacent to the feature.

8. Acceptable Exterior Construction Materials

It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on all elevations. All building elevations shall be constructed entirely or with a combination of the following:

Primary and Secondary Wall Surfaces:

- Solid brick masonry veneer;
- Stone (including limestone, sandstone, granite, slate, marble, or other hard and durable natural all weather stone);
- Colored architectural pre-cast concrete panels that incorporate inlaid brick, stone or tile;
- Glass.

Angled Roof Surfaces:

- High quality laminated composition shingles;
- Pre-tinted concrete tile;
- Pre-finished standing seam flat metal provided with a 20-year enduring finish such as KYNAR or equivalent.

8. Materials Not Acceptable:

The following exterior construction materials shall not be used:

- Painted brick, block, stone or other masonry;
- Smooth faced pre-cast panels or block;
- EIFS (except to provide molded accents to enhance the architectural features of a building when trim such as limestone is not reasonable for use).

9. Exterior Building Material Colors:

Buildings shall be designed to provide a variety of color, or use materials that provide shadow lines that result in the appearance of different colors.

- Primary and secondary surfaces such as banding and highlights shall be neutral or earth tone colors.
- Standing seam metal roofs visible from the street shall be a neutral or earth tone color such as terra cotta, beige, bronze or hunter green;
- Portions of man doors not covered in glass, guttering and downspouts shall be colored to match the adjacent walls.

10. Overhead Doors:

Overhead doors shall not be located along a street frontage. Overhead doors, when used, shall be the same color or shade as the adjacent building materials. The Planning Commission may consider allowing overhead doors along a street frontage on lots that have frontage on three or more streets. In that event, the overhead doors shall be placed on the side or rear elevation, along the street, which is expected to carry the least traffic, and is screened from view using dense landscaping.

11. Screens and Enclosures:

All roof top mechanical units shall be completely screened from view and, to maintain a unified appearance, shall use materials and colors compatible with the building. Screening used to enclose storage areas shall be solid. Chain link fencing will not be

acceptable.

- Trash enclosures shall be constructed of the same material as the building. Gates shall be constructed of a solid material such as metal and shall be securely anchored. Collection bins shall be kept inside the enclosure except on collection day. Enclosures shall be placed in a location behind the front line of the building, and shall not be readily visible from the street. Screens that may be visible from the street shall be landscaped on the street side of the enclosure.

12. Buildings for uses that are located in the PI (Planned Industrial) zoning district, but which may also be allowed in commercial districts, shall adhere to a higher standard as would be expected of an office building or a commercial building.

13. The developer shall submit to the Planning Commission proposed covenants and restrictions that outline the use of building materials, exterior design features, cross access parking, as well as how conversion of warehouse, office/showroom, or manufacturing areas to strictly office spaces will be undertaken. The covenants and restrictions shall be filed with the register of deeds with the plat (if platting is required), or prior to issuance of a building permit if a plat is not required.

IMPLEMENTATION: These standards shall take effect immediately and shall be used by City staff and the Planning Commission in their review of site plan applications for construction of buildings in the PI (Planned Industrial) zoning district.

For further information, contact the

Planning Department

11110 Johnson Drive

Shawnee, Kansas 66203

Phone: 913.742.6011

02/10/13

Industrial and Office/Warehouse Building Design



Good Starts Here.



SHAWNEE

P L A N N I N G

PURPOSE: To provide developers of industrial sites standards to be used in the construction of manufacturing and office/warehouse and other buildings located in the PI (Planned Industrial) zoning district. These standards are complimentary to the regulations set forth in the zoning ordinance, as well as the goals for such developments established in the Comprehensive Plan.

POLICY: These standards were prepared to provide detailed guidance regarding the expectations of staff, Planning Commission, and Governing Body for the construction of these structures. The intent of these standards is to:

- Ensure high quality design of buildings constructed within the City of Shawnee;
- Create a lessened visual impact on surrounding land uses;
- Ensure building design is compatible with overall site design;
- Establish uniformity in acceptable exterior construction materials; and
- Ensure the construction of high quality buildings that will retain their value over the long term.

While the design standards below are minimum standards, it is the expectation of the City of Shawnee that the overall design will result in construction of facilities that exceed these standards. The following standards shall be established:

DESIGN STANDARDS:

Buildings shall be designed by an architect registered in the State of Kansas.

1. Buildings shall be designed using scale, proportion, massing and building forms appropriate for their intended use.
2. Buildings should reflect the character of the tenant and shall incorporate distinctive architectural features that distinguish the building from others, and provides diversity within a business park.
3. Building designs shall incorporate off-set walls, variations in surface planes, shadow lines, curves and angles when appropriate, especially along lengthy facades and on large wall masses.
4. Architectural features, especially for those uses of a more commercial nature allowed in the PI (Planned Industrial) zoning district, shall be proportionate in size to the overall design of the building and shall not be so dominate as to detract from the overall appearance of the building.
5. Buildings located along major arterial and collector streets shall incorporate color accents and architectural features to enhance visual interest along these roadways.
6. To provide enhanced architectural detail for buildings located along major arterial, major collector, or service collector streets, not less than fifteen percent of each front exterior facade and street sidewall, where a building is located on a corner lot, excluding windows and doors, shall be recessed, projected or alternately staggered from the primary plane of the wall, not less than one (1) foot in depth or projection.

Acceptable Exterior Construction Materials:

It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on front and side building facades. The rear of the building

may provide a different finish provided similar materials are used, and provided the rear facade is not visible from surrounding streets. All building facades shall be constructed entirely or with a combination of the following:

Primary and Secondary Wall Surfaces:

- Solid brick masonry veneer;
- Masonry block, pre-tinted, rough hewn or ground face;
- Colored and textured architectural pre-cast concrete panels that incorporate rustication joints or inlaid brick, stone (including limestone, sandstone, granite, slate, marble, or other hard and durable all weather stone) or tile;
- Glass;
- Limited amounts of wood.

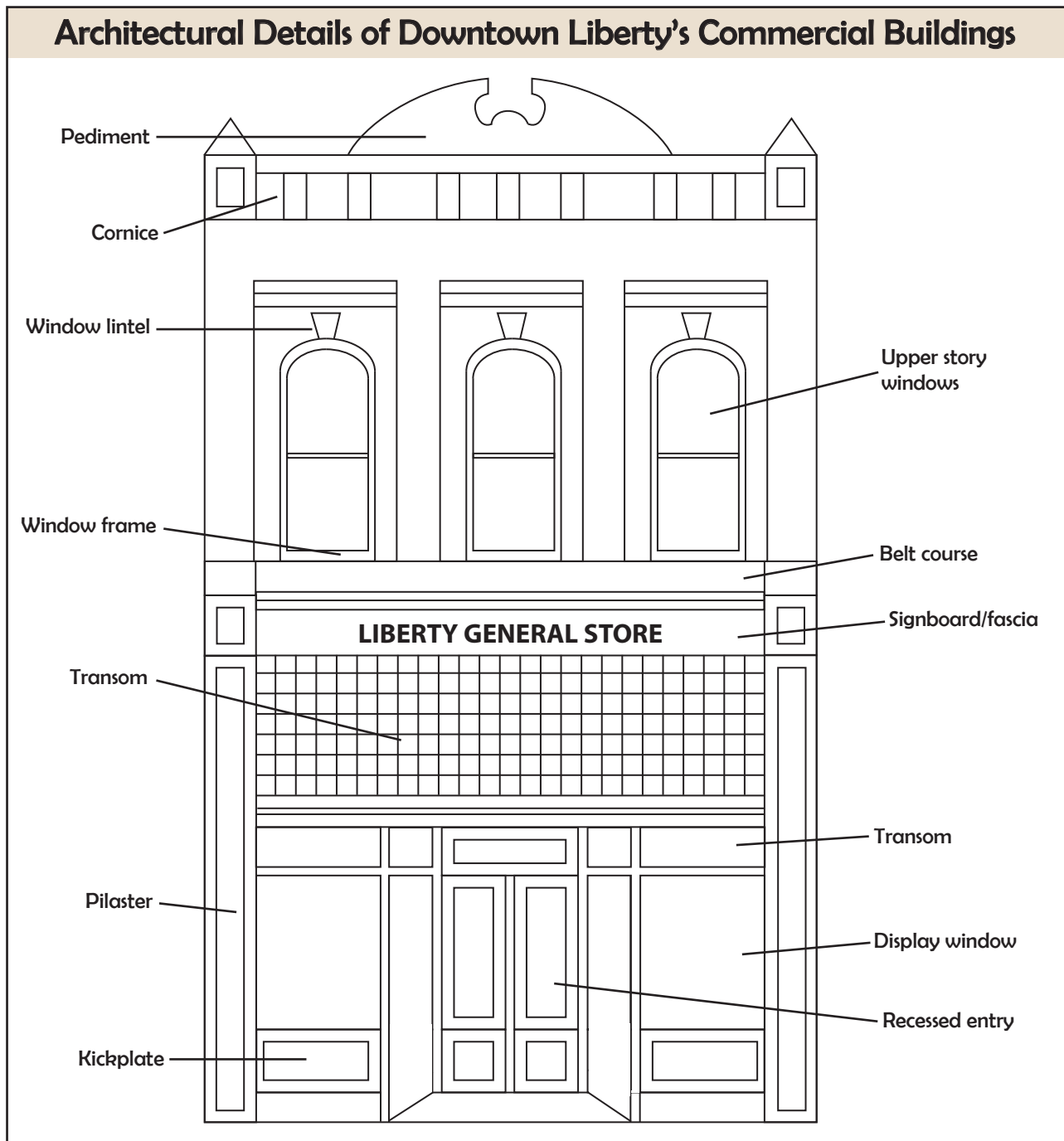
Angled Roof Surfaces:

- Pre-finished Standing Seam Metal provided with a 20-year enduring finish such as KYNAR or equivalent;
- Pre-tinted concrete tile.

Pre-finished flat metal wall panels may be used in industrial areas where the current predominant building material is metal. The metal panel may not be used on facades with street frontage, and sides of the buildings will be expected to be constructed of the materials mentioned above on no less than one-quarter of the depth of the side elevations. All metal walls shall be provided with a 20-year enduring finish such as KYNAR or equivalent, and shall be of at least a 26 gauge metal. No corrugated or flat metal panels which do not meet the above mentioned standards shall be submitted for site plan approval. When metal panels are used, no exposed or semi-exposed connectors shall be allowed. The business parks that fall into this category are: Woodland Acres, K-7 Commercial Center and Cole Industrial Park.

DESIGN IN THE LIBERTY SQUARE HISTORIC DISTRICT

The entire downtown Liberty Square is designated as a local historic district. Many of the buildings, which date from about 1875, have retained much of their historic integrity. Most of the buildings have features associated with traditional commercial designs. Ground level floors of the buildings are oriented to pedestrians, with large display windows designed to showcase the merchandise and services offered for sale inside. Recessed entries are common, and transom windows above the door and display windows let in natural light. A horizontal band of molding is commonly found separating the ground floor from the upper floors, and the roofline is often capped with a decorative cornice. In Liberty, most commercial buildings are two stories, although there are a few exceptions.



