



UPDATE
Administration and Human Services
Committee
Standing Committee Meeting Agenda
Monday, May 22, 2017
5:20 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Angela Markley, Chair

☐

Commissioner Melissa Bynum

☐

Commissioner Mike Kane

☐

Commissioner Harold Johnson

☐

Commissioner Jane Philbrook

☐

I. **Call to Order/Roll Call**

II. **Revisions to May 22, 2017 Agenda**

New Item No. 4 – RESOLUTION: FAIRFAX DRAINAGE DISTRICT

Synopsis: A resolution approving an annual interlocal agreement between the Unified Government and Fairfax Drainage District to reimburse the District for use of the District's sewer system, submitted by Misty Brown, Deputy Chief Counsel.

III. **Approval of standing committee minutes from March 20, 2017.**

IV. **Measurable Goals**

V. **Committee Agenda**

Item No. 1 - RECOMMENDATION: TEMPORARY AMAZON TRANSIT SERVICE

Synopsis: Request approval for temporary extended service and associated funding for service costs associated with proving transit service to the new Amazon Fulfillment Center, submitted by Justus Welker, Director of Transportation.

On April 24, 2017, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, recommended this item be brought back with additional information.

Tracking #: 171131

**Item No. 2 - PRESENTATION: PROPOSED 2018-2020 NEIGHBORHOOD
REVITALIZATION ACT TAX REBATE PROGRAM**

Synopsis: Presentation of the proposed 2018-2020 Neighborhood Revitalization Act (NRA) Tax Rebate Program Plan, submitted by Angela Harshbarger, Economic Development.

The presentation was previously given to the Economic Development and Finance Standing Committee on May 1, 2017.

For information only.

Tracking #: 171098

Item No. 3 - PRESENTATION: SPRING TAX SALE RESULTS; CHANGES TO THE TAX SALE PROCESS

Synopsis: Presentation of the Spring Tax Sale results and changes and improvements in the Tax Sale process, submitted by Tib Laughlin, Director of General Services.

For information only.

Tracking #: 171135

VI. Public Agenda

VII. Adjourn

**AGENDA UPDATE
ADMINISTRATON AND HUMAN SERVICES
STANDING COMMITTEE MEETING
MONDAY, MAY 22, 2017**

V. COMMITTEE AGENDA

NEW ITEM

ITEM NO. 4 – 171146...RESOLUTION: FAIRFAX DRAINAGE DISTRICT

Synopsis: A resolution approving an annual interlocal agreement between the Unified Government and the Fairfax Drainage District to reimburse the District for use of the District's sewer system, submitted by Misty Brown, Deputy Chief Counsel.



Staff Request for Commission Action

Tracking No. 171146

Full Commission Meeting Date: 6/15/17

Committee: Administration & Human Services

Date of Standing Committee Action: 5/22/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/22/2017	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution approving an annual interlocal agreement between the Unified Government and Fairfax Drainage District to reimburse the District for use of the District's sewer system.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Blue Sheet, Resolution, Interlocal Agreement				

RESOLUTION NO. _____

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND
THE FAIRFAX DRAINAGE DISTRICT

Whereas, The Fairfax Drainage District (“District”) and the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) are empowered by the laws of Kansas to enter into agreements for the construction, maintenance and funding of certain sewer lines;

Whereas, The District and the Unified Government desire to enter into an Interlocal Agreement between the Unified Government and the District to provide adequate sewer services to promote industrial growth with the District and promote joint cooperation;

Whereas, an agreement has been prepared describing the parties cooperation and responsibilities in regards to sewer services in the District;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT, AS FOLLOWS: That the Unified Government is hereby authorized to enter said agreement by signature of the Mayor/CEO.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of _____ 2017.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By:

Mark Holland
Mayor/Chief Executive

(SEAL)
ATTEST

Unified Government Clerk

Approved As To Form:

Misty S. Brown, Assistant Counsel

INTERLOCAL AGREEMENT BETWEEN
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND
THE FAIRFAX DRAINAGE DISTRICT

THIS INTERLOCAL AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE FAIRFAX DRAINAGE DISTRICT ("INTERLOCAL Agreement") is made and entered into this ____ day of _____, 201~~7~~, between the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") and the Fairfax Drainage District ("District").

WHEREAS, the District, pursuant to authority granted by the State of Kansas, has caused to be constructed, maintained and funded certain sewer lines within the District to insure adequate interior drainage; and

WHEREAS, sediment and debris from sanitary and non-sanitary storm water discharge collects in the District's sewer lines; and

WHEREAS, the sediment and debris comes from in-district and out-of district sewers; and

WHEREAS, it becomes necessary from time to time to clean and perform maintenance on the sewer lines to insure adequate interior drainage; and

WHEREAS, the Unified Government collects sewer service charges for the Water Pollution Control sewer service fund from WPC customers in the District, who utilize the District's sewer system to, in part, transport waste water to the Unified Government treatment system; and

WHEREAS, K.S.A. §12-2901 et seq. and amendments thereto entitled the "Interlocal Cooperation Act" authorize parties hereto to cooperate in the aforementioned public functions; and

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, the parties AGREE as follows:

1. PURPOSE. The parties hereto enter into this Interlocal Agreement for the purpose of formalizing the parties' agreement to provide adequate sewer services to promote industrial growth within the District.
2. JOINT COOPERATION. The District and the Unified Government agree and covenant to cooperate and assist each other in order that both the District and the Unified

Government may better serve their respective constituents and customers, including, but not limited to, the exploration by the parties of alternative means to avoid or minimize the accumulation of sediment and debris within the District's sewers from in-district and out-of-district sources. In furtherance of this spirit of cooperation, the parties acknowledge the right of all to attend public meetings of the governing bodies of both the District and the Unified Government, but each wishes to issue an express invitation to the other to have a representative attend meetings of each others' governing bodies. In addition, the general manager of the District and the Director of Water Pollution Control of the Unified Government shall meet regularly to discuss matters of mutual interest.

3. DURATION AND TERM. This Interlocal Agreement shall remain in full force and effect for a term of one (1) year beginning January 1, 2016 and terminating on December 31, 2016 and neither party may terminate or extend the term of this Interlocal Agreement without the mutual consent of the other party.

4. FINANCING. The Unified Government shall pay to the District the sum of One Hundred Ninety-Two Thousand Six Hundred Ninety and no/100 Dollars (\$192,690.00) on or before October 1, 2016. The District shall contribute this revenue toward sewer cleaning and maintenance throughout the duration of this Interlocal Agreement.

5. ADDITIONAL CHARGES. In partial consideration of the payment, the District shall not advocate or pursue an additional user fee charge by the District to the Unified Government during the term of this contract.

6. PLACING AGREEMENT IN FORCE. The attorneys for the Unified Government and the District shall cause this Interlocal Agreement to be executed by the Unified Government and District and submitted to the Attorney General of Kansas for approval. Thereafter, this Interlocal Agreement shall be filed with the Register of Deeds of Wyandotte County, Kansas, and with the Secretary of State of Kansas, all in accordance with K.S.A. §12-2904 and §12-2905, as amended. Each party shall receive a duly executed copy of the Interlocal Agreement for their official records.

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

By: _____

Attest:

APPROVED AS TO FORM

Mindy S. Brown

UG LEGAL DEPT.

THE FAIRFAX DRAINAGE DISTRICT
OF WYANDOTTE COUNTY, KANSAS

By: Philip A. Koster
President
Board of Directors

Attest:

Henry B. Brown
Secretary
Board of Directors

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, March 20, 2017**

The meeting of the Administration and Human Services Standing Committee was held on Monday, March 20, 2017, at 5:30 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Murguia, Acting Chairman; Commissioners Philbrook, Johnson, Kane and Bynum. Commissioner Markley was absent. The following officials were also in attendance: Gordon Criswell and Joe Connor, Assistant County Administrators; Henry Couchman, Senior Attorney; Wilba Miller, Community Development Director; Phil Lockman, Director of Community Corrections; and Rob Richardson, Planning Director.

Acting Chairman Murguia called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for January 17, 2017. **On motion of Commissioner Philbrook, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 171029...REQUEST: RENAME JOHN F. KENNEDY COMMUNITY CENTER

Synopsis: A request has been made to rename the John F. Kennedy Community Center to the Beatrice L. Lee Community Center. This request is in recognition of Ms. Lee's years of service both as an employee at the center and her efforts to improve the surrounding community. Letters of support and a petition signed by 718 individuals has been submitted in support of this request, submitted by Joe Connor, Assistant County Administrator.

Commissioner Johnson said the renaming of the John F. Kennedy Center to the Beatrice L. Center has been an endeavor that I've been approached by and talked about for a couple of years

now. When it was brought to my attention about the tireless labor of Ms. Beatrice Lee; I was and continue to be supportive of this endeavor and I have tried to do all I could to guide the efforts of many of those that are here to show support for this.

Many of you all know Ms. Beatrice Lee, and I'll be honest with you, when I met her I can truly say that my life has not been the same as many of you all that are here would say as well. She helped to crystalize within myself a great responsibility that we have as people both inside and outside of City Hall to be good stewards of our community. Those that know her knows she is a meticulous woman, know that she is a well-read focused and steadfast in her conviction. She has most of all a true heart for her community. She has a heart for the northeast community where she has lived all her life. She has a heart for the community at large and she's given her entire life to the improvement of the quality of life for those that are in northeast Wyandotte County.

Her list of accomplishments, I think there are letters of support and there is a list of accomplishments. They are very long. I could spend a considerable amount of time going through those, but I will defer tonight because I know that there are others that are here that want to show support for her and for this endeavor. I will highlight the fact though that her work, her work with youth and youth development is right at the top of her list in terms of her priorities and her passions and the role that the government and the community play together in working in partnership to better the lives of our youth.

Again, this endeavor and this request has strong community support and some of those persons are here tonight. In the interest of time, I know that Ms. Eleanor Jefferson who is the President of Historic Northeast Midtown Association is here and I'm going to defer to her and her colleagues to further expedite their comments to make sure that we give those opportunities that want to speak to this to show forth support for this worthy endeavor. Again, I'm in full support of this effort and I would like to see it approved.

Acting Chairman Murguia asked does any member of our committee have any questions or comments. **Commissioner Philbrook** said not yet.

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Acting Chairman Murguia asked does anyone from the public wish to address this item. If so, please come forward to the microphone, state your name and city of residency for the record. You will be given up to three minutes to make your comments.

Cedric Patton said I'm a resident of Kansas City, KS and I would like to request an additional minute to read the prepared statement from Mr. Chester Owens who was not able to be here this evening.

Acting Chairman Murguia asked can I get a motion to extend?

Action: **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to extend an additional minute.** Motion carried unanimously.

Mr. Patton said the poet and lecturer Ralph Waldo Emerson once said the purpose of life is not to be happy, it is to be useful, to be honorable, to be compassionate and to have it make some difference that you have lived and lived well. It is indeed an honor to stand before you this evening and solicit your support in renaming the John F. Kennedy Recreation Center to the Beatrice L. Lee Community Center. Beatrice Lee, one who has made a profound, positive difference in Kansas City, KS. Mrs. Lee, a lifelong resident of our city, has devoted her entire adult life working not only to improve this community but to improve and advance Wyandotte County respectively, not just for some people, but for all people. I have known Mrs. Lee for more than fifty years; have worked alongside her in many capacities in the betterment of our city and as a result of my close-up and personal observation I do not speak from a theoretical view of her many contributions to Kansas City, KS, but I can attest to her unwavering traits of bold, integrity, grace, dignity, compassion and impeccable character.

Her work and recreation is legendary. Many, many years ago she began her chosen career at the Sumner Recreation Center at 1st & Franklin where the facility was not the greatest but her personal tenacity, fortitude, vision and hard work, she transformed it to a place where people gathered. She recognized this as an opportunity to mold lives, to provide hope and to render positive guidance for the many young people who utilized the center on a daily basis.

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When she moved to the John F. Kennedy Center, which was a much improved facility, she provided services to a larger number of persons in the northeast area. The facility at JFK became more than a mere recreation center, but rather a home away from home for many youth; a place that offered safety, learning, ceramics, discipline, leather craft, fun, laughter and many important life lessons. At this site Mrs. Lee became father, mother, sister, brother, mentor and counselor. She wore many hats and she wore them well. She was and continues to be respected by all generations of people who connected to JFK and the services offered there.

Mrs. Lee exceeded expectations while at JFK and she balanced it gracefully as a devoted wife and mother of six children who were always her major priority, however; with her busy family responsibilities her commitment to her work never wavered. She remained active in the PTA in the schools where her children attended and she generously assisted senior citizens who oftentimes had no one to turn to. The home of Mrs. Lee could possibly have been recognized as a counseling center. She saw the deterioration that was occurring in various neighborhoods including her own and she took action standing in protest in front of drug houses even standing alone while fearlessly and boldly declaring to those visiting and residing in those immoral houses, you have to go, I'm not going anywhere. **Chairman Murguia** said your time is up. If you'd like to wrap it up, that would be great. **Mr. Patton** said I'll just turn over to one more page. Finally, if you come to the intersection of 10th Street & Washington Boulevard in the northeast corner, you will see a Douglass–Sumner Neighborhood marker which is a testament to her commitment and devotion to the community across the street. Just to a little south is the marker of the current John F. Kennedy Recreation Center. It is our hope and our fervent prayer that soon and very soon, when we look in the direction of what is currently the John F. Kennedy Recreation Center, we will observe a new dedicated sign on the building that reads The Beatrice L. Lee Community Center.

Paul Jones said I'm a Kansas City, KS resident and I'm proud to be here, able to speak in honor of Beatrice Lee. I've known her pretty much all my life. She has been a very instrumental part with me growing up all these years and there is nobody that I know of that is more worthy than this honor to be bestowed upon them. I call her a shero and a pioneer in this community for everything that she has done and been responsible for as far as education, developing programs and making life better for not only black people, for all people, the human race.

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Mrs. Lee has a passion for the health and welfare of children and family and it's not only commendable but an unconditional service she has given all of her life. She's devoted most, if not all of her life, as far as giving back to the city. Like I said once before and I will continue to say, there's nobody more worthy to have their name on that building as a rock as Mrs. Beatrice Lee. She's not here. Is she here? I would like to thank her and I think everyone in this room should also thank her for her unwavering commitment, her love and passion that she has given to this community. Her devoted love and service is inspiring and motivating to give people that she has encountered and inspired in her life. I would like to thank her personally and I try to do that on a regular basis because I know her so well. I know where she lives and I go there regularly for all kinds of advice. Thank you once again for allowing me to speak, not only for Mrs. Lee, but like I said there is no one more deserving for this to bestow upon them than her.

Chuck Schlittler, Executive Director Downtown Shareholders of Kansas City Kansas, 726 Armstrong Ave, Ste. 201, Kansas City, KS, said our organization has submitted a letter of support for this request. I've been privileged to work with Mrs. Lee in a couple of different capacities. Most recently partnering with Douglass-Sumner and LISC (Local Initiative Support Cooperation) KCMO on some projects to update policies and procedures and such as that for the Douglass-Sumner organization. Our organization, Downtown Shareholders, Kansas City, KS is pleased to also recommend the passage of this request and that the John F. Kennedy Community Center be renamed the Beatrice L. Lee Community Center.

James Connelly, 4800 Richmond Ave., Kansas City, KS said this is a great honor to speak about a woman named Mrs. Beatrice Lee. Some people call her mom. She has transformed so many lives in this community. She has mentored kids and adults. She has done things that a lot of people can't do in a lifetime; by simple words, working and helping. Once you know Mrs. Lee and she mentors you, you become a kid, her kid and I know some of her kids are here tonight and they kind of get jealous I think but once you become and go up under her mentorship, there's not anything she won't do for you. When she calls you, she will ask you to do something, whether it's in the community or for someone in need. Not many people that I can say in my life that I can speak about as high as I can hold Mrs. Lee and I've been in the military and I've done a lot of things but she's mentored, talked and also corrected to make a

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person better. You know, when you're a kid, there are simple things that you go through in life, yes and no, but Mrs. Lee never says yes and no. She tells you the right way to do it and tells you when not to do something. Now, Mrs. Lee, how can you accomplish so much? Well, 31 years in Parks and Recreation, she did 14 years at the Summer Recreational Center down off 3rd & Richmond and then she did 17 years at JFK. Mrs. Lee retired in 1996 and she continued, I can't say her age because she'd be very upset with me, she continues to have projects, housing projects, Douglas-Sumner, also she's on so many committees. If I started, I couldn't list them all for one thing and the other thing, my two minutes would be up.

John F. Kennedy was assassinated before I was even born but Mrs. Lee, I had the opportunity to meet with her, I've been mentored by her and also have been scolded by her. I want to say to the commissioners, please give her her flowers while she is living.

Martha Smith, President of London Heights Neighborhood, said I once was blessed to meet Mrs. Beatrice Lee in raising two sons who are now 38 and 36. She was a great director at the JFK Community Center for myself and working parents, as a matter-of-fact for over 31 years. She gave to our children and now our grandchildren, good care and attention. She gave and received support from parents, the community and from everyone. Mrs. Lee gave concerns about activities at the center, participate with your children, come so we can see that our programs here at the JFK Center are enjoyable. She gave her values; passion, vision and wisdom were given to counteract the problems of Martin City life, competition, poverty and injustice in social exclusion.

Our JFK Center was marked by children playing together, parents chatting with each other and keeping track of all the kids. It was a sad farewell when Mrs. Lee retired, that's when our security, morality, trust and support began to disappear in our JFK Community Center closed for years, another failure for our children here in KCK. Mrs. Lee mentored many, including myself. She and I share the same birthday. I'm so hopeful you will approve the renaming of the JFK Community Center to the Beatrice Lee Community Center; doing so will be a well earned and most deserving honor for Mrs. Lee.

Commissioner Philbrook said I want to tell you all that are here in support of Beatrice Lee that I really don't know her well, but I do know her and I've heard a lot about her before I was ever

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elected. She's a name in the community. You guys have an excellent representative. She always seems to speak up to issues that she sees. She's dedicated and has undying determination. I would not want her to run over me. I would not be a good—I wouldn't be able to stand up against her. There is just no way. She's got more energy than ten people. I have to tell you that I just really have to respect someone that has that kind of feeling for their community. So I want to thank you for coming forward to speak today.

Robert Easterwood said I'm in support of Mrs. Lee getting—putting her name on building. It's been JFK for as long as I—you know since it's been in existence. I've frequented that building several times. Most of them are my friends and in teenage years and grade school, we all took part in the activities. She always made sure that there were things to be done during the summer. She kept us out of a lot of trouble. In fact I was a good friend with Dayton and Davey and I, her son; we were riding around one night and he said let's go down to 1st Street. We said what's down there. You know it was a carload of us and I think it was a Friday. He said well my mom's having a—you know she's getting something together. We were trying to decide where we wanted to go. We really didn't know where but he said the magic words. He said there's food. That's where we went. She knew how to reel us in no matter how old we were and she kept us on track. As the gentleman stated, she was a good mentor, she had a lot of good information to give you and I'm in support of the building being named after her.

Carolyn Wyatt, 359 Troup, said most of you know me and I'm in support of the renaming of the John F. Kennedy Recreation Center to the Beatrice Lee Community Center. I knew Beatrice Lee when, like they said down on 1st St., Water St., whatever it was. I used to go down there and they had ping pong and a lot of different things like that. I think it also went to Douglas but when it went to JFK, a lot of kids went there and it was always plenty of kids there, plenty of things to do and I remember some of the famous basketball players, that's how they got their start by going to John F. Kennedy playing basketball. There were a lot of things for kids. It kept them out of trouble and it was something to do. You know parents didn't have to worry about them. Mrs. Lee was there. I've been knowing Mrs. Lee a long time. I've even went over and talked to her several times. I support that. I support Mrs. Lee. I support John F. Kennedy. I

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support the Beatrice Lee Community Center and I hope you do too because we're saving kids, we're saving lives so we should all support that.

Eleanora Jefferson, Kansas City, KS, said to the taxpayers, people who've come up and spoken and worked collaboratively on this project, I thank you very much. We wouldn't be here tonight if it were not for your efforts. Thank you so much. I also want to thank Commissioner Johnson for listening and for taking this on as a heartfelt endeavor. I appreciate it very much Commissioner Johnson. Lastly, I would like to thank Mr. Joe Connor, Assistant County Administrator, for your guidance, your patience and helping us get the package and get to this point. Thank you very much.

Of all the criteria set forth in the Unified Government's policy for renaming Unified Government owned buildings and parks, all of that criteria is satisfied. The policy states, renaming by city buildings and parks is a powerful way to preserve local history and express community ideas and values. Mrs. Lee is considered an icon within the traditional boundaries of northeast Kansas City, Kansas because of her long-time unwavering support and advocacy for youth, family growth and well-being. She utilized the recreation programs and social activities that were held at JFK to build the attendees' social, emotional and academic prowess, enabling them to live fuller and satisfying lives. Mrs. Lee's name evokes respect, terms of endearment and tribute because she embodies the community ideas and values.

Renaming JFK to the Beatrice L. Lee Community Center will have historic, cultural and social significance for generations to come. With her named ascribed thereon, the center will be well positioned to have an enduring importance to the community at large because her name denotes those standards that the great majority of all parents regardless to race, color, creed, socioeconomic status or address wants for their children and for themselves.

The Renaming Committee found no area where the renaming of JFK to the Beatrice L. Lee Community Center violated policy. All applicable criteria were satisfied. The Renaming Committee followed the procedures set forth as guidelines. Having satisfied all the requirements stated in the policy, the renaming committee asks for your vote in support of the renaming of the JFK Community Center to the Beatrice L. Lee Community Center, sincerely and on behalf of the Beatrice L. Lee Community Center Renaming Committee.

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Acting Chairman Murguia asked is there anyone else that'd like to speak in regards to this topic. Does anyone on the committee have anything they would like to add or any questions or concerns? **Commissioner Johnson** said, Commissioner Murguia, I would like to acknowledge her children. I know that I met one of her daughters. I think her son—would you all just please stand so that we'll know who you are, they are here as well. For the record, I just wanted to acknowledge these letters of support from Strugglers Hill, Douglass–Sumner Neighborhood Association, Turtle Hill, Historic Northeast East Midtown Association, PRIDE, London Heights and the Downtown Shareholders. With that, I would like to move that it be approved.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve.**

Commissioner Johnson asked can we have a showing of who all is here in support of that if you don't mind Commissioner Murguia. **Acting Chairman Murguia** said go ahead. All of you that are in support of this, could you please stand. (28 people stood in support)

Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Murguia.

Acting Chairman Murguia said we now have a new named community center. Congratulations! Very good! As they say, it just takes a small group of committed citizens to make major things happen and you did one tonight so congrats to yourselves too.

Item No. 2 – 171009... GRANT: LEAD-BASED PAINT HAZARD CONTROL - SOAR

Synopsis: Request authorization to submit a \$1.5M grant application for the HUD Lead-Based Paint Hazard Control Grant, submitted by Wilba Miller, Community Development Director. The 10% required match would be paid from CDBG funds. The UG would also request an additional \$150,000 in Healthy Homes Supplemental Grant funds. The grant period is for 36 months with three 12-month budget periods. *It is requested that this item be fast tracked to the March 23, 2017 full commission meeting.*

Wilba Miller, Community Development Director, said the Community Development Department in partnership with the Health Department are pursuing a Lead-Based Paint Grant

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abatement. That's technically not the name of it, but that's together as partners. The maximum as a first-time applicant we can get is \$1.5M. It would come with an additional \$150,000 in Healthy Homes Supplemental funds. We would have to match 10% of the 1.5, which is \$150,000, and we can do that through in-kind staff under CDBG. That's very good. I want to thank Terri Garrison of the Health Department and her staff person Kerri Neal plus Stephanie Moore of my staff. Stephanie has been the lead. She's been pulling us hard through to this process. We've never applied for something this complicated. I mean it's very, very complicated but we hope to get the money to do testing and remediation of houses in a targeted area. Our grant is due Thursday. We're still writing today and tomorrow. We wanted to come to the standing committee, give you an update and ask that you fast track it through Thursday.

Action: Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve and fast track to Thursday's meeting. Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Murguia.

Item No. 3 – 171008... DISCUSSION: TOPICS FOR COMMUNITY DEVELOPMENT PUBLIC HEARING

Synopsis: Discussion on topics to be presented at the upcoming Community Development public hearing, submitted by Wilba Miller, Community Development Director. *Public hearing scheduled for the April 6, 2017 full commission meeting.*

Wilba Miller, Community Development Director, said normally we would have this combined with the Unified Government but back in February when the Unified Government had their public hearing, we had no information about what kind of funding we were going to get for fiscal year 2017. We still do not know but we need to start the process. We're coming to you tonight saying we're going to have the public hearing, tell people what we received last year, ask for their input so that we can start developing the budget. Several of the items that we talk about tonight in a later item will be used to help after you give us guidance.

The other thing is while we're doing our grant application for this year, we need to revise our Five-Year Plan. HUD is requiring us to revise it, first of all because we adopted that Fair Housing Assessment. As you may know, we may or may not have to follow that assessment

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based on what's going on in Washington, DC but we're going to stand that we are. It's a Five-Year Fair Housing Assessment. We need to revisit it in our Five-Year Plan and put it in there as part of it.

The second thing is tonight at the public hearing we would say whether or not we were doing the CDBG application process in order to receive funding for particular projects. Last year you did a limited amount. You had each public service activity reapply plus we had around \$300,000 that we used for projects. I don't know that I would recommend doing that this year. Last year we thought we were going to have money left over from the sale of the hotel, as you remember, but we determined that we're going to continue to pay payments until it's paid out in 2019. We just don't have that flexibility right now. I'm asking the standing committee for guidance as well as taking this to the public/public hearing to get the public's guidance on that too.

The third thing was once we do apply for this Lead-Based Paint Grant, we're going to pretend that we're going to get this grant and we're going to put it in our Five-Year Plan because it's a three year grant and so everything would be covered. If we don't, okay we don't get it, but we're hoping that we do get it. Everybody is pretty excited about it. Our Five-Year Plan would include that fair housing; it would include the Lead-Based Paint Grant Application and then the development of a Neighborhood Revitalization Strategy Area.

HUD has continually told us that if we would designate areas like this that we could get benefit. One of the benefits would be flexibility in building housing, for instance. They've come to the table and said if you set up this area and you give us a plan, it's a Five-Year Plan about how you're going to spend money in that area, maybe you can aggregate so that not every household has to be low mod but only 51% of the households have to be low mod.

We're working with the Planning Department, Melissa, Rob Richardson and the KU Planning students to develop a plan. We've given them housing data, we've given them all kinds of data so that they can kind of bring together—this is a good area. It cannot be a totally dead area. It has to be an area that we can make a difference. Maybe it's on the edge and it just needs five years of attention to bring it back to a thriving area. During the budget process, as we go through this public hearing and we mention these, things are going to come back to the standing committee as we find out information and we'll just be updating as we go along through the

budget process. By the time that you do adopt the Annual Plan and the new Revised Five-Year, you'll have those things as part of the document.

Acting Chairman Murguia said this item does not require any formal action but I do want to open it up to my fellow commissioners if you have any questions, comments or concerns.

Commissioner Bynum said on the discussion of topics to be presented at the upcoming public hearing, I think you've given us Fair Housing, Lead-Based Paint Grant and Neighborhood Revitalization Strategy Area and you're suggesting to us that those three be a part of the public hearing conversation. **Ms. Miller** said right. It would be the Annual Plan and then the Five-Year Revised Plan to include those three items and then I am asking that you—I said fast track but I guess it doesn't have to fast track to April 6th. **Stephanie Moore, Community Development**, said it's still online. We were trying to fast track the Lead-Based Paint Grant. **Ms. Miller** said I kept saying fast track. I apologize. **Commissioner Bynum** said so we fast tracked the Lead-Based Paint to the Thursday night commission meeting with the vote and this piece is just basically getting our agreement or consensus that these would be items at the public hearing. **Ms. Miller** said the public hearing, right. **Commissioner Bynum** said alright, that's great. Thank you. That's all I needed. **Commissioner Philbrook** said so we need to go ahead and recommend that that be fast tracked. **Acting Chairman Murguia** said, Joe, we don't need to fast track hers do we. **Commissioner Philbrook** said no just on the lead-based. **Ms. Miller** said no, that was the first item. This was the second one. I'm sorry. I got confused. I've got too many items.

Joe Connor, Assistant County Administrator; said commissioners, we're trying to set a framework for the April 6th CDBG public hearing and so these are the things—this is the framework or the outline they would like to have at the meeting and so I think that if you're okay with this, this is just the consensus and out of the head and then we'll move on and April 6th will be the formal hearing. **Acting Chairman Murguia** said our clerk has been trying to tell me something. **Tifani Portley Lott, Administrative Support Specialist**; said we need to vote for this one, not the next one. This is to set the public hearing. **Acting Chairman Murguia** said but this specifically says this item does not require any formal action for this committee. **Ms.**

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Portley Lott asked is it for the fourth one. **Acting Chairman Murguia** said no, we're on three, four will. That's correct right. Three we don't do anything, four—**Commissioner Philbrook** said no, that's reversed on this. On this it says fast tracked for full commission meeting, I guess for the hearing. On this next one, it says for information only. **Ms. Miller** said yes, the agenda here is wrong. This is Item No. 3, the public hearing. I do need you to set the public hearing. **Acting Chairman Murguia** said well, my cheat sheet doesn't say that Wilba. **Ms. Miller** said I didn't put your cheat sheet together.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve and fast track for the April 6 public hearing.** Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane Bynum, Murguia.