DESIGN IN THE LIBERTY SQUARE HISTORIC DISTRICT

The sensitive rehabilitation of historic storefronts will not only enhance the architectural character of the building, but will contribute to the historic character of the downtown business district as well.

Recommended

- Whenever possible, preserve windows, sashes, doors, transoms, signs, and decorative features in order to retain the historic character of the building.
 - Maintain the size, shape and placement of original openings.
 - Where an original or early storefront no longer exists or is too deteriorated to save, the commercial character of the building should, nonetheless, be preserved – either through an accurate restoration based on historic research and physical evidence, or a contemporary design that is compatible in scale, design, materials, color, and texture of the historic building.
 - Scale: Respect the scale and proportion of the existing building design.
 - Materials: Select materials that are appropriate to the storefronts; wood, cast iron, and glass are usually appropriate replacement materials.
 - Cornice: Respect the horizontal separation between the storefront and the upper stories. A cornice or fascia board traditionally contained the store's sign.
 - Frame: Maintain the historic planar relationship of the storefront to the facade of the building and the streetscape. Most storefront frames are generally composed of horizontal and vertical elements.
 - Entrances: Differentiate the primary retail entrance from the secondary access to upper floors. In order to meet current code requirements, out-swinging doors generally must be recessed. Place entrances where there were entrances historically, especially when echoed by architectural detailing (a pediment or projecting bay) on the upper stories.
 - Windows: Keep the storefront as transparent as possible. Use of glass in doors, transoms, and display areas allows for visibility into and out of the store.
 - Secondary Design Elements: Keep the treatment of secondary design elements such as graphics and awnings as simple as possible in order to avoid visual clutter to the building and its streetscape.
- (From: U.S. Department of the Interior. Preservation Briefs #11. *Rehabilitating Historic Storefronts*, by H. Ward Jandl.)



These are three of the oldest commercial buildings on the square and are listed on the National Register of Historic Places.

TITLE 4 UNIFIED DEVELOPMENT CODE

CHAPTER 4-1 ZONING

Article 4-1-C GENERAL DEVELOPMENT STANDARDS

Section 4-1-C-5 ARCHITECTURAL DESIGN STANDARDS.

- A. **Purpose:** The intent of these design criteria is to assist in the review and evaluation of building design during preliminary and final plan. These guidelines should be used in conjunction with the "Urban Design Guidelines" contained in the *Comprehensive Plan*. The design of a development proposal should seek to integrate the following design characteristics into those plans submitted for site plan approval. Due to the unique design characteristics of the CC, Planned City Center District and the PMU, Planned Mixed Use District, adherence to the specific guidelines of this Section may be waived by the Planning Commission.
- B. **Effect:** When architectural design standards have been approved or established as part of a preliminary or final plan approval in accordance with [Article 4-1-H](#) of this Chapter, all buildings subject to that preliminary or final plan shall comply with the approved design standards.
- C. **Residential Districts:** No single-family or duplex home shall be erected that does not meet the following minimum standards:
1. **Permanent Foundations:** The dwelling unit shall be erected on a permanent foundation.
 2. **Minimum Dimension:** The smaller dimension of a rectangular dwelling unit shall be at least 24 feet. If a dwelling unit is not rectangular, then the minimum dimension of a rectangle superimposed over and enclosing the entire footprint of the dwelling unit shall be at least 24 feet.
 3. **Roof Design:** The pitch of the roof shall be at least 3 in 12, and the roof eaves shall extend at least 12 inches beyond the wall of the dwelling on the 2 longer sides. The Community Development Director may approve a roof with a lesser pitch when the area of the lesser roof pitch is part of a consistent architectural design based on the overall architectural character of the house or when the area of the lesser roof pitch is less than 25% of the total roof area.
 4. **Exterior Surfaces:** The nonglass exterior surfaces of the dwelling shall not be made of galvanized metal or corrugated metal and shall, in general, not reflect light to a greater extent than would a coat of semi-gloss enamel applied to wood.
 5. **Porch And Garage:** A single-family dwelling shall include a garage or carport, constructed with the same materials as the dwelling. In addition, a single-family dwelling shall include a covered entrance, alcove or porch. The Planning Commission may grant exceptions to this standard where it finds that the proposed residential design is compatible with the neighborhood character and predominant architecture.
- D. **Multi-Family Residential, Commercial, Office And Industrial Districts:** In zoning districts other than single-family residential, no building shall be erected that does not meet the following minimum standards:

1. **Rooftop Equipment:** Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the walls of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground.
2. **Form, Scale And Proportion:** The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
3. **Unusual Buildings:** The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall be avoided.
4. **Mass And Voids:** The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.
5. **Long Facades:** Where large structures with overly-long facades (walls) are proposed, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features.
6. **Architectural Design:** Architectural design should create harmony through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank is discouraged.
7. **Monotony:** Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest.
8. **Roofs:** Careful consideration of durable materials, proportions and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important.
9. **Materials:** Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.
10. **Design Uniformity:** Architectural treatments (e.g., building materials, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets and use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment. The applicant will have the burden of demonstrating the reasons for differing treatment on different sides (e.g., the need for truck access on 1 side and pedestrian access on another).

Planning Principals and Architectural Design Guidelines

for Multi-Family, Commercial and
Industrial Zoning Districts within
Bonner Springs, Kansas



(This page left blank intentionally)

The Bonner Springs Comprehensive Plan advocates the use of land planning principles and design guidelines to act as the basic framework for creating high quality environments to live, work, shop, and play. This document is intended to provide guidelines for the quality of development desired within our community and was derived from Appendix B of the Plan. These guidelines provide guidance and direction to the development and construction within certain ~~areas and~~ Zoning Districts of the City. This Section of the Zoning Ordinance shall regulate the design and characteristics of building forms with in the following zoning districts:

R-3 (Multi-family Residential Dist.)
MX (Mixed Use) – including business facades and multi-family dwellings
C-1 (Central Business Dist., except those located within the downtown core)
C-1 (Downtown Business District)
C-2 (General Business Dist.)
C-S (Highway Service Dist.)
I-1 (Light Industrial)
I-2 (Heavy Industrial)
Any of the above districts carrying the designation of “Planned”

~~Future land use and development decisions, including individual zoning changes, subdivision plans and plats, site planning, infill development, annexations, and capital improvement programming should be coordinated with the Guiding Principles and recommendations set forth by the Comprehensive Plan of Bonner Springs.~~

These design guidelines are derived from public input, through the Community Involvement process and workshops coinciding with the adoption of *Vision 2025*, the Comprehensive Plan of Bonner Springs.

The Community

1. ~~Future d~~Development and redevelopment ~~should~~shall respect the historical patterns, and precedents of Bonner Springs, including downtown.
2. Development of land in the planning area ~~should~~shall respect the natural environment and retain its natural and visual character derived from topography, woodlands, and riparian corridors. Engineering techniques requiring significant amounts of cut and fill should not be used to force-fit development into the environment.
3. The physical organization of the community should be supported by a framework of transportation alternatives, including improved pedestrian access and mobility while continuing to invest in automobile routes, such as managed access to K-7.
4. ~~Future t~~Transportation updates should be planned and reserved in coordination with planned future land uses.
5. New stormwater management standards require new improvements to natural drainage areas, floodplains, and wooded areas, and should be used to define and serve urbanized areas of the community.
6. The Downtown and its surrounding neighborhoods comprise the historic core of Bonner Springs and should be targeted for revitalization and future growth of higher intensity development, destination retail and entertainment, and higher density housing to maintain the area as the center focus of the community.
7. ~~Civic, institutional, and mid-sized commercial uses serving the larger community should be embedded in downtown and the city core area, rather than isolated in remote single-use complexes.~~

The Block, the Street, and the Building

1. Individual developments and buildings should be seamlessly integrated to their surroundings.
2. Accommodations for automobiles should be accomplished in ways that respect the pedestrian and the form of public space.
3. Buildings and landscaping should contribute to the physical definition of thoroughfares as civic spaces.
4. Streets and public spaces should be safe, comfortable, and interesting pedestrian environments. Properly configured, such spaces should encourage walking and enable neighbors to know each other and protect their neighborhoods.
5. Civic buildings and public gathering places should be placed on important sites and developed with one (1) distinctive form to reinforce the community's identity



Multifamily Residential Design Guidelines

FOR ZONING DISTRICTS R-3 (MULTIFAMILY) AND MX (MIXED USE)



Open Space and Amenities

New multifamily areas are expected to provide common open space or contribute to the public open space for the use and enjoyment of the development's residents. Open space ~~should~~shall be provided in useful, quality spaces integrated purposefully into the overall development design—particularly if access to the Kansas River Corridor is obtainable—such as an expansion of a community park. Views of the river ~~should~~shall be incorporated into site design. Residual areas left over after buildings and parking lots are sited are not considered acceptable open space. Open space may be active and passive. However, a minimum percentage of formal active open space should be provided—a minimum ten (10) percent of the net land area is preferred for such space.



- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication. Buildings, parking areas, other structures, and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions.

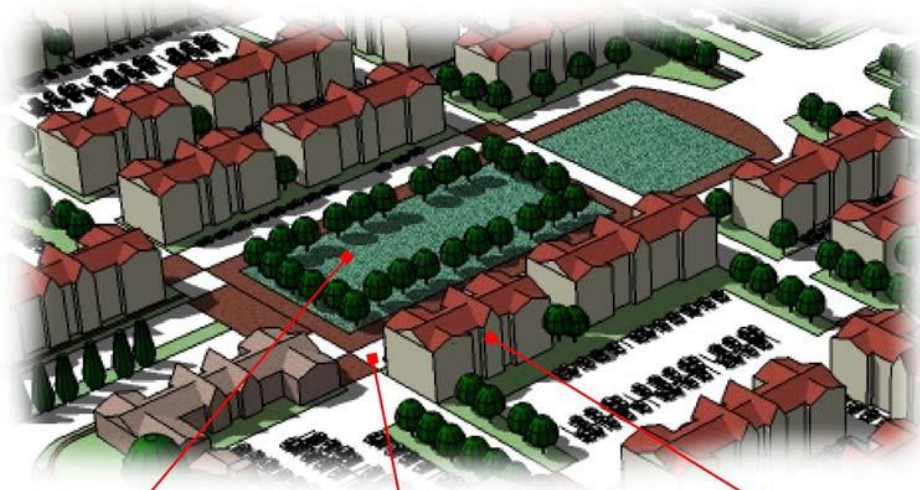


- Multifamily areas should provide “neighborhood greens” of at least 1-acre in total size, in centrally located areas that are easily accessible for residents within the development. The quantity and size of such open space areas depends on the overall density and design of the development. Neighborhood greens should include the following design elements:

- Neighborhood greens should be mostly open and visible to residents, rather than secluded behind buildings or surrounded by parking lots. Buildings adjacent to a green should front onto the space and include entrances and windows rather than rear facades.
- The perimeter of a neighborhood green should front entirely to the street/drive curb on at least two sides. Buildings should not abut more than two sides of the green's perimeter.
- Neighborhood greens should be landscaped and provide amenities such as walkways, plazas, seating, recreational facilities, gazebos or other similar decorative shelters, pedestrian scale lighting, or other similar features for the use and enjoyment of residents.