Item No. 4 – 171010... UPDATE: COMMUNITY DEVELOPMENT ACTIVITIES

Synopsis: Update on Community Development activities, submitted by Wilba Miller, Community Development Director.

Acting Chairman Murguia said Wilba is still here. Just for clarity, this does not require any action. **Wilba Miller, Community Development Director,** said right. This is an update of information. I'll just start with we wanted to talk to the standing committee about the fact that you know fiscal year 17 has not been approved yet. There is a continuing resolution to the end of April and we expect to hear something hopefully before then but at least by then. We're a little alarmed at everything that we've been hearing about fiscal year 18 so I brought it up. I've talked to my staff about it. Everybody is just taking a deep breath and working our way through these budgets. I mean this is not the first time that they've talked about eliminating the Block Grant in the whole years that I've been there, this is just one of them. There was at one time when they talked about eliminating the whole department so I mean it's hard not to worry. I just wanted to bring it up so Commission understands that we are in the process of being part of the coalitions and letters that go to all of the senators and representatives and we belong to the National Community Development Association. They have people working from the grassroots

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up. National League of Cities has supported like 650 cities are writing letters. It's not just us. It's states and local governments that are fighting this battle. I just wanted to let you know that.

Based on allocations and how we spend our money, we thought it was important that we talk about things like the application process, which I mentioned at the last item, whether or not we should do it or not. Two, the expenditure of funds; I gave you all an updated list of things where they are. You should have as part of your packet that you had requested before. We don't want to start working on the budget until we have our public hearing. I also brought up things that we have talked about in the past like transferring demo to the general fund, decreasing funding from Livable Neighborhoods because they are not using the same annual allocation all of the time and possibly the last year of funding for Doing Real Work. These are items that you all asked me to bring to you and update you on. I'm willing to answer and questions.

Commissioner Philbrook said I personally would like to see Doing Real Work moved over to the part of our Judicial System and them integrating that into their program themselves and go into their budget. I've already said something to our new District Attorney about that. I haven't gone any further than that, but I have mentioned it to him and I told him I would give him the information and a contact.

Commissioner Johnson said I would agree with that statement there by Commissioner Philbrook. When I have looked at just portions of this proposed 2018 budget and the notion that the CDBG may be cut, the explanation is that the states and the local municipalities are better equipped, I suppose, to handle that. For the record can you tell me how we are better equipped and what we will do if those funds are eliminated. **Ms. Miller** said I have had some small discussions with the Administrator's Office about recommendations on some of those kinds of things. If HOME is eliminated, it's the smaller of the two. That is direct like down payment assistance to home buyers. That is our CHWC's funding, our Mount Carmel's funding, any Habitat funding. Those are directly housing related activities. So you're affecting housing and potential home buyers for our community. I think we did approximately 20 CHIP down payment assistance loans last year. We think there are going to be years where people aren't going to be interested and then we get slammed and then the money's gone all of a sudden. When you get

into Community Development, whether or not it's eliminated or not, it goes back to Commissioner McKiernan, several years ago who says what are you going to pay for out of General Funds if CD's not around. You know, that's the Commission's decision and I would think that things like demolition would still be around. I would think that things like Willa Gill would still be around, totally your decision.

Commissioner Johnson said when I saw, and I read that comment, I started thinking along those lines and I'm thinking, well that means that something if we were to keep everything something else would have to be cut. **Ms. Miller** said plus it's important also to know that even though you look at one year at our funding; we're never just working on one year of our funding. We're always working on several years of our funding for each one of those grants so we may have two or three years of Emergency Solution Grant Contracts open at one time. We may have two or three housing development things going on you know on the HOME Program. On CDBG we're working on two housing developments that were funded two or three years ago. It's not like this great big staff cost is going for just that one particular year. It's for a number of projects over several years that are still open and going and things are occurring. **Commissioner Johnson** said well thank you. I just wanted to get some dialogue on that.

Ms. Miller said one of the things that I think is important, I've only brought this up a couple of times, but one of my staff members went to basically CDBG and these activities on this side of the page and this side of the page are all the eligible activities that can be done under CDBG and you look at what we do as our community and then you look at somebody like New York City or Kansas City, MO; there was an article about what they would lose and how they would lose it. They do different things than we do. This would be very hurtful even to our community with the small things that we do, the home repairs that we help. I know those are not always fascinating communities but it really helps a lot of people.

Commissioner Bynum asked are you looking to us for perhaps reinforcement of holding on an application process. **Ms. Miller** said yes. Well, I was actually going to ask for that, but I didn't make it an action item tonight; but I think I will be coming to you in April and saying okay now

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we may know more, do you want to do an application process. Like I said if you wanted my opinion tonight, I'd kind of hold off on it until I knew something. **Commissioner Bynum** said right and I agree.

Acting Chairman Murguia said, Joe, is this a topic that we—since it's brought here to the agenda, does the public have the chance to comment now? **Mr. Connor** said I think this would be a time to do that, yes. **Acting Chairman Murguia** said if anybody from the public is here that would like to speak in regards to this topic; if you could please come forward.

Crystal Watson, Harlem Black Chamber of Commerce, said I just wanted to make a comment off of the statement that was made by Commissioner Philbrook regarding Doing Real Work and moving those funds from Community Development into the judicial system or judicial funding. Is that what I heard you say? **Commissioner Philbrook** said I proposed that the judicial funding take this particular program over and they integrate that in there. I've heard good things back that they're happy with how that's working and they would like to continue on and so I suggested that they should be putting that in their funding stream. **Ms. Watson** said I only wanted them to make comment that if those funds are transferred—**Commissioner Philbrook** said not transferred. **Ms. Watson** said well, however; it works. Please excuse me if I don't use the appropriate content for what I'm trying to express to you. **Commissioner Philbrook** said that's okay but it's not transferred. **Ms. Watson** said what I'm trying to express is that if they lose the funding under Community Development just to ensure that the Judicial Department does include the funding just so that they don't lose it. That's just what I want to make a point of. The work that they're doing, yes ma'am. **Ms. Miller** said I think this was considered their last year of funding. **Commissioner Philbrook** said yes, I thought this was their last year too. That's why I wanted them to be transferred over to them. This is their last year to get money from us in the way they've been getting money. **Ms. Watson** said but if you have the application process, will they be able to—**Commissioner Philbrook** said they can't reup, I don't believe. **Ms. Miller** said the standing committee said that three years for them a couple of years ago. **Ms. Watson** said well thank you for that clarification.

Acting Chairman Murguia asked is there anyone else that would like to speak on this topic. (there were none.)

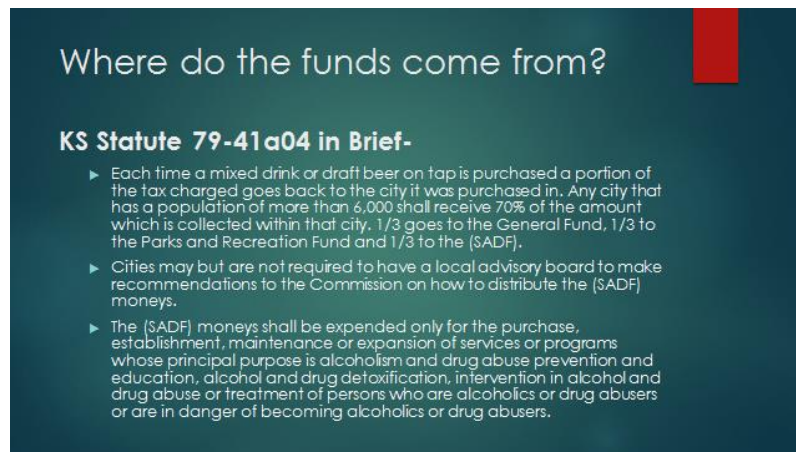
Action: *For information only.*

Item No. 5 – 16881... ANALYSIS: ALCOHOL AND DRUG FUND USE

Synopsis: Analysis of the use and distribution of Special Alcohol and Drug Funds, submitted by Gordon Criswell, Assistant County Administrator. This item was previously presented to the Administration and Human Services Standing Committee on November 28, 2016. The committee requested that this item be moved to the March 2017 meeting to allow for a deeper review of the program's use of funds.

Gordon Criswell, Assistant County Administrator, said first a correction, the PowerPoint you have in front of you was not included in your packet at least it wasn't included in mine. Phil Lockman from Community Corrections who authored the PowerPoint that you have in front of you is going to take you through it.

Just by way of history, we came before this standing committee back in November 2016 with some recommendations about the future use of Special Alcohol and Drug Funds that you all wanted us to take a look at. As a result of that November meeting, you asked staff to come back with a more deeper dive, a deeper analysis of how we use the funds and what we use them for. Some of the partners who've been receiving the funds. Phil will take you through that PowerPoint and at the end we'll have some recommendations for you all to consider.



Phil Lockman, Director of Community Corrections, said the Alcohol Tax dollars are a direct stream coming from the Kansas statute that creates a tax on every mixed drink, beer, draft beer drawn. That money is collected at the state and redispersed. 1/3 goes to, this is only in cities of 6,000 population and over, but 1/3 of it goes to the General Fund. 1/3 goes to Parks and Recreation and 1/3 to the Special Alcohol Drug Fund which the monies may be expended only for the purchase establishment, maintenance and expansion of services or programs whose principal purpose is alcoholism, drug abuse prevention and education, alcohol drug detoxification, intervention and alcohol drug abuse or treatment of persons who are alcoholics or drug abusers or in danger of becoming alcoholics or drug abusers and that's that 1/3 that I'm talking about.

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Historical Local Budget Distribution-

Fund	2013	2014	2015	2016	2017
City General Fund	503,277	529,646	571,121	575,000	584,000
Special Parks & Rec	503,277	529,646	571,121	575,000	584,000
Alcohol Fund (SADF)	503,277	529,646	571,121	575,000	584,000
Total	1,509,831	1,588,938	1,713,363	1,725,000	1,752,000
(SADF) Allocations	2013	2014	2015	2016	2017
Community Corrections	209,353	246,791	324,416	335,380	335,380
Associated Youth Services (AYS), St Francis	108,544	133,967	127,536	127,536	63,768*
Friends of Yates (FOY)	89,856	90,572	70,916	73,474	0***
Mirror Inc.	0	23,961	51,048	48,490	24,245*
Alcohol Safety Project	51,100	0	0	0	0

* Funded for 6 months due to delayed RFP ** (FOY) Declined funding for 2017

Historically, there's over 2013 – 2017, that's the revenue coming in and during that time, the people, the organizations that have received funding out of that 1/3 part of the monies were primarily Community Corrections, which we use it for our drug courts, DUI supervision and drug diversion caseloads. Associated Youth Services, which was providing drug and alcohol treatment for youth. Friends of Yates, which was providing substance abuse treatment to individuals that are in their shelter and education. Mirror Inc. since 2014 has been receiving money and they use their money for adult peer mentors, which is a process to get an adult probably has gone through the cycle of drug and alcohol abuse and comes back and works with an individual. They are actually paying their staff I think that are past users that are counselors to be their peers. The Alcohol Safety Project in 2013 received a one-time amount there.

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Current Process for Distribution of (SADF) Dollars-

- An RFP is issued yearly and the Advisory Board reviews the applications and makes recommendations to the Unified Board of Commissioners for approval of contracts. Due to this current review, the original RFP for 2017 was withdrawn and each of the three externally funded programs were six month extensions at 50% of their total 2016 allocation. Friends of Yates declined the extension.

Agency	Primary Use	Secondary	Tertiary	# Served in 2016	Per Unit Cost
Friends of Yates (FOY)	SA Treatment for victims of abuse			349	\$210
Associated Youth Services (AYS), St Francis	SA Treatment for Youth	Prevention Services for Youth		85	\$1,500
Mirror Inc.	Adult Peer Monitoring			100	\$454
Community Corrections	Adult Alcohol/Drug Court Program	Adult Felony	Adult Drug Diversion	165	\$2,032*

* This includes, treatment, aftercare, case management, medication, halfway house support and defense expenses.

The primary use here, you know the process has been that a RFP was issued through the Public Safety Business Office that went out. As you can see over the years, it has been pretty stagnant as far as who's been involved as far as receiving the funds. Going there on that chart you can see the Friends of Yates. I took the primary use, secondary and tertiary as far as which one was receiving the primary funds and then the secondary funds and also a per unit cost. Some of these costs are a little fuzzy because I think some of the documentation it's really tough to tell whether people are really receiving services and to what extent. There's not really a lot of good accounting on the end product to really run that down. The costs you see up there are probably the best that we could get right now at this point. You'll notice that the Community Corrections is a higher per unit cost of that \$2,032. The explanation for that is that is in the state of Kansas the average for supervising adults is about \$2,040 per individual; which sounds like a lot of money but when you compare it to the \$65,000 a year for someone to be in prison, that's what makes it a little more cost effective. Also, from the Community Corrections, we're providing case management as in the probation officer but we're also paying for the drug treatment, the outpatient, surveillance, medications, halfway house and Oxford House. We sometimes pay the first month, month and a half for an individual to get them on their feet and that kind of thing. That's what drives that cost up a little higher. It's kind of the big picture.

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B e h a v i o r a l O u t c o m e s	Agency	Measure	2014	2015	2016
	Friends of Yates (FOY)	90% of youth will report decrease in use of substances at completion	N/A	105, yes	15, yes
		80% of participants will increase understanding of relapse prevention.	280, Yes	178, No	212, Yes
	Associated Youth Services (AYS), St Francis	During Treatment 75% of youth will test negative for drug use.	N/A	63.75%	60%
		Increase # of participants who test negative for drugs from 63% to 84%	69%	N/A	N/A
	Mirror Inc.	Successful discharges will increase to 65%	61%	70%	29%
		Increase successful discharge from TX by 50% to 70 annually.	61	70	54
	Community Corrections	Successful discharges will be 70% or higher.	68.6%	69.6%	64.8%
		Increase the rate of employment of offenders by 3% yearly.	35%	41%	38.5%

Next, there are some behavioral outcomes. In the applications it was really pretty tough to discern because, and this isn't bashing on anyone in that including my organization, but it's really tough to come up for good behavioral outcomes with people. A lot of times what you see are outputs that people put in there. Instead of two sessions we'll do three sessions, that kind of thing instead of what actually happened to the person on the end because it's really tough to define that and also very tough to track it and do long-term analysis on. They're kind of all over the place. I will show like on the Community Corrections an example there is that successful discharges will be 70% or higher. We've been kind of right in there, 68.6%, 69.6%, 64.8%.