- Multifamily areas are expected to provide active recreational amenities within the development site, or submit a comparable donation to the City for park and recreation purposes when such amenities are not feasible for the development site.
- Paved walking trail through common open space areas, minimum 8-feet in width, or wider if a joint venture with an approved public trail.
- Tot lot and play equipment.
- Other recreation facilities such as ball fields, swimming pool, etc. may be incorporated if in the city's judgment the facility is an enhancement for the development and the residents of the community.



Provide a neighborhood "green" / park in neighborhoods if located more than a quarter-mile walking distance from an existing or planned park area. Such neighborhood "greens" / parks should typically be owned and maintained by a neighborhood homes association, but may be public if determined appropriate by the city.

A neighborhood green / park / plaza should be surrounded predominately by public streets, rather than located behind development or on remnant tracts of land.

Incentives to allow higher density development may be granted if the size of the park and its amenities benefit the city at large.



Parking Location and Layout

- Design and locate surface parking areas and freestanding parking structures (detached garages or carports) as follows:
 - Parking areas and parking structures (detached garages or carports) shall occupy no more than thirty (30) percent of a perimeter street frontage.
 - Locate parking structures (detached garages or carports) perpendicular to a perimeter street to minimize the visual impact.
 - Locate parking areas behind or between buildings, not between a building and the street / drive. Any parking lots along a street /drive shall be screened from view along the street.
 - Arrange parking areas in small "blocks" of parking spaces, generally no more than twenty (20) spaces per block, and no closer than thirty (30) feet to a street right-of-way.
 - Separate parking blocks with a landscape area at least ten (10) feet in width.
 - Detached garages or carport structures ~~should~~shall not exceed 120 feet in length, with no more than two such structures placed end-to-end.
- Parking along a street or drive ~~should~~shall be parallel to the street, rather than angled or perpendicular, to avoid the appearance of a parking lot.
- Provide lighting in parking lots with individual decorative poles and fixtures, rather than building mounted fixtures. Any building mounted light fixtures ~~should~~shall be decorative in nature and used primarily at entrances, rather than for site or parking lot lighting purposes.

Building Design

The design of multifamily buildings, either large or small, ~~should~~shall contribute to a sense of “neighborhood” and add to the visual interest of Bonner Springs’s streets.

Building designs ~~should~~shall be compatible with adjacent development and use building materials that are durable and attractive to maintain lasting value.

- The massing and use of exterior materials on small multifamily buildings such as duplexes, triplex, fourplex, etc. should be arranged to give the appearance of a large single-family dwelling (“big house”) to the extent possible. When such a design is not practical, small multifamily buildings should be designed with an appearance of individuality between dwelling units including varied rooflines, varied colors, and varied façade depths to create variety and individuality. “Mirror image” design structures with the same general design repeated or flipped between units are not desired.
- Multifamily buildings should generally be limited to 2 stories in height for areas designated on the Future Land Use Map as “Residential”, while buildings of more than 3 stories in height should be directed to areas designated as “Mixed Use – Residential” or “Mixed Use-Commercial” or the zoning District R-3 “Multifamily Residential.”
- All sides of a multifamily building ~~should~~shall display a similar level of quality and architectural interest, rather than limiting a majority of a building’s architectural features and interest to a single façade.
- Building elevations oriented toward the street shall be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- A prominent front entry with a porch or stoop ~~should~~shall be provided on all facades facing the street.
- Any rear walls of multifamily buildings that back onto a perimeter street ~~should~~shall be articulated with features similar to the front façade to avoid a “rear” appearance.
- Attached garages for multifamily buildings should be integrated into the building design and should not dominate the appearance of the structure, and should comply with the following:
 - Attached garages should be provided for at least a portion of dwelling units in apartment buildings. Garages should not project in front of the habitable living space.
 - Most or all of attached garages for small multifamily buildings such as town homes and row houses should be located on the sides or rear of the structure, rather than oriented toward the street.
 - Attached garages on the street side of any multifamily building should not comprise more than fifty (50) percent of the overall length of the front façade, and every two single-bay garage doors or every double garage door should be offset by at least four (4) feet from the plane of an adjacent garage door(s).
 - Attached garages recessed back from the front façade or accessed from the rear or side are preferred over garages projecting toward the street/drive. Any attached garages oriented toward the street/drive should not project in front of habitable living space more than 5-feet. Side-loaded garages should comply with all exterior articulation and treatment, maximum length of front façade, and garage door appearance guidelines if visible from the street.
 - Attached garages with two or more bays oriented toward the street/drive should be designed with one-door per bay or incorporate doors with features to give the appearance of individual doors.
 - Any side rear walls of detached garages and carports that back onto a perimeter street should be articulated with features such as windows, a trellis, and a variety of roof planes.





- A variety of exterior building materials and colors should be used to create visual interest and to avoid monotony. An amount no less than forty (40) percent of the total net exterior wall area of each elevation should be finished with brick or stone, excluding gables, windows, doors, and related trim. The balance of the net exterior wall area may be lap siding (excluding vinyl lap siding) and/or stucco (excluding pre-manufactured stucco panels or EIFS on the lower four feet if in proximity to sidewalks or off-street parking areas).



- Predominate roofing materials should be high quality and durable. Preferred materials include 40-year or longer composition shingles, clay tiles, or concrete tiles. Other materials will be considered on a case-by-case basis.
- Detached garages, carports and other accessory structures including but not limited to grouped mailboxes, storage and maintenance facilities, clubhouses, recreational facility structures, and gazebos, should incorporate compatible materials, scale, colors, architectural details, and roof slopes as the primary multifamily buildings, except that flat and shed roofs are prohibited.
- Colors of structures should maintain an earth tone pallet and compliment the surrounding area.



Commercial Design Guidelines

**FOR ZONING DISTRICTS C-1(CENTRAL BUSINESS, EXCEPT THOSE LOCATED WITHIN DOWNTOWN)
C-2(GENERAL BUSINESS) C-S(HIGHWAY SERVICE), MX (MIXED USE)**

The intent of the Commercial Design Guidelines is to improve the visual appearance and overall quality of development in Bonner Springs. Commercial development should contribute to the “sense of community” desired in Bonner Springs and be more than a collection of corporate, generic architectural styles that do not reflect the image and character of the community. New commercial development should remain compatible with surrounding land uses, particularly residential neighborhoods, and should foster a pedestrian experience that encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.



Site Layout and Development Pattern

Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene. All primary and freestanding buildings should be arranged and grouped to create a distinct street edge.

Building location and orientation:

Buildings should be sited to:

- front onto a street or major access drive to define a clear edge. Buildings should provide at least fifty percent (50%) of the building’s “active wall” oriented toward the street. An “active “wall is considered the side of the building containing the majority of the storefronts, customer entrances, and windows.
- frame the corner of an adjacent street or entrance drive intersection.
- frame and enclose parking areas on at least three sides. Parking should not be located between the building and the street. However, on-street parking may be permitted in order to create a “main street”. A majority of the frontage along an arterial street or other major roadway should be occupied by buildings or other structures such as decorative architectural walls (not to exceed 3-feet in height).
- cluster individual freestanding buildings to define the street edge and create amenity areas between buildings. The even dispersal of freestanding buildings in a widely spaced pattern is not desirable.
- create a focal point at the four corners of major street intersections. A focal point may consist of a building with exceptional architectural design, a vertical architectural feature, public art, and/or exceptional designed public plaza or landscape amenities. However, parking areas should not be located within a minimum 200-foot radius of the center point of the intersection.



Vehicle and Pedestrian Circulation: Internal circulation for both vehicles and pedestrians should be safe and convenient, and provide connectivity within and between developments. The pedestrian network and the experience of the pedestrian within the development should be considered with the same or higher priority as that of the automobile. Walkways should be designed and buffered in a manner that encourages their use.

- Create a network of pedestrian walkways to link the entrances of every commercial building to each other and to the public sidewalk system along perimeter streets, as well as to adjacent neighborhoods. Walkways should be at least five (5) feet in width and wider in areas with higher levels of pedestrian activity.
- Provide walkways along entrance or internal access drives and setback at least six(6) feet from drive or parking lot curbs, unless designed as a “main street” with on-street parking.

Vehicle and Pedestrian Circulation (cont.):



- Walkways should be setback several feet from a building wall to incorporate building foundation landscape plantings. In “main street” environments sidewalks may not be setback from the building wall but should be wider and should include a “transition zone” of pedestrian amenities along the street/drive such as street trees, landscape planters, pedestrian lighting, and other streetscape amenities.
- At each point where a walkway crosses a paved area in a parking lot or internal street or driveway, the crosswalk should be clearly delineated through the use of change in paving materials distinguished by color, texture, or height.



Parking Layout and Design: The intent of these guidelines is to create developments that focus on creating quality places and move away from the conventional suburban development pattern of predominant and highly-visible parking areas. Parking lots should be effectively screened from the surrounding street network and adjacent incompatible uses.



- A distinct system of internal circulation drives should be provided for access to parking areas. Such circulation drives should not be located along the facades of buildings that contain primary customer entrances in order to minimize pedestrian conflict.
- Developments designed as a “main street” may include directly-accessing parking spaces and may be located along building facades that contain primary entrances. Otherwise, directly accessing parking spaces and the number of parking aisle intersections with the internal circulation drives should be limited.
- Parking areas should be distributed into smaller parking blocks generally containing no more than 40 spaces. Each parking block should be separated by buildings, landscaping, access drives or streets, or pedestrian walkways.
- Where parking blocks cannot be easily defined, interior landscape islands should be provided at a ratio of at least one island (180 square feet) for every ten (10) parking spaces, or an equivalent amount of interior landscape area as defined by the Zoning Regulations (Article V; Section 10 and Article XXX).
- Parking and circulation drive connections should be provided between adjacent nonresidential developments. Connections with adjacent residential areas should be planned and incorporated wherever possible to provide convenient access for nearby neighborhoods, without encouraging cut-through traffic from the commercial center to access a major roadway.



Open Space and Amenities for Commercial Developments

A key element of new commercial developments is the creation of public gathering space with site amenities and pedestrian-scale features to enhance the overall development quality and to contribute to the character of the area. Neighborhood center developments are expected to integrate with nearby residential areas and offer attractive places for nearby residents to gather and interact. Larger commercial developments may incorporate gathering spaces when located in near proximity to residential or as urban design elements at key intersections for developments where public gathering spaces may not be suitable due to the nature of the land use.

- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication.



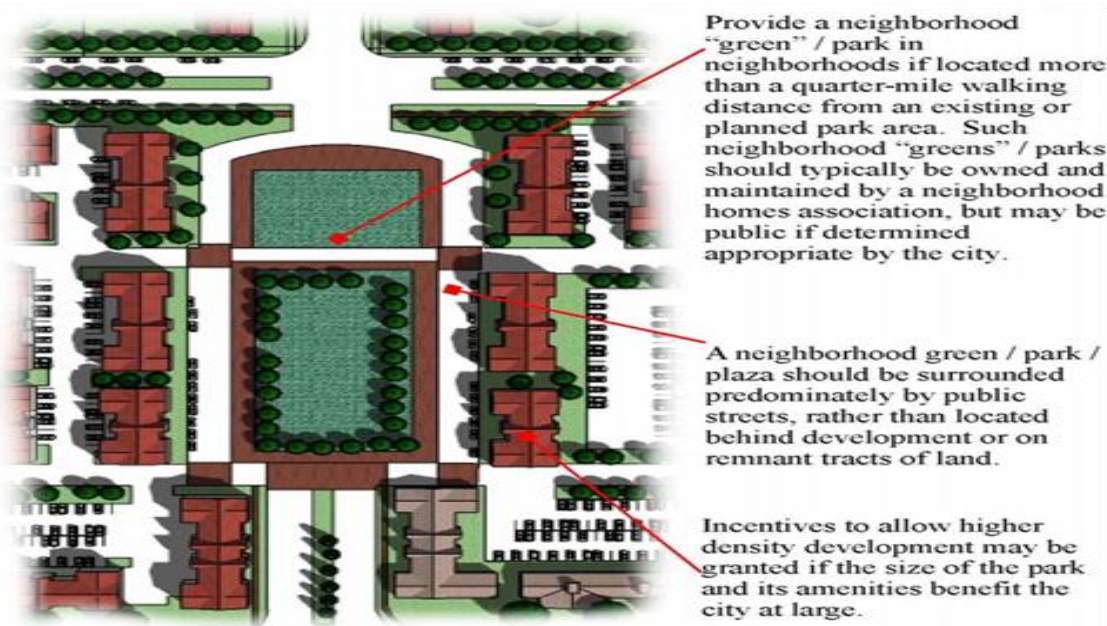
- Buildings, parking areas, other structures, and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions. However, the preservation of such areas generally will not be considered a site amenity unless they comply with the remaining guidelines in this section.
- Site amenities such as public plazas or open landscaped gathering spaces should generally be provided in commercial developments at a ratio of 15 square feet for each 10 parking spaces.
- Desired site amenities include the following.



- Public plaza with seating;
- Landscaped mini-park, neighborhood green, or square;
- Water feature;
- Public art feature or clock tower;
- Other similar area of focal feature that in the city's judgment is an appropriate public gathering space or urban design enhancement.



- Site amenities for neighborhood centers may be aggregated with required open space of adjacent residential development to create a neighborhood.
- All site amenities should be an integral part of the overall development design, rather than an undevelopable remnant parcel, storm water facility, or an unusable perimeter buffer.
- Public gathering spaces should have direct access to the public sidewalk network.
- Open storm drainage and detention areas visible to the public should be incorporated into the design of the development as an attractive water feature amenity or focal point. Such an area may be considered a site amenity provided it meets the spirit and intent of these guidelines to serve as a development amenity or public gathering space.



Building Design

The design and treatment of commercial buildings plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- Consistent architectural design, including building materials and colors, should be carried throughout the development. Designs that provide visual interest and variety, yet are consistent with the theme, are required.
- Buildings should be designed to create a human scale with elements such as canopies or porticos, arcades, colonnades, raised landscape planters, pedestrian level lighting, and special building material treatments at the base of the building.
- Each building should have similar qualities and architectural elements that contribute to the overall theme and should include some of the following; arched windows, covered walkways, open courtyards, tile roofs, ornamental wrought iron, tile inlays, vertical towers, etc.
- Buildings near residential uses should be compatible in design, scale, and massing.
 - Buildings near residential uses should include sloped roofs, or the appearance of sloped roofs (mansard and gables) to maintain a residential appearance, unless other architectural features and site design provide residential compatibility.
 - Nonresidential sites designed to “back up” to residential rather than integrate with residential uses are subject to buffers with greater setbacks and landscape requirements. Setbacks and landscape buffers for buildings and parking/paved areas should be further increased for developments with loading docks, overhead doors, parking, or nonresidential buildings more than one story in height adjacent to residential zoning.
- All buildings should have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale. Building walls facing a street, pedestrian walkway, or adjacent development should meet the following:
 - Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than twelve inches (12”) in width.
 - Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
 - Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade along no less than sixty (60%) percent of the façade. Windows should be recessed and include visually prominent sills or other forms of framing.



- The sides and rear of the nonresidential buildings should be treated with the same level of design quality and appearance as the front facades where such elevations are visible from a street or parking lots.
- Any business with drive-through lanes should be oriented so the drive-through areas are not readily visible from street right-of-way.
- Window canopies/awnings should be canvas with a matte finish, tile, slate, or decorative metal and should be compatible with the overall color scheme of the facade from which it projects. Awnings with a high gloss finish or illuminated plastic canopies/awnings are not desirable.
- All exterior building wall signs facing toward or visible from residential dwellings should be either non-illuminated or indirectly illuminated. No internally illuminated wall signs ~~should~~shall be permitted in any location where visible from residential dwellings.
- Decorative architectural accent lighting and landscape lighting ~~should~~shall be required.

Building Materials / Colors: Building materials and colors used in a commercial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors should be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures should maintain an earth tone pallet when at all possible and compliment the surrounding area.
- A variety and well-proportioned mixture of exterior building materials and colors should be used to create visual interest and to avoid monotony, but should be consistent with a pallet of materials approved for the development area. No one material and color should dominate a building or a development. Corporate materials and colors should only be used to create variety if incorporated as secondary elements.
- Exterior building materials should consist of those that are durable, economically- maintained, and of a quality that will retain their appearance over time, including but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; or glass. Water-managed Exterior Installation Finish Systems (EIFS) may also be incorporated as a decorative accent material.
- Materials considered not acceptable include: vinyl siding; smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels; barrier-type EIFS; standard single- or double-tee concrete systems; split shakes, rough-sawn or board and batten wood; or field-painted or pre-finished standard corrugated metal siding.

Commercial Design Guidelines **FOR ZONING DISTRICT C-1 (Downtown Area)**

The area in which these design standards are intended to encompass are from Front Street to South Nettleton and Cedar Avenue to Elm Street, with focus on Oak Street.

Located within downtown are several different architectural styles; creating an eclectic downtown area that spans old world architecture with mid-century modernism. The intent of the Commercial Design Guidelines for the downtown area is to maintain visual appearance and quality of redevelopment and new development that may occur. While downtown Bonner Springs is not considered historical, it has several architectural features that the community sees as valuable assets.

Commercial development and redevelopment should contribute to the “sense of community” desired for the downtown area and be more than a collection of generic architectural styles that do not reflect the image and character of the area. New commercial development should remain compatible with the surrounding area, and should foster a pedestrian experience that encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.

Ground floor levels of buildings are oriented to pedestrians, with large display windows designed to showcase the merchandise and services offered for sale inside. Recessed entries are typical and transom windows above entry doors and display windows let in natural light. A horizontal band of molding is commonly found separating the ground floor from the upper floors, and the roofline is often capped with a decorative cornice.

Site Layout and Development Pattern

Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene.



- Buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.
- Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.
- Buildings must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
- Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.
- Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.

Building Design

The design and treatment of buildings within downtown plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of remodeled and new structures is compatible in the context of the surrounding area.



- Nothing contained within these design guidelines shall prohibit the use of modern materials, so long as any street level portions of new construction abide by these regulations
- Select materials that are appropriate to the storefronts; wood, cast iron, and glass are usually appropriate replacement materials
- All buildings shall have a primary entry feature on the street and any pedestrian alley or open space. Multi-tenant and larger mixed-use buildings shall have an entrance at least every fifty (50) feet of street frontage. Entry features shall be clearly defined and emphasized with combinations of the following:
 - Awnings, porticos, or overhangs.



- Transoms and/or display windows.
- Architectural details such as tile work and moldings, lintels, pediments, pilasters or columns.
- Integral planters or wing walls that incorporate landscaping and/or places for sitting, statues, or public art.
- Recessed entry doors

- Respect the horizontal separation between the storefront and the upper stories. Utilization of cornices or transoms should be considered as an acceptable separation piece. A transom traditionally contained the store's sign.
- The location, orientation, size and proportion of openings establish a relationship of the building to the public realm. All buildings shall meet the following transparency requirements:

- Commercial and mixed-use buildings shall have between sixty percent (60%) and ninety percent (90%) transparency on the first story, which shall be measured between two (2) feet and eight (8) feet above the street level. Upper stories shall have between twenty percent (20%) and fifty percent (50%) transparency on front facades measured between the floor level and ceiling of each story.

- Massing creates the relationship of the building to the streetscape and public spaces. To ensure human-scale massing, large masses shall be broken up to relate better to public spaces.

- The first floor shall be level with the sidewalk as will allow.
- The first story shall be between ten (10) feet and twenty (20) feet high. Any upper stories shall be between eight (8) feet and twelve (12) feet high.
- Buildings greater than two (2) stories or wider than one hundred (100) feet shall use massing that breaks down the components of the main mass.
- No single wall plane shall be longer than one hundred (100) feet without having off-sets of at least one (1) foot to add depth and proportion to the wall.
- Use structural bays, projections, balconies, cantilevered floors or step backs from the main mass to break up larger wall planes and relate the building scale to nearby buildings.
- Whenever possible, preserve windows, sashes, doors, transoms, signs, and decorative features in order to retain the historic character of the building.
- Where an original or early storefront no longer exists or is too deteriorated to save, the commercial character of the building should, nonetheless, be preserved -- either through an accurate restoration based on historic research and physical evidence, or a contemporary design that is compatible in scale, design, materials, color, and texture of the historic building.

INDUSTRIAL DESIGN GUIDELINES

FOR ZONING DISTRICTS I-1 (LIGHT INDUSTRIAL) AND I-2 (HEAVY INDUSTRIAL)



The intent of the Industrial Design Guidelines is to ensure high quality design of large industrial facilities constructed within the City of Bonner Springs and improve the visual appearance and overall quality of development. New Industrial facilities shall create less of a visual impact on the surrounding land uses; ensure building designs are compatible throughout the site and to establish acceptable exterior construction materials, and designs.