Something like that, just like for the other providers, it's tough because we're not in control of whether someone violates their probation, whether the District Attorney wants to go through with it, whether the judge decides to do it. There are a lot of multiple factors that impact that decision process. The positive part of that though, I will tell you that I've been here, this will be my thirty-second year, but prior to about ten years ago our revocation rate was 70% until we made changes and moved towards evidence-based processes and how we do it. I'm better organized and worked on these types of providing the kinds of services I've talked about to offenders. We've completely flipped that around. **Commissioner Murguia** said Community Corrections' revocation rate was 70%. **Mr. Lockman** said it was 65% and a lot of that was just because of the way the system was driven. There wasn't a lot of money put into the resources and the local community weren't given that money to provide those services. That was statewide. Now, the average is a little better than us, probably, I want to say about 71%, 70% on that.

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A Look to the Future

- ▶ Funds should be targeted towards youth and their families in our community that have identifiable risks that make it likely that they could have or develop substance abuse issues and be at risk to enter the local criminal justice system.
- ▶ Family-based approaches to treating adolescent substance abuse highlight the need to engage the family, including parents, siblings, and sometimes peers, in the adolescent's treatment.
- ▶ Drawing on the energy of the new Youth Services Center that is being planned and utilizing current programming within the Dept. of Community Corrections, will help maximize the effectiveness of the interventions.
- ▶ Referrals would come from Churches, Schools, Law Enforcement, Corrections, Courts, Parents, Intake and Assessment and the Service Providers.
- ▶ An RFP would be initiated to get a schedule of 2 to 3 local providers of the evaluation, inpatient and outpatient services.
- ▶ A voucher based system would be used to pay for evaluation and treatment that is paid on a per service basis.

When I was asked to do this, I kind of looked at it. We've really made a big shift in what we're doing. Like our probation officers now; we're certified, we're providing strengthening families, parenting education groups, occupational workforce development, aggression replacement therapy, a lot of things going out there. Cognitive behavioral, the things that are shown to work and help reduce. That's part of the reason why we've seen a great improvement of going to a 70% success rate than where we were both in adult and juveniles.

When I looked at these, the way things were done, to me it seems a little untargeted, unfocused and I think when you look at best practices and what you're doing with youth and kids, the best thing is to take a family-based approach, which really hasn't been done, the research now is coming around on it. Drug treatment traditionally you know the individual kid or the adult doing their own thing and really where SAMHSA (Substance Abuse and Mental Health Services Administration) NIDA (National Institute on Drug Abuse) and I have a ton of things on that, but they talk about behavioral and basically and you're providing your working family therapy drug treatment. You work with the kid and the parents because the kid has to live with the parents and the parents have to live with the kid and part of it is the dynamics in the house makes things worse or it can make it better. That's what things like multi systemic therapy, functional family therapy, there are a lot of other short-term behavioral interventions but focusing on the family.

In looking at it is to—the other thing is to kind of push it out to kids that are not in the system yet but are right on the cusp of it and their families because sometimes it's the kid has an

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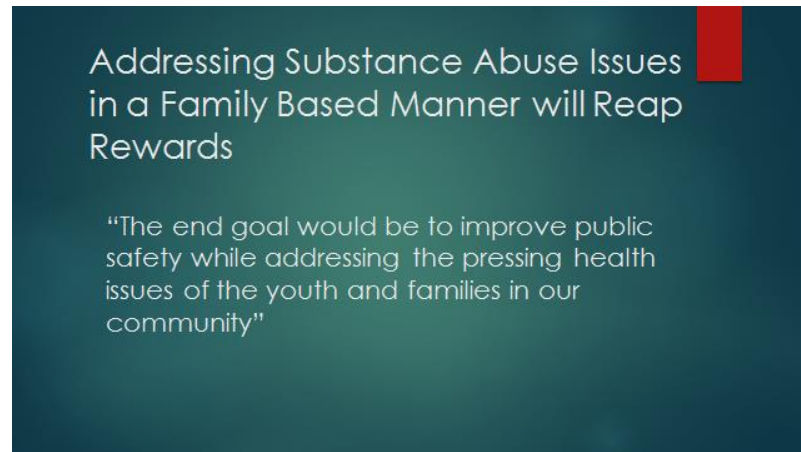
issue or crisis whether it's school, maybe they come into intake assessment. Maybe they're a child in need of care but it's the parents' issues with drug and alcohol that are involved too. That is what I would propose is to look at those parents and those kids' needs together and sometimes those are two separate tracts, you're doing two different things but if possible bring them together and deal with them in a substantive manner including sometimes their siblings, their friends. Kids don't live in isolation, just like everyone else in the community. It ripples out and impacts everyone. Those people all have impact on that child staying sober or not. One of the things with youth that's very tough is that generally and most adults don't just use, use, use and stop. That's very rare in adults, it happens but with youth, it's almost never that way. They use, they go along, they don't use, they abuse, they drop down, they don't use, they use and at the end of the day you can't really substantively sit back and say this child is an addict. Sometimes they won't use and at 30 they can turn into a raging alcoholic or an addict. You need to look at it as a process that child and family are going through, that you try to intervene as early as possible and address the issues, but don't think it's the end of the world because that's the frustrating thing with our—if anyone has your own kids, you know that. It's a frustrating process with kids because odds are they're probably not going to do the right thing the first time on a lot of things.

In drawing on the energy of the new youth services center that's being planned is looking at that as more of a provider of services out to families in crisis as opposed-in addition to those kids that are in the system. I sit back and I look at the two biggest cost centers we have, at least on the County side is the Adult Detention Center and the Juvenile Detention Center. Money is targeted to help reduce that not only is good for the community, but it's also good for the budget because then you can use those funds that you were using to lock up people for other things and add in on that.

You know I kind of envisioned referrals coming from a lot of different places, churches, schools, the service providers themselves, probation officers, juvenile intake and assessment and police officers on the street. Police officers a lot of times, you know you don't hear it, but they go to a lot of houses and nobody gets arrested. They show up for disturbances and maybe if something's there that they see they can say, hey, here's a number, here's a place to go to and maybe they can help you. The same with churches, you have a family that's in crisis or maybe—you know the thing is you don't want to make this prevention, primary prevention, hey

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everybody out there we're just going to do it. You have to have some identified risks factors and make it definitely evidence-based and who you're targeting and focusing.



The concept would still involve the money going out to the community. You do an RFP, out for probably two, at the most three, providers to provide primary and secondary drug and alcohol treatment for kids and their parents. **Commissioner Bynum** said I just have a question on that. On that point, why would you limit it to two or three local providers? **Mr. Lockman** said you know and that's just my gut feeling. What I'm thinking on that is that the money would be spread so thin that your costs would go up. You know and I think the more—**Commissioner Bynum** said I'm not aware of how many licensed providers that we have but I bet it's more than two or three. **Mr. Lockman** said oh sure. Right now we've got the three external providers that are getting the money. When I say two to three, I'm not saying it as in I want to limit and control it. My main concern is that we need to have—if one drug and alcohol provider fails, which happens a lot, that you've got some other options. My question is that if I had seven or eight vendors getting this limited amount of money, they may not be interested. It's more of a capacity issue and serving but basically you would do that. If you could have four or five, if that worked out, that would be great, but the main thing is you need more than one. Yes, but that's more of what I was thinking is from their business management model, that may not—so it would be a kid or youth could show up and you'd have kind of like a voucher-like program. Once a kid met a criteria of that being high risk and these other issues, you can say here show

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up here, get an evaluation, we'll pay for it; treatment and the same thing. You're paying on a use basis instead of a bulk transfer of money to a provider where you don't have any cost control.

Commissioner Philbrook said I want to follow-up on her and your comments a little bit. So a voucher, that voucher would allow for a certain amount for evaluation, whomever they went to that was registered and licensed to do this type of work, right? **Mr. Lockman** said well it would be that you would have to have a contract because—**Commissioner Philbrook** said well no, I understand. **Mr. Lockman** said technically money's being transferred from the Unified Government to a provider. **Commissioner Philbrook** said I know they would have to sign off on a contract all that, but the gurus take care of that. I really don't want us to pick two or three. I think that people have a right to go to the professional they want to go to. I don't want to tell them where to go, alright. That's coming from an eye doctor that doesn't want people to be told where to go.

The other thing is that then after the evaluation, it would be determined how much money that you would allot to be put forth on this individual to carry on with care. **Mr. Lockman** said the contract would establish that because that would be set ahead as primary outpatient or aftercare or those kinds of things. It would all be uniform for all providers and that way—like I said the details on that stuff, you know there's a lot of different ways to understand it and all—**Commissioner Philbrook** said if you're going to go ahead and make that straight across the board, everybody gets paid the same, then I'm not worried about how many people get to help people because we have X number of dollars anyway and that's all we have. **Mr. Lockman** said I kind of see this as kind of like a request for qualifications proposal. I think this is a partnership. I think that we need to identify as many providers as possible if this comes to fruition, bring them in, say hey, this is what we think. Is there something wrong? This or whatever and then work out that stuff and kind of create the RFP with those individuals that are qualified, that met the minimum qualifications and have that dialogue because this is a big check. **Commissioner Philbrook** said the other thing is you're not going to have people coming forward who want to work on this that don't want a little bit of money. You know if they're not into it, they're not going to bother jumping on board and doing any of that work. I think they will weed themselves out on their own.

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Commissioner Johnson said is that what's happened with Friends of Yates? I noticed that they were declined funding for 2017. **Mr. Lockman** said well when this process I think was originally the Health & Human Service Committee like in September, October, this question had come up and then it was decided that they were getting ready to issue the RFP for the new alcohol drug session starting January 1st. They were running out of time. The decision was made to contact everyone receiving money now and say we want to extend through June 30th, give you 50% of what you got the year before and Friends of Yates declined. They said it was—my understanding was that it was their management structure, how they looked at it, they just didn't want to be involved in it. **Commissioner Johnson** said okay, very good.

Acting Chairman Murguia asked if there were any more questions. **Mr. Criswell** said just one other comment, Commissioner. As you all know you've approved and we've completed our Juvenile Detention Study and we're in the process of putting together a committee to actually plan our new juvenile detention facility and the Administrator's asked—well directed Phil to be part of that committee. As we start to think about what the fiscal plan of our new juvenile facility will look like, with the understanding of a longer-termed view of how we can use a family-based model to provide services to people who come in contact with juvenile corrections or the law. We're trying to think about the use of these funds in a longer term at the same time knowing we have providers who are providing services now and I just wanted to put that out there because we are thinking about when you walk into our new juvenile facility, what sort of wraparound services might a family be able to walk out with in addition to family centered therapy and other kinds of cognitive approaches but just—we're thinking about what that looks like as we think about how to design our new juvenile facility. **Mr. Lockman** said you know and that's where we've gone already with our probation officers. Like I said, training them to be parenting in education for the strengthening of families. This month for the first time, our whole class are not juvenile offender kids or their parents, but their parents who had identified issues that had concerns out in the community and we're doing a special eight week session with this now because that's part of it. We've got to reach out and do some things.

One thing I will add before I leave, I don't know, I'd have Dan stand, just to introduce you. This is Dan Rasmussen; he's our new Administrator of Programs for Community Corrections, but he's also a licensed clinical addiction counselor and a certified clinical mental

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The map is on the screen this evening. It's kind of a hard list to develop. There is not a good comprehensive list that we could find. I know that when we talked about this in the agenda review meeting that we know this list isn't complete yet. That's part of the process, actually getting a good list of the pantries and where they might be.

Just to note that within the zoning code, the churches have always been allowed to use and have church related activities, social services, food pantries and other things like that that probably wouldn't be subject to any regulation that we would come up with if we decided to regulate these. I know that you had a question about density of the food pantries and whether or not that should be regulated. I know the information isn't totally complete, but it's fairly good and we just want to seek your direction on where we would go with this.

Acting Chairman Murguia said I'm the one that asked for this and I'm the one that has some issues. I can only speak in regards to my district, which would be District 3. If there are other people here that are running food pantries in other areas of the city, frankly, I'll just be very blunt; I'm very concerned about what I've seen and witnessed that goes on in District 3. That's my only point of reference Rob. I guess the other commissioners will have to see how that fits with them or if it doesn't even fit with them. Right now, it looks like there is only one food pantry in District 3. That's not true at all. I can tell you that there are five within a mile of each other in Argentine. The first one is at the Franklin Center; the second one is up off Steele Road.

Originally the Catholic Charities bought the old dog food store off 18th Street and they converted it into what was supposed to be a distribution center, fabulous renovation, good cause, love it but then they stuck a food pantry sign in the front of the building also. Now just any day of the week, all week long, 365 days or however often they are open, you can just drive up and get food off the highway. Good in theory, but not necessarily good for traffic, not necessarily good for the residential property that surrounds it and we're not really sure who's being drawn to that site. There's just been a lot of concerns about that. Franklin Center, the Catholic Charities building up off of Steele Road. Harmon High School was running a program for a while and then there was a program ran out of our own community center and then a church was just setting up shop in the middle of Emerson Park and giving away food.

So let me tell you what happened. If you are just listening to this, you're probably saying what's her problem. It's a great thing people are eating; unless you live there and you go for a

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walk in the park and there's trash everywhere. People have taken ketchup packets, those little ones that you get at the store, put them on the ground and stepped on them and shot it everywhere or taken it and smashed it up against the gazebo and there's bags that one's put bagged lunches in them just thrown in the park all over the place. I mean an abundance of litter that took a 50-pound trash gallon bag, it filled one full one just on one particular day. What happens especially in that particular area, the houses are very close together and they're right upon parks. It's a very high density neighborhood and so that blows around and then that blows into people's yards, upon their porch, all over in their backyard and wherever else it might be.

Just so people are very clear. I think it's great that people want to help other people that don't have any food. I, myself, have gone above and beyond to help a number of families in particular in the Argentine Community obtain food and other kinds of things like healthcare. What I think is very disrespectful is to sought to create another problem in their attempt to solve a problem.

I've also seen the chase of money around this whole healthy food national initiative. A lot of grant money has become available for people that are offering healthy food options to people that are low-income. Everybody has administrative overhead that runs a church, runs a not-for-profit, so they apply for this grant money to help pay their bills and they end up having to give out food somehow and they just sort of do it. They don't engage the community. No one that was running the food pantry at the community center—I live there. I live a block or two from there. Nobody ever knocked on my door to tell me what was going on or who was having it or what was happening. No one ever came to the neighborhood group meetings and that particular area of our city, that neighborhood is incredibly organized. It has seven active neighborhood groups. They all meet on the same night. They meet for two hours. The first hour they meet individually for their little corner of the world and the last hour they all come together so that they can bring it together. They are very organized. Never once did one of those groups come to this neighborhood group meeting and talk to the people in the neighborhood and say how can we reach out and meet the needs of the people that don't have any food.