Site Layout and Development Pattern

Appropriately designed buildings shall use scale, proportion and building forms in appropriate manners. Buildings should incorporate architectural features that distinguish the building from others in order to alleviate monotony and provide diversity within the area.

Building Design

Due to the anticipated size of industrial facilities, the design and treatment of industrial buildings play an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- All buildings ~~should~~shall have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale.
- Incorporate a building bay or structural building system for walls exceeding 50 feet in width. Bays ~~should~~shall be visually established by architectural features listed below:
 - Offset of the horizontal wall plane by at least four (4) feet extending for the full height of the primary façade.
 - A setback or notch in the horizontal wall plane that is at least four (4) feet deep and eight (8) feet wide for the full height of the primary façade.
 - Projection or wall molding that is at least four (4) inches deep and one (1) foot wide for the full height of the primary façade.
 - A variation in building or parapet height of at least four (4) feet
 - A difference in roof pitch or roof form
- Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
- Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade



along no less than sixty (60%) percent of the façade.
Windows ~~should~~shall be recessed and include visually prominent sills or other forms of framing.

- Garage and overhead doors may only face a local or collector public street, unless completely screened from view. If visible, street-facing doors must include a three (3) foot deep canopy or overhang above the doorway, be recessed a minimum of two (2) feet from the building façade line, and the door be architecturally treated.
- Buildings less than three (3) stories in height must include tower elements or similar special vertical articulation to bookend the building or to anchor the main entry or building corner.



Building Materials / Colors: Building materials and colors used in an industrial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors ~~should~~shall be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures shall maintain an earth tone pallet when at all possible and compliment the surrounding area.
- It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on front and side building facades. The rear of the building may provide a different finish provided similar materials are used, and provided the rear façade is not visible from surrounding streets. All building facades shall be constructed entirely or with a combination of the following:



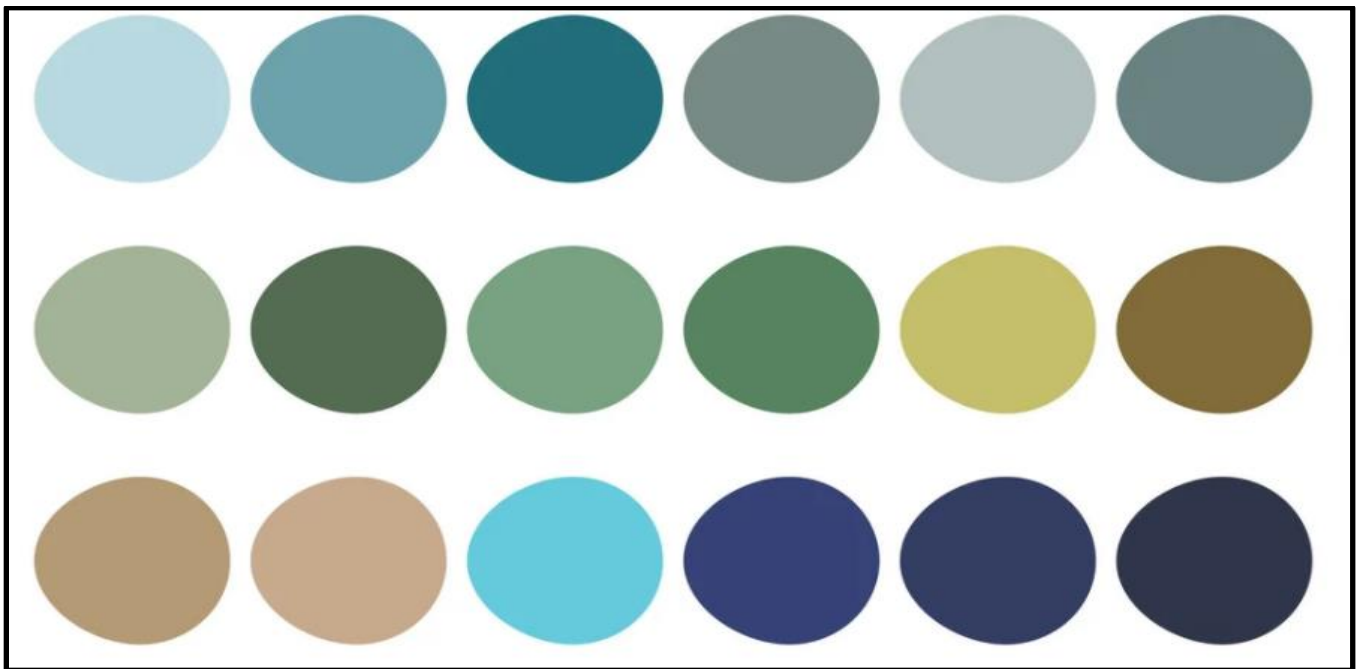
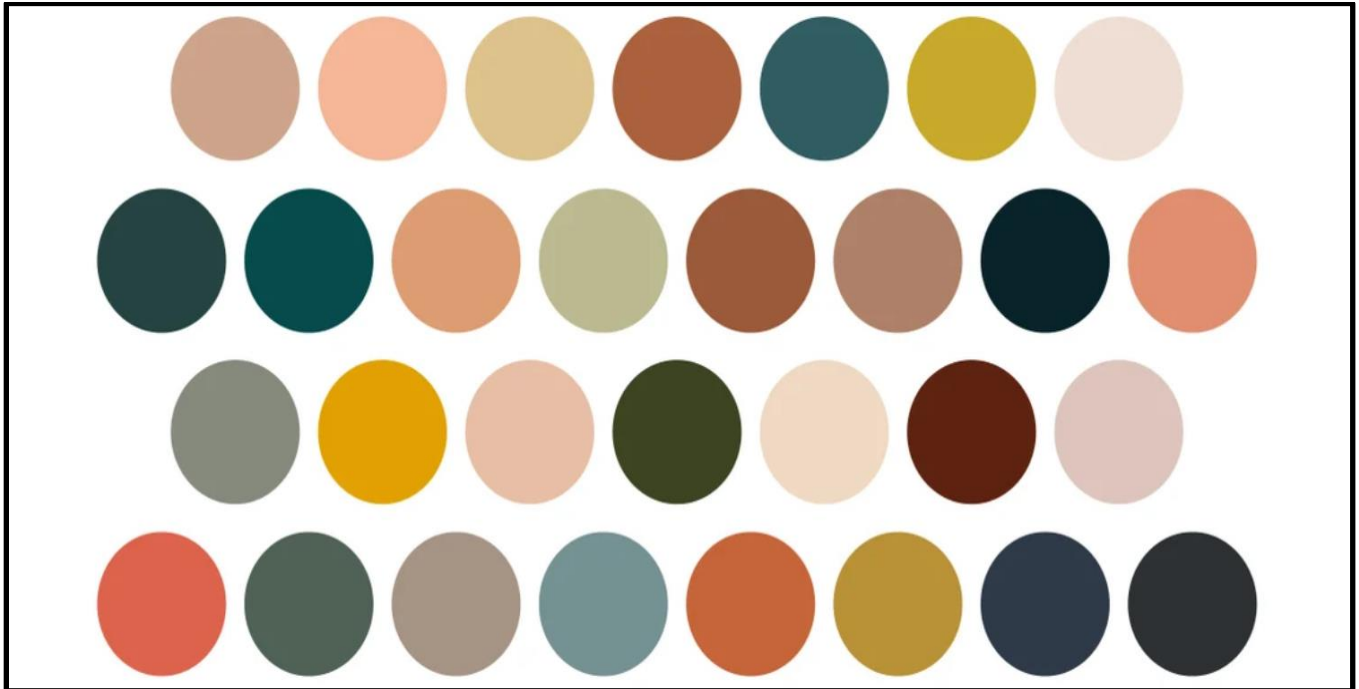
Primary and Secondary Wall Surfaces

- Solid brick masonry veneer;
 - Masonry block, pre-tinted, rough-hewn or ground face;
 - Colored and textured architectural pre-cast concrete panels that incorporate rustication joints or inlaid brick, stone (including limestone, sandstone, granite, slate, marble, or other hard and durable all weather stone) or tile;
 - Glass;
 - Limited amounts of wood.
- If changes in roof pitch are utilized that include angled roofs visible from the public street system, the following materials shall be utilized:
 - Pre-finished Standing Seam Metal
 - Pre-tinted concrete tile
 - Metal Panel
 - Simulated metal roofing – appearance of standing seam
 - Architectural asphalt shingles
 - Living/Green roof – rooftop plantings if the pitch allows

Established Industrial Districts

- Pre-finished flat metal wall panels may be used in industrial areas where the current predominant building material is metal. The metal panel may not be used on facades with street frontage and sides of the buildings will be expected to be constructed of the materials mentioned above on no less than one-quarter of the depth of the side elevations. All metal walls shall be provided with a 20-year finish and shall be of at least a 26 gauge metal.
- No corrugated or flat metal panels which do not meet the above Standards above shall be submitted for site plan approval.
- When metal panels are used, no exposed or semi-exposed connectors shall be allowed.
- The industrial areas that fall into this category are: Bonner Industrial Park and industrial zoned areas within the Prairie Plaza Estates and the Loring Service Area.

SUGGESTED EARTHTONE PALETS



(THIS PAGE INTENTIONALLY LEFT BLANK)

Planning Principals and Architectural Design Guidelines

for Multi-Family, Commercial and
Industrial Zoning Districts



(This page left blank intentionally)

The Bonner Springs Comprehensive Plan advocates the use of land planning principles and design guidelines to act as the basic framework for creating high quality environments to live, work, shop, and play. This document is intended to provide guidelines for the quality of development desired within our community and was derived from Appendix B of the Plan. These guidelines provide guidance and direction to the development and construction within certain Zoning Districts of the City. This Section of the Zoning Ordinance shall regulate the design and characteristics of building forms within the following zoning districts:

- R-3 (Multi-family Residential Dist.)
- MX (Mixed Use) – including business facades and multi-family dwellings
- C-1 (Central Business Dist., except those located within the downtown core)
- C-1 (Downtown Business District)
- C-2 (General Business Dist.)
- C-S (Highway Service Dist.)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)
- Any of the above districts carrying the designation of “Planned”

These design guidelines are derived from public input, through the Community Involvement process and workshops coinciding with the adoption of *Vision 2025*, the Comprehensive Plan of Bonner Springs.

The Community

1. Development and redevelopment should respect the historical patterns, and precedents of Bonner Springs, including downtown.
2. Development of land in the planning area should respect the natural environment and retain its natural and visual character derived from topography, woodlands, and riparian corridors. Engineering techniques requiring significant amounts of cut and fill should not be used to force-fit development into the environment.
3. The physical organization of the community should be supported by a framework of transportation alternatives, including improved pedestrian access and mobility while continuing to invest in automobile routes, such as managed access to K-7.
4. Transportation updates should be planned and reserved in coordination with planned future land uses.
5. New stormwater management standards require new improvements to natural drainage areas, floodplains, and wooded areas, and should be used to define and serve urbanized areas of the community.
6. The Downtown and its surrounding neighborhoods comprise the historic core of Bonner Springs and should be targeted for revitalization and future growth of higher intensity development, destination retail and entertainment, and higher density housing to maintain the area as the center focus of the community.

The Block, the Street, and the Building

1. Individual developments and buildings should be seamlessly integrated to their surroundings.
2. Accommodations for automobiles should be accomplished in ways that respect the pedestrian and the form of public space.
3. Buildings and landscaping should contribute to the physical definition of thoroughfares as civic spaces.
4. Streets and public spaces should be safe, comfortable, and interesting pedestrian environments. Properly configured, such spaces should encourage walking and enable neighbors to know each other and protect their neighborhoods.
5. Civic buildings and public gathering places should be placed on important sites and developed with one (1) distinctive form to reinforce the community's identity



Multifamily Residential Design Guidelines

FOR ZONING DISTRICTS R-3 (MULTIFAMILY) AND MX (MIXED USE)

Open Space and Amenities



New multifamily areas are expected to provide common open space or contribute to the public open space for the use and enjoyment of the development's residents. Open space should be provided in useful, quality spaces integrated purposefully into the overall development design—particularly if access to the Kansas River Corridor is obtainable—such as an expansion of a community park. Views of the river should be incorporated into site design. Residual areas left over after buildings and parking lots are sited are not considered acceptable open space. Open space may be active and passive. However, a minimum percentage of formal active open space should be provided—a minimum ten (10) percent of the net land area is preferred for such space.



- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication. Buildings, parking areas, other structures and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions.
- Multifamily areas should provide “neighborhood greens” of at least 1-acre in total size, in centrally located areas that are easily accessible for residents within the development. The quantity and size of such open space areas depends on the overall density and design of the development. Neighborhood greens should include the following design elements:



- Neighborhood greens should be mostly open and visible to residents, rather than secluded behind buildings or surrounded by parking lots. Buildings adjacent to a green should front onto the space and include entrances and windows rather than rear facades.
- The perimeter of a neighborhood green should front entirely to the street/drive curb on at least two sides. Buildings should not abut more than two sides of the green's perimeter.
- Neighborhood greens should be landscaped and provide amenities such as walkways, plazas, seating, recreational facilities, gazebos or other similar decorative shelters, pedestrian scale lighting, or other similar features for the use and enjoyment of residents.
- Multifamily areas are expected to provide active recreational amenities within the development site, or submit a comparable donation to the City for park and recreation purposes when such amenities are not feasible for the development site.
 - Paved walking trail through common open space areas, minimum 8-feet in width, or wider if a joint venture with an approved public trail.
 - Tot lot and play equipment.
 - Other recreation facilities such as ball fields, swimming pool, etc. may be incorporated if in the city's judgment the facility is an enhancement for the development and the residents of the community.



Provide a neighborhood "green" / park in neighborhoods if located more than a quarter-mile walking distance from an existing or planned park area. Such neighborhood "greens" / parks should typically be owned and maintained by a neighborhood homes association, but may be public if determined appropriate by the city.

A neighborhood green / park / plaza should be surrounded predominately by public streets, rather than located behind development or on remnant tracts of land.

Incentives to allow higher density development may be granted if the size of the park and its amenities benefit the city at large.



Parking Location and Layout

- Design and locate surface parking areas and freestanding parking structures (detached garages or carports) as follows:
 - Parking areas and parking structures (detached garages or carports) should occupy no more than thirty (30) percent of a perimeter street frontage.
 - Locate parking structures (detached garages or carports) perpendicular to a perimeter street to minimize the visual impact.
 - Locate parking areas behind or between buildings, not between a building and the street / drive. Any parking lots along a street /drive should be screened from view along the street.
 - Arrange parking areas in small "blocks" of parking spaces, generally no more than twenty (20) spaces per block, and no closer than thirty (30) feet to a street right-of-way.
 - Separate parking blocks with a landscape area at least ten (10) feet in width.
 - Detached garages or carport structures should not exceed 120 feet in length, with no more than two such structures placed end-to-end.
- Parking along a street or drive should be parallel to the street, rather than angled or perpendicular, to avoid the appearance of a parking lot.
- Provide lighting in parking lots with individual decorative poles and fixtures, rather than building mounted fixtures. Any building mounted light fixtures should be decorative in nature and used primarily at entrances, rather than for site or parking lot lighting purposes.

Building Design

The design of multifamily buildings, either large or small, should contribute to a sense of “neighborhood” and add to the visual interest of Bonner Springs’s streets. Building designs should be compatible with adjacent development and use building materials that are durable and attractive to maintain lasting value.

- The massing and use of exterior materials on small multifamily buildings such as duplexes, triplex, fourplex, etc. should be arranged to give the appearance of a large single-family dwelling (“big house”) to the extent possible. When such a design is not practical, small multifamily buildings should be designed with an appearance of individuality between dwelling units including varied rooflines, varied colors, and varied façade depths to create variety and individuality. “Mirror image” design structures with the same general design repeated or flipped between units are not desired.
- Multifamily buildings should generally be limited to 2 stories in height for areas designated on the Future Land Use Map as “Residential”, while buildings of more than 3 stories in height should be directed to areas designated as “Mixed Use – Residential” or “Mixed Use-Commercial” or the zoning District R-3 “Multifamily Residential.”
- All sides of a multifamily building should display a similar level of quality and architectural interest, rather than limiting a majority of a building’s architectural features and interest to a single façade.
- Building elevations oriented toward the street should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- A prominent front entry with a porch or stoop should be provided on all facades facing the street.
- Any rear walls of multifamily buildings that back onto a perimeter street should be articulated with features similar to the front façade to avoid a “rear” appearance.
- Attached garages for multifamily buildings should be integrated into the building design and should not dominate the appearance of the structure, and should comply with the following:
 - Attached garages should be provided for at least a portion of dwelling units in apartment buildings. Garages should not project in front of the habitable living space.
 - Most or all of attached garages for small multifamily buildings such as town homes and row houses should be located on the sides or rear of the structure, rather than oriented toward the street.
 - Attached garages on the street side of any multifamily building should not comprise more than fifty (50) percent of the overall length of the front façade, and every two single-bay garage doors or every double garage door should be offset by at least four (4) feet from the plane of an adjacent garage door(s).
 - Attached garages recessed back from the front façade or accessed from the rear or side are preferred over garages projecting toward the street/drive. Any attached garages oriented toward the street/drive should not project in front of habitable living space more than 5-feet. Side-loaded garages should comply with all exterior articulation and treatment, maximum length of front façade, and garage door appearance guidelines if visible from the street.
 - Attached garages with two or more bays oriented toward the street/drive should be designed with one-door per bay or incorporate doors with features to give the appearance of individual doors.





- Any side rear walls of detached garages and carports that back onto a perimeter street should be articulated with features such as windows, a trellis, and a variety of roof planes.
- A variety of exterior building materials and colors should be used to create visual interest and to avoid monotony. An amount no less than forty (40) percent of the total net exterior wall area of each elevation should be finished with brick or stone, excluding gables, windows, doors, and related trim. The balance of the net exterior wall area may be lap siding (excluding vinyl lap siding) and/or stucco (excluding pre-manufactured stucco panels or EIFS on the lower four feet if in proximity to sidewalks or off-street parking areas).



- Predominate roofing materials should be high quality and durable. Preferred materials include 40-year or longer composition shingles, clay tiles, or concrete tiles. Other materials will be considered on a case-by-case basis.
- Detached garages, carports and other accessory structures including but not limited to grouped mailboxes, storage and maintenance facilities, clubhouses, recreational facility structures, and gazebos, should incorporate compatible materials, scale, colors, architectural details, and roof slopes as the primary multifamily buildings, except that flat and shed roofs are prohibited.



- Colors of structures should maintain an earth tone pallet and compliment the surrounding area.



Commercial Design Guidelines

FOR ZONING DISTRICTS C-1 (CENTRAL BUSINESS, EXCEPT THOSE LOCATED WITHIN DOWNTOWN) C-2 (GENERAL BUSINESS) C-S (HIGHWAY SERVICE), MX (MIXED USE)

The intent of the Commercial Design Guidelines is to improve the visual appearance and overall quality of development in Bonner Springs. Commercial development should contribute to the “sense of community” desired in Bonner Springs and be more than a collection of corporate, generic architectural styles that do not reflect the image and character of the community. New commercial development should remain compatible with surrounding land uses, particularly residential neighborhoods, and should foster a pedestrian experience that encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.

Site Layout and Development Pattern



Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene. All primary and freestanding buildings should be arranged and grouped to create a distinct street edge.

Building location and orientation:

Buildings should be sited to:

- front onto a street or major access drive to define a clear edge. Buildings should provide at least fifty percent (50%) of the building’s “active wall” oriented toward the street. An “active” wall is considered the side of the building containing the majority of the storefronts, customer entrances, and windows.
- frame the corner of an adjacent street or entrance drive intersection.
- frame and enclose parking areas on at least three sides. Parking should not be located between the building and the street. However, on-street parking may be permitted in order to create a “main street”. A majority of the frontage along an arterial street or other major roadway should be occupied by buildings or other structures such as decorative architectural walls (not to exceed 3-feet in height).
- cluster individual freestanding buildings to define the street edge and create amenity areas between buildings. The even dispersal of freestanding buildings in a widely spaced pattern is not desirable.
- create a focal point at the four corners of major street intersections. A focal point may consist of a building with exceptional architectural design, a vertical architectural feature, public art, and/or exceptional designed public plaza or landscape amenities. However, parking areas should not be located within a minimum 200-foot radius of the center point of the intersection.



Vehicle and Pedestrian Circulation: Internal circulation for both vehicles and pedestrians should be safe and convenient, and provide connectivity within and between developments. The pedestrian network and the experience of the pedestrian within the development should be considered with the same or higher priority as that of the automobile. Walkways should be designed and buffered in a manner that encourages their use.

- Create a network of pedestrian walkways to link the entrances of every commercial building to each other and to the public sidewalk system along perimeter streets, as well as to adjacent neighborhoods. Walkways should be at least five (5) feet in width and wider in areas with higher levels of pedestrian activity.
- Provide walkways along entrance or internal access drives and setback at least six (6) feet from drive or parking lot curbs, unless designed as a “main street” with on-street parking.

Vehicle and Pedestrian Circulation (cont.):



- Walkways should be setback several feet from a building wall to incorporate building foundation landscape plantings. In “main street” environments sidewalks may not be setback from the building wall but should be wider and should include a “transition zone” of pedestrian amenities along the street/drive such as street trees, landscape planters, pedestrian lighting, and other streetscape amenities.
- At each point where a walkway crosses a paved area in a parking lot or internal street or driveway, the crosswalk should be clearly delineated through the use of change in paving materials distinguished by color, texture, or height.