I don't know how to solve this problem. I just also know that what really finally sealed the deal for me is that last summer I was riding my bike down Metropolitan from 7th Street down towards the new Dollar General and the traffic jam from the Franklin Center went all the way to 18th St. backed up on the highway map and backlogged 18th St. Traffic was down to one lane on

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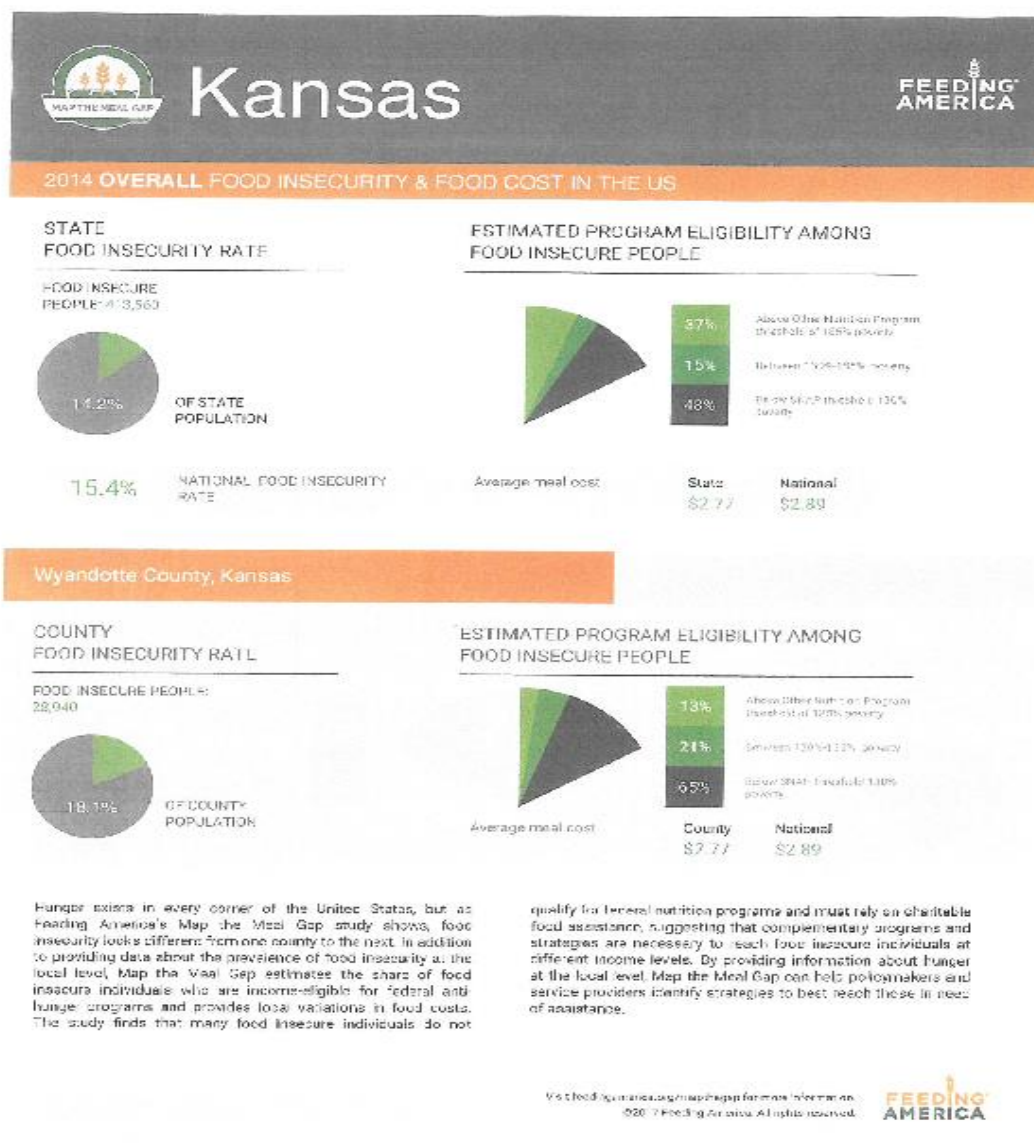
the highway because they were lined up coming into Argentine to the Franklin Center to pick up a box of food. I just think there's probably a better place to do that than backing up traffic on 18th St. The Franklin Center's whole mission is to kind of meet the needs of the local resident. If you're on 18th St. coming to get food at the Franklin Center, you're not from Argentine, you are from somewhere else in the city and the Franklin Center is not necessarily was it ever dedicated to be a regional or a citywide organization to provide food for people that need it.

Those are my concerns, public safety, trash and all those kinds of issues. I don't know what the solution is. I'm just laying the problem out and hopefully staff can bring stuff forward. Mike, did you have something? **Commissioner Kane** said well I think there are some people that are here that would like to talk about it and then I want to make a comment after that. **Commissioner Philbrook** said yes, there are some people here who would like to talk about it and probably bring information to us that we don't even know what's going on in the community as you say. As Rob said, we don't have a clue to how many places are doing the food pantry stuff. If you don't mind I'd like to call Beau to the stadium here. Come on up and talk to us Beau. You can tell them what's going on in the whole region in Kansas City as a whole.

Beau Heyen, Leawood, KS; said our office is in KCMO. I'm president and CEO of Episcopal Community Services, home of the Kansas City Community Kitchen but we also run the St. Paul's Neighborhood Pantry on 18th & Washington. I'm going to also defer my time to those that are here today. I just want to make one quick comment. There are groups organizing around the city to talk about this issue, about how do we make sure that we do not duplicate services and that we work together in streamlining our programs. Wyandotte County has met twice, the region here and there are several people in this room here that have attended those meetings and our next one is coming up. We're happy to share that information. It is public. They are public meetings. I know Commissioner Philbrook has been to one of those meetings in the past with the guys and making sure that we are doing this work together because only together can we end hunger in our community. Again, I really want to yield my time to the people that are here. To Beth Low-Smith from KC Healthy Kids and the Greater Kansas City Food Policy Coalition to speak on our behalf.

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Acting Chairman Murguia said just as a reminder, each speaker has three minutes. If you need more time just request that.



Wyandotte County, Kansas

COUNTY FOOD INSECURITY RATE

FOOD INSECURE PEOPLE: 22,940



18.1% OF COUNTY POPULATION

ESTIMATED PROGRAM ELIGIBILITY AMONG FOOD INSECURE PEOPLE

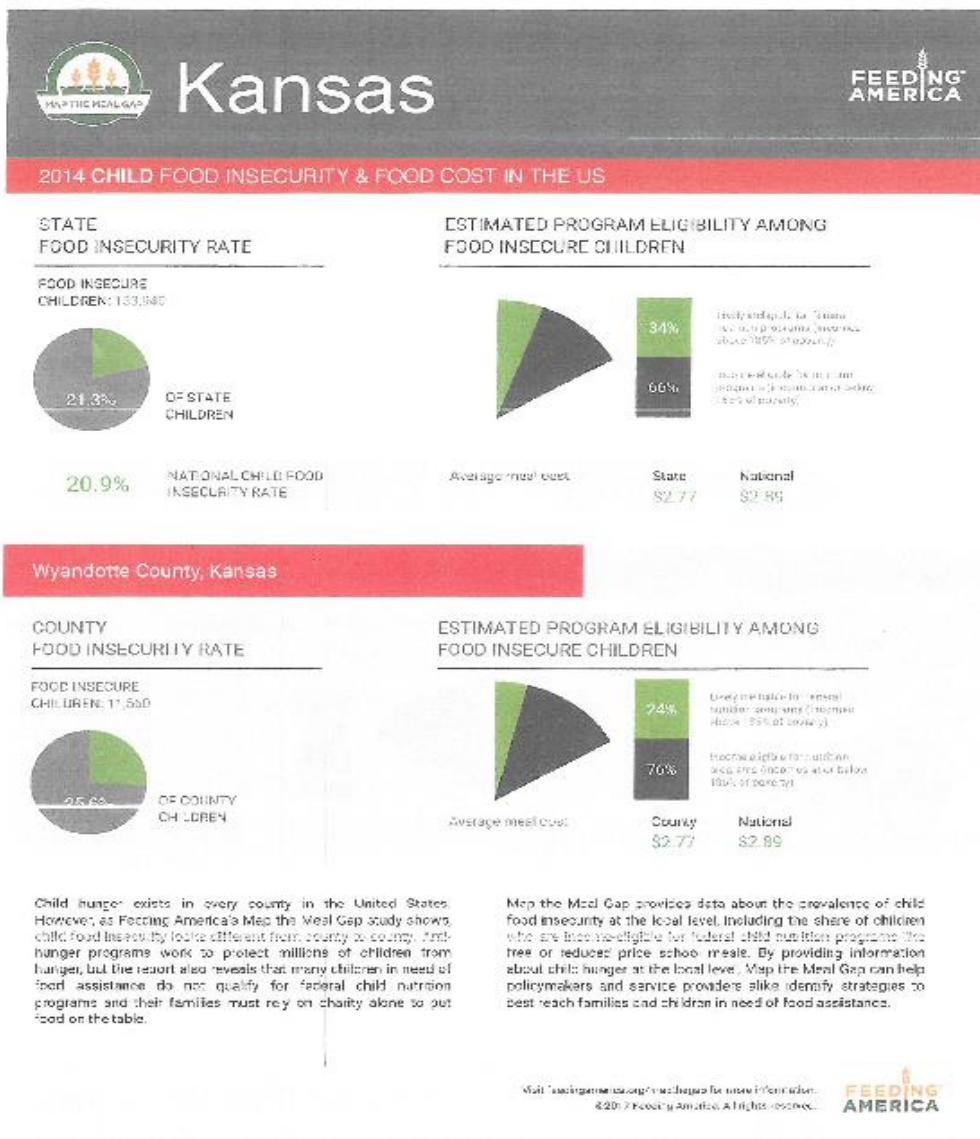


Category	Percentage
Above Other Nutrition Program threshold	13%
Between 125%-150% poverty	21%
Below SNAP threshold	66%

Average meal cost

Category	Cost
County	\$2.77
National	\$2.89

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Beth Low-Smith said I don't think I will need more time but if you want to give me more time after I've used the three minutes I'll happily— **Acting Chairman Murguia** said we'll see how it goes and I'll ask you then. As Beau said, I am the VP overseeing policy at KC Healthy Kids and the Director of the Greater Kansas City Group Policy Coalition. KC Healthy Kids is a non-profit agency. We're located just down the street here in KCK. We work with the community to ensure that all people can eat healthy food and remain physically active throughout their lives

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whether they're at home, at work, at school or at play. I am happy to be here with you tonight to have this discussion.

Food and security is a really big issue in Wyandotte County and I have just passed around a handout from Feeding America. It's one of the nation's leading sources of information on food and security. It tells you about adult overall food and security in Wyandotte County as well as child food and security. I am here with a lot of people who are working on this problem tonight. I'm not alone. If everybody who wants to raise their hand who's here with me on behalf of food pantries and food and security (18 people raised their hand). There are so many of us here because there are so many people in Wyandotte County who need our help; who need all of us to lean into solving the challenges that they face. Food and security is affecting 18% of Wyandotte County residents and 25% of its children. That's a huge percentage.

It's higher than state averages and pantries aim to help those who don't qualify for government food assistance. They do so with dozens of locations in Wyandotte County. About 68% of pantries in the state of Kansas are operated within religious organizations, within faith based groups. Most don't have paid staff at all and those that do very rarely do they have paid staff that are more than halftime. As I said most don't have any staff at all and they rely entirely on volunteers. Most volunteers for those food pantries are over age 60. What I just described to you are organizations that really don't have the resources to relocate. They operate out of their church facilities most often and if the zoning changes were enacted that restricted their ability to operate in their current locations, most wouldn't relocate. They would simply close and that concerns us. That should concern all of us, especially at a time when there are a growing number of attacks on funding and the programs themselves which come through the government to provide assistance to food and secure people. This is not the time to make it more difficult for privately funded food pantries to operate.

Respectfully, we would urge you to keep their path clear. Allow these organizations to keep doing the work that they have been doing and that they want to continue to do. If there are individual examples of locations that are problematic, I think it probably makes a great deal more sense to work with those operators to resolve the problems in an individual case-by-case basis then it does to pass sweeping revisions that will affect zoning for all of the good actors as well. I'm happy to answer questions if you have any.

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Commissioner Philbrook said I just want to say thanks for taking the time to come forward and let us know what you're doing and I want you to continue the work and I would really like to see everyone work in a consolidated manner so it's more organized. I know how we all are. We all go off on our little silos and do what makes us feel good but as a group—you know, with people that feel as much passion as you do, working together you'll accomplish even more.

Commissioner Kane said there are some other people that want to talk too.

Janice Witt said I am born and raised in the Dotte, right here. We own and operate the Reola Grant Center which has been around, organized as a 501c3 for the last seven years as a 501c3, but we've done this for 23 years right here in Wyandotte County and before those 23 years when I married my husband, my mother and I did it. We used to fix cold bologna and cold hot dog sandwiches and pass out on 18th & Quindaro. My mother was a preacher. She would stand there with her little speaker box and pass out I love you Jesus tracts and preach to the people but they got a hot dog; so many of them came to get a cold hot dog and a cup of warm water out of a five-gallon bucket. That sounds crazy but that's what they did because hunger in Wyandotte County has always been a challenge, which is how I ended up involved in this politically. It was about eight years ago at a budgetary meeting Pat Petty stood up and said that you guys were going to cancel Meals on Wheels for 150 seniors who had absolutely no way of getting food anywhere else. One of those people was my mother. I came into the meeting and I asked can I have those 150 people. We will feed them. We have an organization set up, we already do it and I was told that you would talk to me on the outside. That conversation never happened. She said she was too busy so we found as many as we could. We contacted people under the cover that work here in Wyandotte County and we found as many of those that we could and we started delivering meals to them with Junetry that was delivering toiletries and whatnot to needy people.

I'm going to answer a few questions. Ann, you said you had a concern and that your concern was specifically for the people of District 3. I feed a lot of people in District 3. One of those people is standing right here behind me right now as a matter-of-fact. My concern isn't for District 3, District 5, 8, 1 or any specific district. My concern is for everybody in this city, for every single person that is hungry, that has child that falls in the last young man—the last man that spoke, that falls into his criteria of needing service, that needs help. They fall into detention

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issues. I want to let you know that part of the problem with mental illness, part of the problem with behavior lies in malnutrition. It lies in their lack of access to decent, healthy and nutritious food. That's scientifically proven. That's not something I'm just spitting out and if you want to know, email me or give me your information and I'll send you so much information on it, it will boggle your mind. I understand that most of the places that you are saying or you have three of them in your district that you're concerned with. I ask you this, are those churches?

Mr. Connor said she needs more time. **Acting Chairman Murguia** said first of all, you need more time. Can someone make a motion so Janice can have more time. **Commissioner Kane** asked how much more do you need. **Ms. Witt** said I don't know. You tell me to shut up when you're done with it. **Acting Chairman Murguia** said two minutes.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve two more minutes.** Motion carried unanimously.

Chairman Murguia said, Janice, go ahead and to answer your question, none of those are churches and there are five not three. **Ms. Witt** said and I understand because your district has a significant amount of pantries and a lot of those are in churches. **Chairman Murguia** said so those would be ones I don't know about. **Ms. Witt** said oh yes. There's—**Chairman Murguia** said I just know about the five that I do know about. **Ms. Witt** said there are plenty that operate outside and those numbers are easy to come by and this was my concern with this meeting was because none of the pantries or at least I wasn't notified of this. I was given absolutely zero information that this was happening. I'm a Wyandotte County girl. I had a person from Kansas City, MO contact me and let me know that this was even happening. You want to talk about aggravated. That truly aggravated me. I pay taxes here. I feed these people. I don't get money out the city, I don't get money from the state and I don't get money from the feds. I get money directly from that poor white man's pocket. I drain his retirement to feed the people of this community. That's where the money comes from. When I'm talking to you and I'm saying hey, it's personal, it is very personal to me.

This young lady is Amanda. Amanda has been coming to my food pantries for over five years. She now works within the food pantry, she helps feed other people, but there has not been

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a time when she didn't need assistance as well. The problem is we think that people that need assistance are in a certain box, that they look a certain way, that they live in a certain area and have a certain district. That's not true. This right here is the face of hunger. Mother, would you please stand up. I have two mothers back here that can show you the face of hunger. Please stand up. Those are the faces of hunger. These are the people. These two babies right here. Stand up babies. These are the faces of hunger. You talked about grant money that people are misusing this grant money. I want to know where it's at. I want to know specifically where it is because on the outset I applied for some of that Hollywood Grant money. As a matter-of-fact, I'm going to be honest with you, my commissioner contacted me because I called him and hit him up for money and he said what you need to do is apply for some of that Hollywood money. I applied for it and of course we didn't get it—**Acting Chairman Murguia** said, Janice, that's time but finish your thought. **Ms. Witt** said the point is there's always a better place. You said that it could be in a better place. There is always a better place, there's always better people and there's always a better way, but nobody wants to show up to do it. I'm going to offer you a suggestion, and this isn't personal, but you talked about so I'm going to offer a suggestion to you, as a community service. If you see those people out there popping ketchup and throwing their trash down and you said specifically a 50-gallon bucket, and I appreciate because that means you went and picked it up, but let that be your service, let that be your kid's service. Knock on somebody else's door and make them do it. That's how this young lady came in because she saw a problem and I said if there's a problem and you see it, fix it.

Amanda McMaster said I'm actually in Turner. I'm right on the Argentine/Turner border so I know what you were talking about. I have never been to the Franklin Center so I don't know as far as any traffic problems, but one of the ways that we solved the traffic problems with the food pantry with the Reola Grant Center was to actually set up appointments. I don't know if that's something that maybe you guys could contact them since it is a traffic issue. The lunches in the park, I believe is once a week during the summer and they feed the school kids. I don't know, because we didn't actually go down there last year, so I didn't see a problem with trash. We did see a lot of people get together and advertise the lunches and everything. It was a good way to feed the kids that aren't normally getting a decent meal in the summertime.

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As Janice has said before, I've used her pantry a lot. I've actually also used Catholic Charities there at 18th & Steele Road. I've never had any problems going in there. It's a walk-in pantry, no appointment necessary. Once a month they do at Harmon High School, they do a Harvester's food distribution. I have not been down there because I have heard it is also a traffic nightmare. As far as the pantry there at 18th & Steele Road, they've always been very friendly, very well organized, well ran and we're in and out. Part of the problem, like she also pointed out, we are the face of the people that need to use the pantries. My husband actually has a very decent paying job. He's worked at his company for 19 years and makes \$20 an hour, but we are just this much over the line for food stamps, but yet we still need food stamps but yet we still need assistance. We are raising three kids. It's very hard. My youngest, my daughter here, she's five years old, she's had to have surgery. I've been unable to work because no one else can understand her very well. That's why we've had to use the food pantries and we are very grateful for their existence. If there were changes made as far as like trying to regulate them as far as like adding fees on to their operation, then that would change what they could give to the people which would end up hurting all of us as families.

Acting Chairman Murguia asked is there anybody else that would like to speak in regard to this topic? **Nicholas McMaster** said I live in Turner and I haven't been working with the Reola Grant Center for too long, but I know that Janice has helped many people. She has helped my family get very far in life and I can't even put it into words about how much she has done for so many people over the past years. I don't know what it would be like without Janice and the food pantry. She helps us so much.

Acting Chairman Murguia said very good job. Does anyone else have anything they'd like to say? Okay, so just in closing for myself in regard to some of these comments, this is my concern. It's not that we have food pantries, it's not that people that need food are getting fed, that's a great thing. The problem is that these program can't be set up and in their attempt to solve one problem create another problem. I can tell you I live on 25th & Strong. These five food pantries surround me. I have no issues with them as long as they clean up after themselves and they are respectful of the places in which they are distributing the food. For example, Catholic Charities has run a great operation. That's on my bike ride also and I'll tell you I've

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never seen trash blowing around, I've never seen lines of traffic blocking the flow of traffic, I've never seen any issues like that over there so I don't really have an issue with that.

I didn't even know Harmon High School was running a food program and I go up there frequently to walk on the new concrete track that's up there and I'll tell you that I didn't even know they had a program up there. That's a sign of a really well-run, really good quality program. They're getting the word out, they're serving people, but they're not disrupting everything else that's going on around them.

My concerns have been, and one of those were addressed Rob, is the program that was being run out of our own community cent. The amount of litter and debris because people were going in and picking up food and then coming out and as they were walking home and eating it, they were just dropping the trash because you could follow the trash within a mile away of the center. Little controls were put in place immediately that made a huge difference. For example, you're not allowed to leave the building with food because it was intended to be a lunch, not a carry out, take home and make it for yourself. The program was there to feed people for lunch. All the Parks Department did was say hey you can't leave if you're going to run this program until you throw all of your trash away, then you can leave the building. That worked out great. We saw a major difference there.

The problem we could never get under control is the program that was being run out of Emerson Park in the gazebo. The other issue, I understand the importance of getting word out and letting people know that the programs are available, but what I don't like and I can tell you which is the consensus of this Commission and our Planning Director is we've had a huge sign issue in this community. There are makeshift signs everywhere and when they get detached from the makeshift post that they're supposed to be on, they blow around the community and before you know it, you have trash everywhere. I can't tell you the number of signs that were posted all over the place just repeatedly and the minute a windstorm came up, they're all over the neighborhood and people are picking them out of their yard.

I think the good thing from this meeting is that I agree with Commissioner Philbrook that there should be an organized group that is bringing all of these groups together to make sure they're meeting the needs of all of the people throughout the community. I can promise you it's overkill for there to be five food sources within a mile of each other in a neighborhood as small as Argentine based on how it's geographically laid out. Argentine is a destination neighborhood;

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it's not a cut-through neighborhood. It's bounded by the second largest railyard in the country on one side, I-35 on the other, 7th Street on the other and 635 on the other. This isn't a neighborhood people are cutting through to go somewhere. If people are there, they are usually going to visit someone or going to a particular destination. I can't imagine in a population less than 7,000 people that there is a need for five food pantries and a major distribution center. **Ms. Witt** said I think that you don't understand the nature of— **Acting Chairman Murguia** said I understand that. You're not up anymore. This is what's going on. **Ms. Witt** said because it's funding. **Acting Chairman Murguia** said I understand, Janice, but the deal is this, I have to worry about all the issues in my neighborhood, just not homelessness, just not feeding people, just not health care, just not blight and dilapidation, just not crime, it's balancing and managing all of those issues so they work well together. Littering can not be allowed. We just saw earlier in a presentation where littering and that kind of stuff is number three on the list of community concerns from the greater community, as far as what's going on in their neighborhood, in particular urban neighborhoods. I would just like to say my feedback, and then I'll turn it over to my fellow commissioners, I would like to see staff come forward with some solutions so that we don't have these kinds of problems or we can get in front of these kinds of problems. I don't want to hear about it again this summer. I don't want to be inundated with complaints.

Commissioner Kane said I lived in a two bedroom, one bathroom house with my mom and dad and sometimes my grandma and when my dad was on strike we were on commodities and if we had a food pantry, we wouldn't of had to eat much and the other things that go along with it. Janice and I, when she was at a different location on Parallel, we had a—shall we say a heated discussion but she moved the pantry for the safety of the people. Here's the reason the people come down to your area, because they're embarrassed to come down and they don't want people from the other locations to know that they had to go get food. I think that, and this kind of bothered me, because normally when we talk about something, whoever we talk about, they've been notified and nobody was notified and in fact obviously people care because they're here.

We addressed a certain issue and got it fixed. If there's issues in certain locations staff needs to identify those places and come up with a plan to help them process that. We can't just say we want to shutdown these three or these four. Give them the opportunity to fix whatever the issue is and especially now. The state tells you the unemployment is the lowest it's ever

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been. It's not. They've ran out of unemployment so people are now unemployed and can't get any more money so they rely on the food pantries. Before we throw in the towel to say we don't want to do this, I think we need to look at each one step-by-step and this list, you're right is not whole, not even close to being whole. To help, if there are issues, sit down with these people and resolve the issues but I don't want to see them closed.

Commissioner Bynum said I had a couple of comments. I'm not interested in regulating food pantries or food distribution sources through zoning. It does not interest me at this time. If the organizations that are providing food whether that be through a pantry, a meal, a food distribution site, want to come together and continue to work on the plans that you've told us about and bring that back to either this standing committee or the full commission for a presentation. I would be interested in that. There are a lot of things in this life that are optional. Eating is not optional and I am not interested in regulating this through zoning restrictions.

Commissioner Philbrook said I personally would like to see the group that has started getting together to continue to coalesce and work together and get with Rob because Rob knows about some of the problems. Is that okay Rob? If you know of certain issues you can tell them what concerns you've heard are so as a group they can address some of those issues because they may not hear them like we do here at City Hall with some of those things. I think they need to understand some of the issues that are voiced to us so they can work as a group, making sure that everybody gets taken of, but it's done in the best manner that the whole group can do. When they work together, as I said earlier, they are going to be able to cover a lot more territory than as in a silos. That's where I'm coming from. I don't want us to legislate anything. I want us to work together with the community and the UG together. That's how I want to see it fixed.

Mr. Richardson said, Commissioner, just a couple of things related to zoning. There are some instances that come up that are kind of emergencies; with the last, what I call the poi ice storm that we had. You'll recall that schools were cancelled on Friday and Monday was a holiday. On Fridays kids get fed at school and they get BackSnack if they need it for the weekend for their food. So we had kids because we cancelled school on Thursday night before the storm came, they didn't get food on Friday, Saturday, Sunday or Monday. Sometimes some people have to

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come in and fill that gap right when it happens because that's just the nature of—they have to eat and there are those kind of emergencies that would have to be allowed for.

We can't regulate schools or churches. Our own facilities we ought to work with whoever regulates our facilities to do that internally because zoning doesn't affect the parks. I mean that's part of the parks guys/gals have to figure out the parks and the recreation facilities. I think most of this really is kind of a police and a codes issue in letting the folks know that we have issues with it and how they do it. I'll be happy to work with the groups that do that. I don't see a real zoning solution to this problem. I mean we've looked at this for social services downtown as well and when almost 70% of these are faith-based and then another percentage of them are our own facilities, there's not a lot of zoning regulation that's there. I think I would prefer to work with the groups that are forming to make sure they understand that we expect them and their clientele to keep our community clean and I don't think they'll have a problem with that.

I think zoning is a poor solution to this. Maybe we should revisit that if we don't have progress from working through the distributors themselves. Quite frankly, there's probably the two main distributors are Harvesters and Catholic Charities and sometimes that's one through the other. I think we can pass a message down here. I think I saw a somebody with a Harvester's shirt on here tonight. I'm close to somebody that works there. I think that maybe working that way, and I don't know enough about the detailed distribution of—there was just like rogue pop up stuff going on, but I don't know that zoning is the solution because it would target a very small percentage of the facilities and the issues that you are describing are not—we have other regulations that would be able to impact those but I'll take the direction of the committee.

Commissioner Philbrook asked who do you think would be the best. I was just wondering who he thought would be the best person from the UG to work with the group would be or if you have a suggestion or if Joe has a suggestion. **Acting Chairman Murguia** said I don't have a suggestion and I'm a little bit confused about zoning being a solution to the problem. I suggested no solution to the problem at the full commission meeting. I said there might be a lot of solutions and if somebody could look at that and tell me what some of those solutions might be. I don't know what the solution is. All I can tell you is that you're right about one thing, Mike, there are a lot of people that have strong feelings about this topic that wanted to be here

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tonight that are not and from all over this city. Just like you don't want a backup on Parallel, I don't want a backup on 18th Street Expressway. It's a public safety issue and it's concerning. I just say that I simply said this is what the problem is, there's an overabundance of trash. I think there's an overabundance of food suppliers in a particular within a one mile radius of each other that I think is overkill. How you decide to fix that or what you decide to bring forward, I leave that to staff. I am no food pantry expert but I just know that—**Mr. Richardson** said well I misunderstood. I thought I was supposed to bring a zoning ordinance back here and I didn't know how to write that because I couldn't identify a zoning problem. **Acting Chairman Murguia** said there was no suggestion at that public meeting in regard to zoning. **Commissioner Kane** said I said it and you guys couldn't hear me. Rob, just work with the folks and see what we can come up with. **Mr. Richardson** said oaky. We can do that. **Commissioner Philbrook** said yes, that's good. Thank you.