Parking Layout and Design: The intent of these guidelines is to create developments that focus on creating quality places and move away from the conventional suburban development pattern of predominant and highly-visible parking areas. Parking lots should be effectively screened from the surrounding street network and adjacent incompatible uses.



- A distinct system of internal circulation drives should be provided for access to parking areas. Such circulation drives should not be located along the facades of buildings that contain primary customer entrances in order to minimize pedestrian conflict.
- Developments designed as a “main street” may include directly-accessing parking spaces and may be located along building facades that contain primary entrances. Otherwise, directly accessing parking spaces and the number of parking aisle intersections with the internal circulation drives should be limited.
- Parking areas should be distributed into smaller parking blocks generally containing no more than 40 spaces. Each parking block should be separated by buildings, landscaping, access drives or streets, or pedestrian walkways.
- Where parking blocks cannot be easily defined, interior landscape islands should be provided at a ratio of at least one island (180 square feet) for every ten (10) parking spaces, or an equivalent amount of interior landscape area as defined by the Zoning Regulations (Article V; Section 10 and Article XXX).
- Parking and circulation drive connections should be provided between adjacent nonresidential developments. Connections with adjacent residential areas should be planned and incorporated wherever possible to provide convenient access for nearby neighborhoods, without encouraging cut-through traffic from the commercial center to access a major roadway.



Open Space and Amenities for Commercial Developments

A key element of new commercial developments is the creation of public gathering spaces with site amenities and pedestrian-scale features to enhance the overall development quality and to contribute to the character of the area. Neighborhood center developments are expected to integrate with nearby residential areas and offer attractive places for nearby residents to gather and interact. Larger commercial developments may incorporate gathering spaces when located in near proximity to residential or as urban design elements at key intersections for developments where public gathering spaces may not be suitable due to the nature of the land use.

- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication.



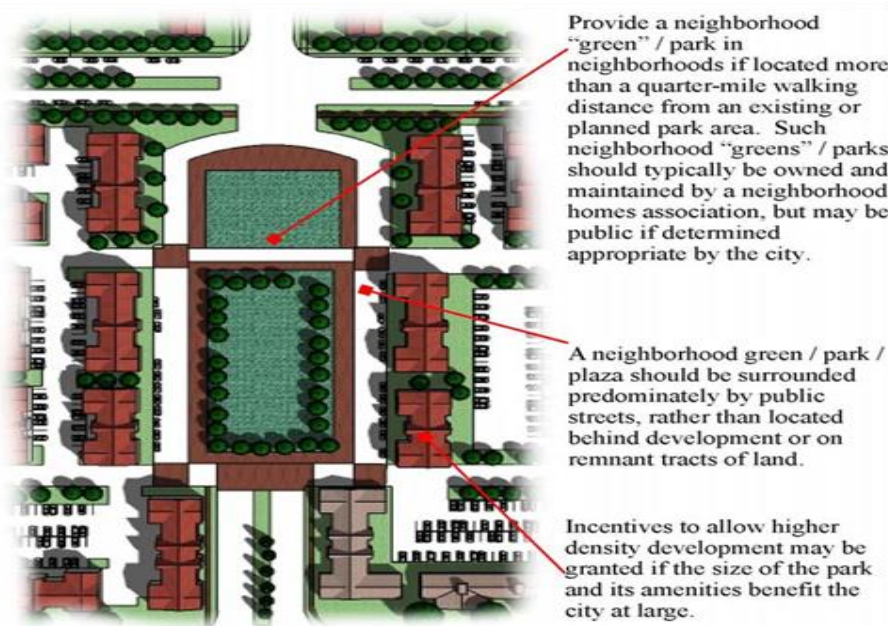
- Buildings, parking areas, other structures, and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions. However, the preservation of such areas generally will not be considered a site amenity unless they comply with the remaining guidelines in this section.
- Site amenities such as public plazas or open landscaped gathering spaces should generally be provided in commercial developments at a ratio of 15 square feet for each 10 parking spaces.
- Desired site amenities include the following.



- Public plaza with seating;
- Landscaped mini-park, neighborhood green, or square;
- Water feature;
- Public art feature or clock tower;
- Other similar area of focal feature that in the city's judgment is an appropriate public gathering space or urban design enhancement.



- Site amenities for neighborhood centers may be aggregated with required open space of adjacent residential development to create a neighborhood.
- All site amenities should be an integral part of the overall development design, rather than an undevelopable remnant parcel, storm water facility, or an unusable perimeter buffer.
- Public gathering spaces should have direct access to the public sidewalk network.
- Open storm drainage and detention areas visible to the public should be incorporated into the design of the development as an attractive water feature amenity or focal point. Such an area may be considered a site amenity provided it meets the spirit and intent of these guidelines to serve as a development amenity or public gathering space.



Building Design

The design and treatment of commercial buildings plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- Consistent architectural design, including building materials and colors, should be carried throughout the development. Designs that provide visual interest and variety, yet are consistent with the theme, are required.
- Buildings should be designed to create a human scale with elements such as canopies or porticos, arcades, colonnades, raised landscape planters, pedestrian level lighting, and special building material treatments at the base of the building.
- Each building should have similar qualities and architectural elements that contribute to the overall theme and should include some of the following; arched windows, covered walkways, open courtyards, tile roofs, ornamental wrought iron, tile inlays, vertical towers, etc.
- Buildings near residential uses should be compatible in design, scale, and massing.
 - Buildings near residential uses should include sloped roofs, or the appearance of sloped roofs (mansard and gables) to maintain a residential appearance, unless other architectural features and site design provide residential compatibility.
 - Nonresidential sites designed to “back up” to residential rather than integrate with residential uses are subject to buffers with greater setbacks and landscape requirements. Setbacks and landscape buffers for buildings and parking/paved areas shall be further increased for developments with loading docks, overhead doors, parking, or nonresidential buildings more than one story in height adjacent to residential zoning.
- All buildings should have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale. Building walls facing a street, pedestrian walkway, or adjacent development should meet the following:
 - Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than twelve inches (12”) in width.
 - Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
 - Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade along no less than sixty (60%) percent of the façade. Windows should be recessed and include visually prominent sills or other forms of framing.



- The sides and rear of the nonresidential buildings should be treated with the same level of design quality and appearance as the front facades where such elevations are visible from a street or parking lots.
- Any business with drive-through lanes should be oriented so the drive-through areas are not readily visible from street right-of-way.
- Window canopies/awnings should be canvas with a matte finish, tile, slate, or decorative metal and should be compatible with the overall color scheme of the facade from which it projects. Awnings with a high gloss finish or illuminated plastic canopies/awnings are not allowed.
- All exterior building wall signs facing toward or visible from residential dwellings should be either non-illuminated or indirectly illuminated. No internally illuminated wall signs shall be permitted in any location where visible from residential dwellings.
- Decorative architectural accent lighting and landscape lighting shall be required.

Building Materials / Colors: Building materials and colors used in a commercial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors should be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures should maintain an earth tone pallet when at all possible and compliment the surrounding area.
- A variety and well-proportioned mixture of exterior building materials and colors should be used to create visual interest and to avoid monotony, but should be consistent with a pallet of materials approved for the development area. No one material and color should dominate a building or a development. Corporate materials and colors should only be used to create variety if incorporated as secondary elements.
- Exterior building materials shall consist of those that are durable, economically- maintained, and of a quality that will retain their appearance over time, including but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; or glass. Water-managed Exterior Installation Finish Systems (EIFS) may also be incorporated as a decorative accent material.
- Materials considered not acceptable include: vinyl siding; smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels; barrier-type EIFS; standard single- or double-tee concrete systems; split shakes, rough-sawn or board and batten wood; or field-painted or pre-finished standard corrugated metal siding.

Commercial Design Guidelines

FOR ZONING DISTRICT C-1 Located within the Downtown Area

The area in which these design standards are intended to encompass are from Front Street (K32 Highway) to South Nettleton Avenue and Cedar Avenue to Elm Street, with focus on Oak Street.

Located within downtown are several different architectural styles; creating an eclectic downtown area that spans old world architecture with mid-century modernism. The intent of the Commercial Design Guidelines for the downtown area is to maintain visual appearance and quality of redevelopment and new development that may occur. While downtown Bonner Springs is not a registered historical district, it is considered historical by the citizens and contains several architectural features that the community sees as valuable assets.

Commercial development and redevelopment should contribute to the “sense of community” desired for the downtown area and be more than a collection of generic architectural styles that do not reflect the image and character of the area. New commercial development should remain compatible with the surrounding area, and should foster a pedestrian experience that

encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.

Ground floor levels of buildings are oriented to pedestrians, with large display windows designed to showcase the merchandise and services offered for sale inside. Recessed entries are typical and transom windows above entry doors and display windows let in natural light. A horizontal band of molding is commonly found separating the ground floor from the upper floors, and the roofline is often capped with a decorative cornice.

Site Layout and Development Pattern

Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene.



- Buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.
- Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.
- Buildings must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
- Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.
- Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.

Building Design

The design and treatment of buildings within downtown plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of remodeled and new structures is compatible in the context of the surrounding area.



- Nothing contained within these design guidelines shall prohibit the use of modern materials, so long as any street level portions of new construction abide by these regulations
- Select materials that are appropriate to the storefronts; wood, cast iron, and glass are usually appropriate replacement materials
- All buildings shall have a primary entry feature on the street and any pedestrian alley or open space. Multi-tenant and larger mixed-use buildings shall have an entrance at least every fifty (50) feet of street frontage. Entry features shall be clearly defined and emphasized with combinations of the following:



- Awnings, porticos, or overhangs.
- Transoms and/or display windows.
- Architectural details such as tile work and moldings, lintels, pediments, pilasters or columns.
- Integral planters or wing walls that incorporate landscaping and/or places for sitting, statues, or public art.
- Recessed entry doors

- Respect the horizontal separation between the storefront and the upper stories. Utilization of cornices or transoms should be considered as an acceptable separation piece. A transom traditionally contained the store's sign.

- The location, orientation, size and proportion of openings establish a relationship of the building to the public realm. All buildings shall meet the following transparency requirements:

- Commercial and mixed-use buildings shall have between sixty percent (60%) and ninety percent (90%) transparency on the first story, which shall be measured between two (2) feet and eight (8) feet above the street level. Upper stories shall have between twenty percent (20%) and fifty percent (50%) transparency on front facades measured between the floor level and ceiling of each story.



- Massing creates the relationship of the building to the streetscape and public spaces. To ensure human-scale massing, large masses shall be broken up to relate better to public spaces.