Acting Chairman Murguia said Joe just also mentioned that the bigger group would be a great suggestion and then that group that's formed becomes really familiar with the SOAR program and maybe take a look at our community survey and what the city's—the entire county's citizen's priorities are which has been blight, trash and those kinds of things. You know as politicians we have to serve the greater community. I as a district commissioner serve one piece of that. For example, to be clear to people that maybe don't understand how it works, Mike Kane is elected by people within his district. They don't elect me or unelect me. I'm elected by people in District 3 so I look at it sort of like those are the people that hired me to do a job, so I answer to them. Really, with all the stuff we have going on in District 3, all I can do with all the time I put into my district is focus on that. I am very confident that my fellow commissioners, for example, Commissioner Kane can manage what's going on in Piper. I have no doubts and I follow his lead when there's an issue in Piper. Just like Commissioner Philbrook manages District 8 and Commissioner Johnson manages District 4. **Commissioner Kane** said Piper is just a small portion of the district. **Acting Chairman Murguia** said well your entire district. I'm confident that you can manage that just like I manage District 3. When we all come together we're a team and we make decisions based on a team that is good for the entire community. I've never portrayed myself as a spokesperson for the entire county. I have one piece of it and that's what I bring to the table. That was my concern Rob. I'm sorry if that was misunderstood. I just

March 20, 2017

don't want to fight anybody for trash. **Mr. Richardson** said I'm happy to be the one to do that but they'll be a lot of other people involved because I'm not probably the one that has the tools to address the issues. **Acting Chairman Murguia** said well I think Joe's suggestion of the SOAR Committee is great. There was not a need for action on that anyway.

Item No. 7 – 171033... GRANT: CAMBRIDGE CONNECTOR STUDY

Synopsis: Submission of a \$100,000 application to the Mid-America Regional Council for a Planning Sustainable Places Grant, submitted by Rob Richardson, Planning Director. The grant is to further study the Cambridge Connector concept to connect I-35 and Cambridge with SW Blvd. and 31st St. There is a \$20,000 match. *It is requested that this item be fast tracked to the March 23, 2017 full commission meeting.*

Rob Richardson, Planning Director, said the Cambridge Connector is the proposal from the Rosedale Master Plan that we connect Cambridge & I-35 to 31st & Southwest Trafficway. We applied for a MARC Planning Sustainable Places Grant to do further study on this. As you'll recall from the Rosedale Master Plan, this is one of the alternatives that would potentially eliminate a very long time the need for major improvements including flyovers at Southwest Trafficway & Rainbow Blvd. The match on this grant is \$20,000 and \$10,000 of that will come from Kansas City, MO because it's a bi-state, bi-city effort.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve and fast track to Thursday full commission meeting.**

Mr. Richardson said we would like to fast track that to Thursday's meeting.

Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Murguia.

March 20, 2017

Item No. 8 – 171034... GRANT: FISHER PARK & WEST 39TH ST. STUDY

Synopsis: Submission of a \$168,000 application to the Mid-America Regional Council for a Planning Sustainable Places Grant, submitted by Rob Richardson, Planning Director. The grant is to further study the Fisher Park and West 39th St. area to address a 39th Street transit turn around, Fisher Park, the BPU substation as well as develop a feasibility analysis for 39th Street between Adams and Minnie. There is a \$33,600 match. *It is requested that this item be fast tracked to the March 23, 2017 full commission meeting.*

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve and fast track to Thursday's full commission meeting. Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Murguia.

Chairman Markley adjourned the meeting at 7:22 p.m.

Adjourn

tpl

March 20, 2017



Staff Request for Commission Action

Tracking No. 171131

Full Commission Meeting Date: 6/15/17

Committee: Administration & Human Services

Date of Standing Committee Action: 5/22/17

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
05/08/2017	Justus Welker	x6798	jwelker@wycokck.org	Transportation

Item Description:

Service costs associated with providing temporary transit service to the new Amazon Fulfillment Center. Temporary service is projected to be in place from July 30th to December 31st.

Weekday service will operate on a 30-minute headway from the 47th Street Transit Center to the Amazon Fulfillment Center. Weekday service will also stop at the KCKCC.

Weekend service will operate on a 60-minute headway, connecting the 10th & Main Transit Center to the 47th Street Transit Center and then traveling to the Amazon Fulfillment Center.

A permanent solution will be designed once Amazon's operating parameters have been finalized.

Action Requested:

Approval for temporary transit service and associated funding.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

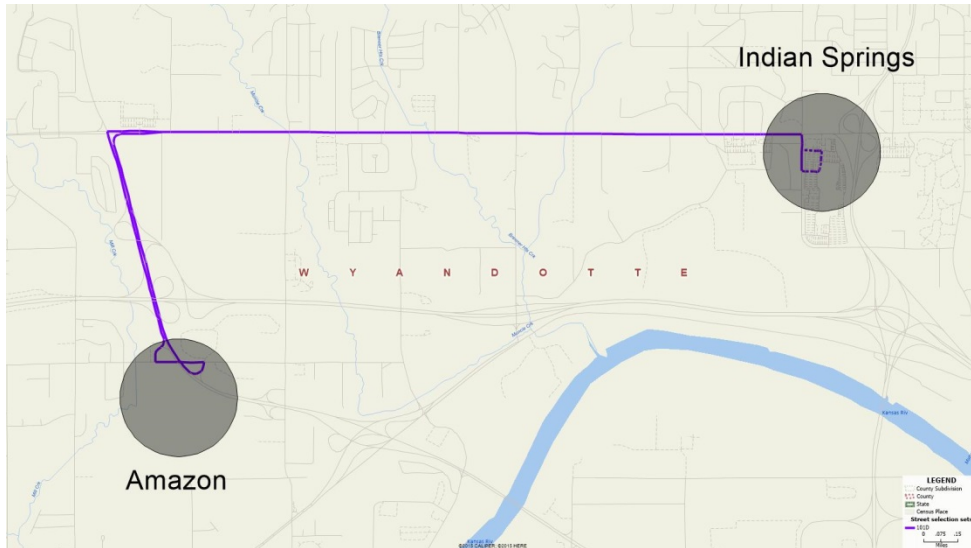
Amazon Temporary Service

AMAZON TEMPORARY SOLUTION

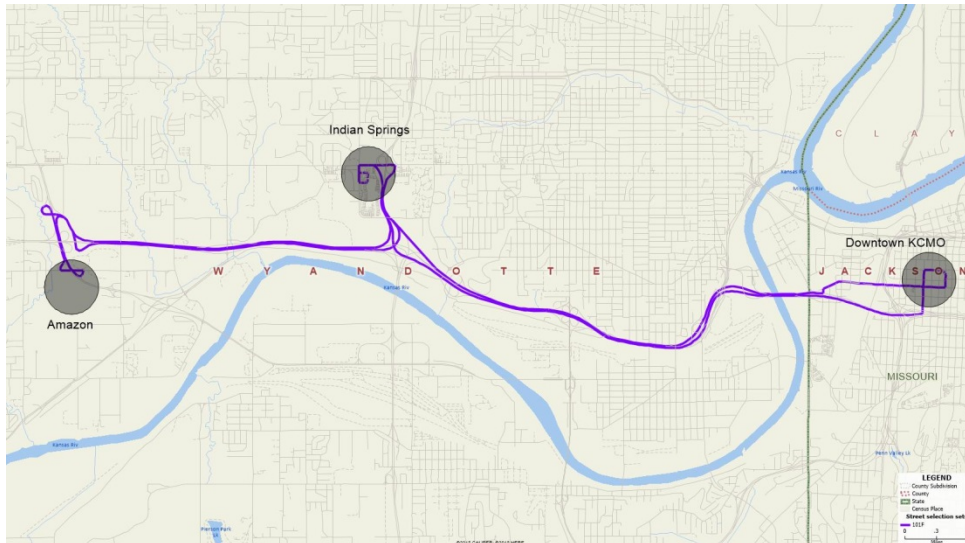
New route operating during am/pm peak hours between Indian Springs and Amazon facility Monday through Friday and between downtown KCMO and Amazon facility on Saturdays and Sundays.

Weekday service operates on a 30-minute headway, weekend service operates on a 60-minute headway with one bus (subject to runtime verification). Requires one addition weekday AM trip on route 101.

Weekday Alignment



Weekend Alignment



Cost	Weekday	Saturday	Sunday	Total
Additional 101 AM Trip	\$ 50,000			\$ 50,000
Weekday Amazon Shuttle (Indian Sprgs to Amazon)	\$ 185,000			\$ 185,000
Saturday Amazon Shuttle (DT KCMO to Amazon)		\$ 46,000		\$ 46,000
Sunday Amazon Shuttle (DT KCMO to Amazon)			\$ 51,000	\$ 51,000
Total	\$ 235,000	\$ 46,000	\$ 51,000	\$ 332,000



Staff Request for Commission Action

Tracking No. 171098

Full Commission Meeting Date: NA

Committee: Administration & Human Services

Date of Standing Committee Action: 5/22/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/02/2017	<u>Contact Name:</u> Angela Harshbarger	<u>Contact Phone:</u> x5763	<u>Contact Email:</u> aharshbarger@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Presentation of the proposed 2018-2020 Neighborhood Revitalization Act (NRA) tax rebate program plan for discussion and comments.				
<u>Action Requested:</u> <i>For information only.</i>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NRA Proposed Changes Memo, NRA Plan 2015-2017				



DEPARTMENT OF ECONOMIC DEVELOPMENT

Unified Government of Wyandotte County/Kansas City, Kansas

701 North 7th Street, Ste. 421
Kansas City, Kansas 66101

Phone: (913) 573-5730
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MEMORANDUM

TO: Administration & Human Services Standing Committee Commissioners
Doug Bach, County Administrator

FROM: Angela Harshbarger, Analyst

DATE: May 8, 2017

RE: Recommended Changes to the Neighborhood Revitalization Act 2018-2020 Plan

After reviewing the current Neighborhood Revitalization Act (NRA) tax rebate program plan, staff is presenting the following recommended changes to the Economic Development & Finance Standing Committee for the 2018-2020 NRA plan:

1. General Eligibility Requirements to Include Properties Where a Contract for Deed has been Filed
(Page 4, Section VII – General Eligibility Requirements)

Recommend change: Residential Improvements – all of the above must be owner occupied, with the exception of a single duplex, or properties where a contract for deed has been filed with the Register of Deeds.

2. Special Project Areas
(Page 8, Section A – NRA Commercial Criteria – Special Project Areas)

Current special project areas include: Area 1 (generally east of I-635) and State Avenue Corridor (State Avenue, generally between 69th Street and 82nd Street)

Recommend addition of two special project areas: Indian Springs – State Avenue Corridor (State Avenue, generally between I-635 and 57th Street), and Leavenworth Road Corridor (Leavenworth Road, generally between 38th Street and 77th Street). The terms and requirements of the proposed Special Project Areas would be consistent with the currently approved Special Project Areas.

3. Determination of Base Land Value
(Page 9, Section B – Determination of Base Land Value)

Currently reads: The base land value will be greater of the existing use or the proposed use.

Recommended change: Base land value is determined by the current use of the property as of January 1 of the application approval year.



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4. Businesses Not Eligible for NRA Program Participation
(Page 10, Section VIII – NRA Criteria)

Recommend including language to list the following businesses as ineligible for program participation: *liquor stores, bars and establishments that sell alcohol with less than 50% in food sales.*

This language is consistent with other Economic Development incentive policies and practices.

5. Project Completion Date
(Page 10, Section IX, Item 2 – Criteria for Determination of Eligibility)

Currently reads: *The project must commence after the effective date of the NRA Plan.*

Recommend including language: *Upon approval of the project application, by Economic Development staff, the improvement/construction must be completed within 24 months from the date of application approval, unless otherwise approved in writing by Economic Development staff.*

6. Construction or Improvement Completion Prior to Receiving NRA Tax Rebate
(Page 11, Section IX, Item 5 – Prior to Receiving NRA Tax Rebate)

Currently reads: *The assessed value of residential and commercial property must be increased as described in the NRA Plan for the designated Area(s).*

Recommend including language: *A rebate is based solely on CONSTRUCTION IMPROVEMENTS after the UG Appraiser has established a new 100% project completed value. If there is any percentage increase in assessed value and an increase in taxes, then the applicant is required to pay the increase in taxes and it is not subject to a rebate until construction or improvements are completed.*

7. Conformance with Building Standards Prior to Receiving NRA Tax Rebate
(Page 12, Section IX, Item 7 – Prior to Receiving NRA Tax Rebate)

Recommend including language regarding construction/improvement conformance with current building and development standards: *The new as well as the existing improvements on property must conform to all other applicable codes, rules, ordinances, regulations, and building standards in effect at the time the improvements are made and for the length of the NRA tax rebate, or the rebate may be terminated. The Unified Government County Administrator may request to review any updated drawings/renderings, and proposed landscaping, fencing and lighting plans prior to approval of the NRA tax rebate incentive.*



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8. Remove Rebate Example
(Page 14, Section XII, Item 12 – Application Procedure)

Currently reads: *Applicant is required to pay taxes each year. A rebate check will be issued to applicant from the Treasurer's Office, after taxes are paid. The tax rebate applies only to the additional taxes resulting from the increase in assessed value of the property due to the improvement. As an example: if taxes paid on vacant land is \$500 and a structure is built on the vacant land (improvement), and now the taxes are \$2,500 (assuming the required assessed value has occurred), the incremental increase in tax is \$2,000. The \$2,000 (less an administrative fee) is that portion that will be rebated accordingly.*

Recommend removing the “as example” and including the following statement:
Applicant is required to pay taxes each year. A rebate check will be issued to applicant from the Treasurer's Office, after taxes are paid. The tax rebate applies only to the additional taxes resulting from the increase in assessed value of the property based on the improvements of participating taxing jurisdictions.