- The first floor shall be level with the sidewalk as will allow.
- The first story shall be between ten (10) feet and twenty (20) feet high. Any upper stories shall be between eight (8) feet and twelve (12) feet high.
- Buildings greater than two (2) stories or wider than one hundred (100) feet should use massing that breaks down the components of the main mass.
- No single wall plane should be longer than one hundred (100) feet without having off-sets of at least one (1) foot to add depth and proportion to the wall.
- Use structural bays, projections, balconies, cantilevered floors or step backs from the main mass to break up larger wall planes and relate the building scale to nearby buildings.
- Whenever possible, preserve windows, sashes, doors, transoms, signs, and decorative features in order to retain the historic character of the building.
- Where an original or early storefront no longer exists or is too deteriorated to save, the commercial character of the building should, nonetheless, be preserved -- either through an accurate restoration based on historic research and physical evidence, or a contemporary design that is compatible in scale, design, materials, color, and texture of the historic building.

INDUSTRIAL DESIGN GUIDELINES FOR ZONING DISTRICTS I-1 (LIGHT INDUSTRIAL) AND I-2 (HEAVY INDUSTRIAL)



The intent of the Industrial Design Guidelines is to ensure high quality design of large industrial facilities constructed within the City of Bonner Springs and improve the visual appearance and overall quality of development. New Industrial facilities should create less of a visual impact on the surrounding land uses; ensure building designs are compatible throughout the site and to establish acceptable exterior construction materials, and designs.

Site Layout and Development Pattern

Appropriately designed buildings shall use scale, proportion and building forms in appropriate manners. Buildings should incorporate architectural features that distinguish the building from others in order to alleviate monotony and provide diversity within the area.

Building Design

Due to the anticipated size of industrial facilities, the design and treatment of industrial buildings play an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- All buildings should have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale.
- Incorporate a building bay or structural building system for walls exceeding 50 feet in width. Bays should be visually established by architectural features listed below:
 - Offset of the horizontal wall plane by at least four (4) feet extending for the full height of the primary façade.
 - A setback or notch in the horizontal wall plane that is at least four (4) feet deep and eight (8) feet wide for the full height of the primary façade.
 - Projection or wall molding that is at least four (4) inches deep and one (1) foot wide for the full height of the primary façade.
 - A variation in building or parapet height of at least four (4) feet
 - A difference in roof pitch or roof form
- Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
- Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade



along no less than sixty (60%) percent of the façade.
Windows should be recessed and include visually prominent sills or other forms of framing.

- Garage and overhead doors may only face a local or collector public street, unless completely screened from view. If visible, street-facing doors must include a three (3) foot deep canopy or overhang above the doorway, be recessed a minimum of two (2) feet from the building façade line, and the door be architecturally treated.
- Buildings less than three (3) stories in height must include tower elements or similar special vertical articulation to bookend the building or to anchor the main entry or building corner.



Building Materials / Colors: Building materials and colors used in an industrial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors should be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures should maintain an earth tone pallet when at all possible and compliment the surrounding area.
- It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on front and side building facades. The rear of the building may provide a different finish provided similar materials are used, and provided the rear façade is not visible from surrounding streets. All building facades shall be constructed entirely or with a combination of the following:



Primary and Secondary Wall Surfaces

- Solid brick masonry veneer;
 - Masonry block, pre-tinted, rough-hewn or ground face;
 - Colored and textured architectural pre-cast concrete panels that incorporate rustication joints or inlaid brick, stone (including limestone, sandstone, granite, slate, marble, or other hard and durable all weather stone) or tile;
 - Glass;
 - Limited amounts of wood.
- If changes in roof pitch are utilized that include angled roofs visible from the public street system, the following materials shall be utilized:
 - Pre-finished Standing Seam Metal
 - Pre-tinted concrete tile
 - Metal Panel
 - Simulated metal roofing – appearance of standing seam
 - Architectural asphalt shingles
 - Living/Green roof – rooftop plantings if the pitch allows

Established Industrial Districts

- Pre-finished flat metal wall panels may be used in industrial areas where the current predominant building material is metal. The metal panel may not be used on facades with street frontage and sides of the buildings will be expected to be constructed of the materials mentioned above on no less than one-quarter of the depth of the side elevations. All metal walls shall be provided with a 20-year finish and shall be of at least a 26 gauge metal.
- No corrugated or flat metal panels which do not meet the above Standards above shall be submitted for site plan approval.
- When metal panels are used, no exposed or semi-exposed connectors shall be allowed.
- The industrial areas that fall into this category are: Bonner Industrial Park and industrial zoned areas within the Prairie Plaza Estates and the Loring Service Area.

(THIS PAGE INTENTIONALLY LEFT BLANK)

ORDINANCE NO. _____

An Ordinance of the Governing Body Amending Article XXII; by adding SECTION 12 – ARCHITECTURAL DESIGN STANDARDS FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL FACILITIES.

Be it ordained by the Governing Body of the City of Bonner Springs, Kansas:

SECTION I: The Zoning Ordinance, Article XXII, Supplementary District Regulations is revised by the addition of Section 12 – Architectural Design Standards for Multi-Family, Commercial and Industrial Zoning Districts within Bonner Springs, Kansas, and shall be incorporated by reference.

SECTION II: The Architectural Design Standards attached as Appendix B are applicable to certain Zoning Districts within the City, as set forth in Appendix B hereto and incorporated by reference as if fully set forth, all as prepared by the City and consisting of Ordinance No. _____ and entitled, “Planning Principals and Architectural Design Guidelines for Multi-Family, Commercial and Industrial Zoning Districts within Bonner Springs, Kansas”. At least one copy of these Planning Principals and Architectural Design Standards shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on this ____ day of _____, 2022.

Jeff Harrington, Mayor

ATTEST:

Christina Brake, CMC, City Clerk

(SEAL)

City Manager's Update

Date: Feb. 11th, 2022

To: Mayor and City Council

General

- Several positions are currently posted, including summer positions! We're looking for Lifeguards, Camp Counselors, Pool Managers, Admissions Workers, and Sports Officials! Apply online today!

Community Development

- Former Burger King building: Starbucks is the coffee chain interested in this building. They are moving forward with their Site/Landscape Plan Review at the February Planning Commission meeting.

Recreation

- Family Glow Dance is Saturday, Feb. 12th at 6PM in the Gym. Please pre-register for this event.
- Travel Show to be held in the Gym on Thursday, January 27th at 1PM. Please pre-register for this FREE event where you will learn about the upcoming trips we have planned for 2022. By attending the Travel Show, you get first access to these trips, access to trip discounts, and the chance to win attendance prizes!
- Upcoming Programs:
 - Spring Break Camp (3/14-18) - deadline 3/9
 - Youth Spring Soccer - deadline 3/6
 - Youth Summer Ball - deadline 4/17
 - Easter Egg Hunt (4/16)
 - City Wide Yard Sale (4/23)

Public Works

- New Water Treatment Plant Project – weekly meetings with contractor/design team
 - Moving forward with cores and analysis for new Water Wells
- Recent Snow/ice control operations, equipment repairs and operations
 - 147 Man Hours
 - 118 Tons of Salt

Police

- If you missed it ACO Anthony and Corporal Rector made their national television debut on the Kelly Clarkson Show hosted by Jay Leno. A link is on the PD's Facebook page or below if you would like to view. https://youtu.be/y_bGomCuid0
- The PD is bringing back Coffee with a Cop after the long COVID hiatus. The first event is scheduled on February 24th, 2022 at 0900 hours at 3rd Space Coffee. The PD plans on hosting events at multiple locations and multiple different times to allow for those interested to have more opportunities to meet with and ask questions of our officers.

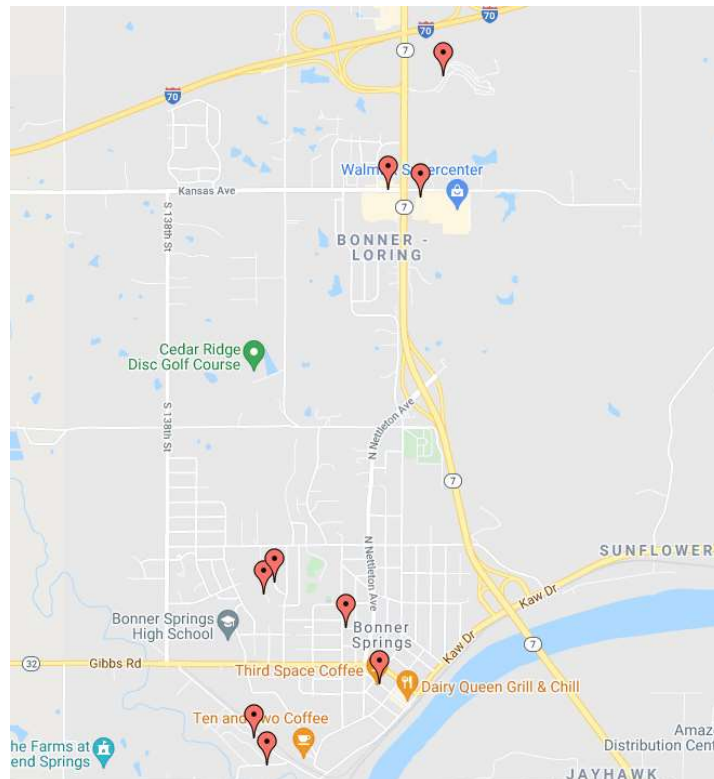
REPORT OF BUILDING PERMITS ISSUED

INCODE SYSTEM GENERATED BUILDING CODE REPORT

ISSUED DATES: 1/17/2022 THRU 1/30/2022

STATUSES: OPENED, COMPLETED

TYPE OF PERMIT	NUMBER OF PERMITS
COMMERCIAL NEW/ADDITION	1
COMMERCIAL REMODEL	1
COMMERCIAL ROOF	0
DEMOLITION	0
ELECTRICAL	1
FENCE	0
MECHANICAL	0
PLUMBING	3
RESIDENTIAL MANUFACTURED MOVE-IN	1
RESIDENTIAL REMODEL	0
RIGHT OF WAY	1
SIGN	1
UTILITIES OFF	1
=====	
TOTAL	10



CODE ENFORCEMENT INCIDENT ACTIVITY REPORT

INCIDENT CODE: * - All

USER: mstites

INCODE SYSTEM GENERATED REPORT

DATES: 1/17/2022 THRU 1/30/2022

	NEW INCIDENTS	RESOLVED/ CLOSED	CUMULATIVE ACTIVE CASES
BRUSH	0	3	1
GENERAL	1	8	2
INOP/UNLIC/ON-GRASS	16	1	27
OUTSIDE STORAGE	11	4	32
PERMIT CHECK.....	2	15	2
PROPERTY MAINTENANCE	2	4	5
SIGNS*	15	15	0
TALL GRASS/WEEDS	0	0	0
=====			
TOTALS	47	50	69

*Report shows number of locations. Multiple signs are usually pulled from each location.