Attachments: 2015-2017 NRA Plan

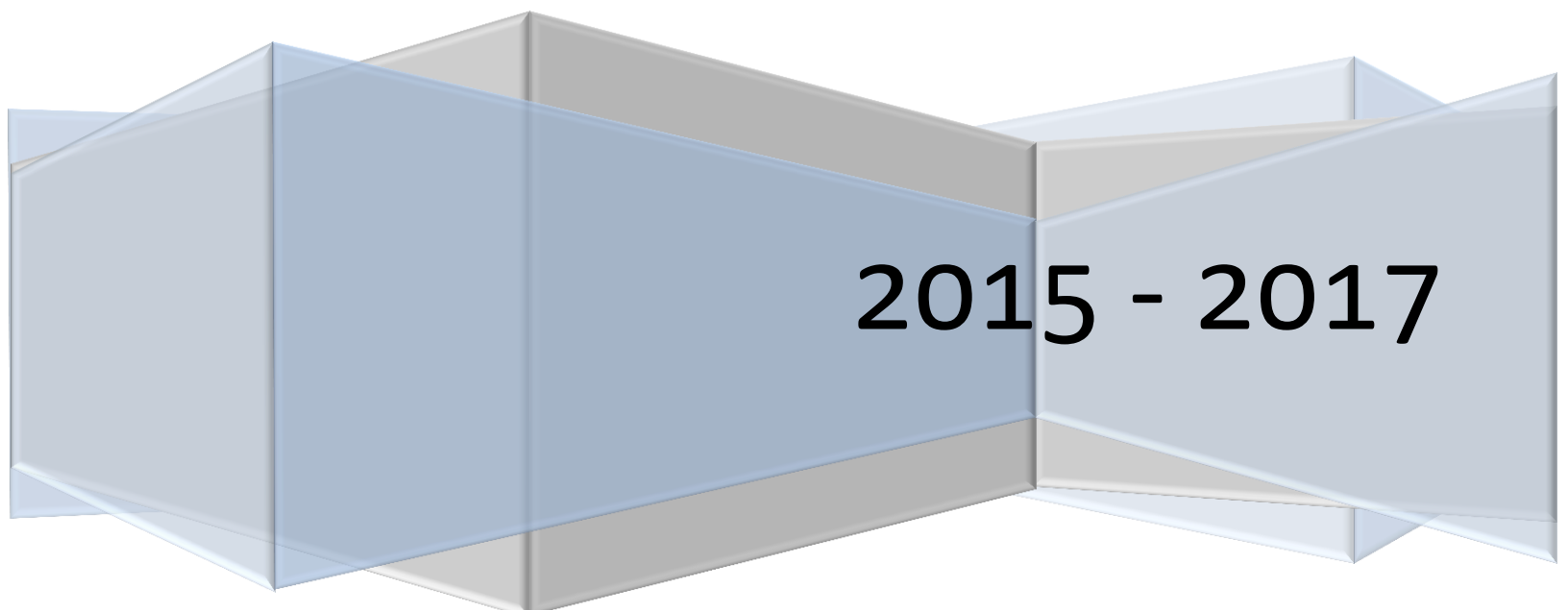
Cc: Jon Stephens, Economic Development
Greg Kindle, WYEDC



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Unified Government of Wyandotte County/Kansas City, Kansas

Neighborhood Revitalization Act (NRA) Area Plan



2015 - 2017



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UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

NRA Plan 2015 - 2017

I. Purpose:

This Plan is intended to promote revitalization through the rehabilitation, conservation, or redevelopment of designated Areas in order to protect the public health, safety, or welfare of Wyandotte County residents. More specifically, a tax rebate incentive will be available for certain improvements within the designated Areas.

In accordance with the provisions of the Neighborhood Revitalization Act (NRA), K.S.A. 12-17, 114 et seq., the Unified Government Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area(s), the criteria and standards for a tax rebate, and the necessity for interlocal cooperation among other taxing units. Accordingly, the Commission has carefully reviewed, evaluated, and determined the Areas meet one or more of the conditions to be designated as a “neighborhood revitalization area.”

Interlocal cooperation between the Unified Government, Kansas City Kansas Unified School District 500, Turner Unified School District 202, Piper Unified School District 203, Bonner Springs/Edwardsville School District 204, and the Kansas City Kansas Community College is a requirement for the implementation of the Plan. Therefore, the effective eligible date is February 19, 2015 contingent upon approval of all Interlocal Agreements between those participating taxing entities by the Kansas Attorney General.

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II. Map of the NRA Plan Areas and Legal Descriptions

See Exhibit A.

III. Assessed and Appraised Valuation of Real Property

The assessed valuation of the real estate contained in the Area(s) is listed for each parcel with land and building values provided separately. The listing is available for public inspection at the Unified Government Clerk's Office located on the 3rd Floor of the Municipal Office Building at 701 North 7th Street, Suite 323, Kansas City, Kansas 66101. The listing may be inspected during regular business hours, or any time on the Unified Government website at www.wyockck.org.

The appraised and assessed valuation for the parcels contained within the Area(s) is as follows:

	Appraised		
	Land Value	Improvement Value	Total Value
Area 1	\$418,836,480	\$2,007,318,700	\$2,426,155,180
Area 2 East	\$501,231,620	\$1,847,740,070	\$2,348,971,690
Area 2 East - State Avenue Corridor	\$7,525,890	\$58,277,540	\$65,803,430
Area 2 West	\$93,857,920	\$211,514,870	\$305,372,790
Area 3	\$18,756,610	\$41,391,890	\$60,148,500
Area 4	\$335,462,165	\$882,871,170	\$1,218,333,335

	Assessed		
	Land Value	Improvement Value	Total Value
Area 1	\$63,683,326	\$226,019,610	\$289,702,936
Area 2 East	\$58,257,726	\$208,443,613	\$266,701,339
Area 2 East – State Avenue Corridor	\$1,543,630	\$12,431,567	\$13,975,197
Area 2 West	\$17,122,696	\$30,643,166	\$47,765,862
Area 3	\$3,098,970	\$7,553,997	\$10,652,967
Area 4	\$45,195,283	\$122,466,515	\$167,661,798

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IV. Listing of Owners of Record in the NRA Plan Areas

Each owner of record for each parcel of land is listed together with the corresponding address. This listing is available for public inspection during regular business hours at the Unified Government Clerk's Office.

V. Planning and Development Zoning and District Regulations

See Exhibit B for a summary of the overall framework, design, districts, and definitions.

VI. Capital Improvements Planned for the NRA Plan Areas (2014 -2019)

The 2014-2019 Proposed Capital Maintenance Improvement Program was adopted on July 31, 2014.

The Capital Improvements planned for the NRA Plan Areas is available for public inspection during regular business hours at the Unified Government Clerk's Office.

VII. General Eligibility Requirements for NRA Tax Rebate

Residential Improvements

- New construction or rehabilitation of structure.
- NRA projects are limited to Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.

Single-family, Duplex, and Townhomes (New or Rehabilitation):

- Single-family detached is on one (1) parcel.
- Duplex on one (1) parcel is considered one (1) single duplex.
- Duplex on two (2) parcels is considered single-family attached.
- Townhomes with three (3) units on three (3) parcels are single-family attached.

All of the above must be owner-occupied with the exception of a single duplex.

Multi-family Structure Projects (Rehabilitation Only):

- Subject to approval by the District Commissioner and At-Large Commissioner on proposed projects.



- New construction of multi-family projects are not eligible for the NRA tax rebate.
- Multi-family structures are considered three (3) or more units on one parcel.
- Townhomes on a single parcel with three (3) or more units are considered multi-family.

All residential improvements located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate.

A. NRA Residential Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner-Occupied), and Single Duplex-New/Rehabilitation	15% assessed value	95%	10
1	Multi-family – Rehabilitation Only	15% assessed value	95%	10
1	Historical Structures Owner/Rental – Rehabilitation Only	5% assessed value	100%	10
2 East Turner USD 202	Single-family detached or Duplex single-family attached (Owner Occupied) – New Construction	\$175,000	95%	5
2 East & West	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New / Rehabilitation	15% assessed value	95%	5
2 East & West	Multi-family – Rehabilitation Only	15% assessed value	95%	5
2 East & West	Historic Structures Owner Occupied – Rehabilitation Only	10% assessed value	100%	5
3	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	5
3	Historic Structures Owner Occupied – Rehabilitation Only	15% assessed value	100%	5
3	Multi-family – Rehabilitation Only	15% assessed value	95%	5
4	Single-family detached, Duplex single-family attached, and Townhome single-family attached (Owner Occupied and have their own parcel), and Single Duplex - Rehabilitation Only	15% assessed value	95%	5



B. Low Income Housing Tax Credit (LIHTC)

- LIHTC projects are ineligible unless it is a new or rehabilitation senior residential housing project for the following categories of residential improvements:
 - A. Single-family detached
 - B. Duplex single or attached
 - C. Townhomes single or attached
 - D. Multi-family
 - E. Mixed-use
- LIHTC projects require Commission approval and a development agreement.

C. Tax Increment Financing (TIF)

- NRA projects are ineligible within TIF districts except within existing TIF districts in Area 1 which are eligible for a ninety-five percent (95%) rebate for five (5) years.
- Developer must be active and current on taxes.

Commercial, Office, Industrial, Retail Improvements

- New construction, rehabilitation, or expansion of structure.
- NRA projects are under Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.
- Commercial application fees for new construction, rehabilitation, and expansion:
 - A. All projects have a minimum fee of One Thousand and 00/100 Dollars (\$1,000.00).
 - B. Projects in Special Project Areas with a construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) have a fee of Two Thousand and 00/100 Dollars (\$2,000.00).
 - C. The application fee is waived for Land Bank properties.
- New construction, rehabilitation, or expansion of any type of commercial, office, retail, or industrial structure located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate, provided the project is not eligible for an Investment Revenue Bond (IRB) or Economic Development Exemption (EDX).



A. NRA Commercial Criteria

Projects with Construction Cost under Two Million and 00/100 Dollars (\$2,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	95%	5
2 West	Rehabilitation Only	15% assessed value	95%	5
3	New/Rehabilitation/Expansion	15% assessed value	95%	5
1	Historic Rehabilitation	5% assessed value	100%	10
2 East & West	Historic Rehabilitation	15% assessed value	100%	5
3	Historic Rehabilitation	15% assessed value	100%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	95%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5

Projects with Construction Cost of Two Million and 00/100 Dollars (\$2,000,000.00) to Three Million and 00/100 Dollars (\$3,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
2 West	Rehabilitation Only	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
1	Historic Rehabilitation	5% assessed value	80-90%	10
2 East & West	Historic Rehabilitation	15% assessed value	80-90%	5
3	Historic Rehabilitation	15% assessed value	80-90%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5



Projects ranging between construction cost of Two Million and 00/100 Dollars (\$2,000,000.00) and Three Million and 00/100 Dollars (\$3,000,000.00) have a rebate starting at seventy-five percent (75%) and eighty percent (80%) for historic rehabilitation with the ability to increase the percentage by ten percent (10%) for using Local, Minority, or Women (LMW) business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years. Applicants must contact the Contract Compliance Department to set LMW goals.

Special Project Areas

- Special projects are permitted in two areas:
 1. Area 1
 2. State Avenue Corridor
- Special projects are over Three Million and 00/100 Dollars (\$3,000,000.00) in construction cost.
- Special projects must meet one (1) of the following three (3) criteria:
 1. Retail in nature;
 2. Environmentally contaminated area; or
 3. Historic designation by either the State of Kansas or the Federal Register.
- The projects will be subject to construction participation requirements for the utilization of LMW contractors as provided in the IRB tax abatement policy. Projects meeting these criteria will be eligible for consideration of up to a twenty (20) year rebate starting at seventy-five percent (75%) and increased by ten percent (10%) for using LMW business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years.
- Projects proposed under this provision will require specific approval by the Full Commission at a public meeting.

Special Project Area	Type of Investment	Minimum Value	Rebate	Yrs.
Area 1	Projects over \$3 million	15% assessed value	75-85%	Up to 20
State Avenue Corridor	Projects over \$3 million	15% assessed value	75-85%	Up to 20



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B. Determination of Base Land Value

The base land value will be the greater of the existing use or the proposed use.

C. Transfer of Ownership

The NRA tax rebate has unlimited transfer of ownership during the original application term.

D. Economic Development Staff Establishes Factors for Adjustments in NRA Base

E. Application Fees Waived for Land Bank Properties

F. Prevailing Wage Language Is No Longer Utilized

G. New Multi-Family Construction Is Not Eligible for NRA Tax Rebate

H. Areas 3 and 4 Are Eligible for NRA Tax Rebates

I. Commercial Application Fee

There is a minimum application fee of One Thousand and 00/100 Dollars (\$1,000.00). The application fee for a Special Projects Area and construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) is Two Thousand and 00/100 Dollars (\$2,000.00).

J. The NRA Project Value Eligibility Is Based on Construction Cost

K. Economic Development Staff Checks Tax Delinquency Status

L. NRA Plan Implementation

The NRA Plan will only be implemented in the NRA Areas where the Unified Government, the Kansas City Kansas Unified School District 500, Turner Unified School District 202, Piper Unified School District 203, Bonner Springs/Edwardsville Unified School District 204, and the Kansas City Kansas Community College all agree to participate. The School Districts and the Community College may not alter the Unified Government NRA Plan guidelines. However, a School District may exclude the capital outlay portion of its school tax levy.

M. Effective Date of NRA Plan Implementation

The NRA Plan is effective from February 19, 2015 to February 19, 2018 provided the Kansas Attorney General approves all Interlocal Agreements between the participating taxing entities.



N. Administrative Fee

- An administrative fee of five percent (5%) of the tax increment remains in the Neighborhood Revitalization Trust Fund to cover administrative costs.
- The administrative fee is waived for properties with historic designation by the State of Kansas or Federal Register.

VIII. NRA Criteria

- The NRA tax rebate percentage is based on the taxes levied by participating NRA taxing entities within the NRA Areas.
- Improving existing structures or construction of accessory structures such as gazebos, storage buildings, workshops, barns, or swimming pools are not eligible. Garages are eligible.
- An individual project cannot receive IRB or EDX.
- Special projects exceeding the Three Million and 00/100 Dollars (\$3,000,000.00) construction cost cap are eligible.
- See the NRA criteria matrices in Section VII above for terms.

IX. Criteria for Determination of Eligibility

1. To be eligible, an applicant cannot have delinquent property taxes on any property currently owned by the applicant in Wyandotte County.
2. The project must commence after the effective date of the NRA Plan.
3. A project is deemed commenced when a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation is received by the Economic Development Department.
4. The following documentation is required to accompany Part 2, Section A and B:

Pre- and Post-Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application prior to any construction, renovation, or expansion in order to be eligible for the NRA tax rebate:

- A copy of the building permit that shows the estimated project cost (this is not the permit that is posted on site).



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- In some cases, permits come in stages. For example, permits for footings or demolition come before building permits are issued.
 - All permits must be submitted. For example, a building permit must be submitted prior to any construction, renovation, or expansion.
-
- Application fee (if applicable).
 - Pictures of proposed interior/exterior improvements.
 - Picture of the property with address (if existing structure).
 - An aerial map of the parcel/property.
 - Plans/Renderings (in PDF format):
 - Residential new - house plans.
 - Residential renovation/addition – project renderings (this can be same as submission to Building Inspections Department).
 - Commercial new – architectural front elevation drawing.
 - Commercial renovation/expansion – interior/exterior project renderings (this can be same as submission to Building Inspections Department)
 - A list of improvement costs or improvement bid estimates.

Prior to receiving NRA tax rebate, the following required documentation must be submitted:

- A Certificate of Occupancy (CO) or an approved Final Inspection form signed by the Building Inspections Division of the Neighborhood Resource Center (NRC).
 - Pictures of the completed improvement.
 - Receipts or certification of construction expenses.
-
5. The assessed value of residential and commercial property must be increased as described in the NRA Plan for the designated Area(s).
 6. The improvements must conform to the Comprehensive Land Use Plan and Zoning Ordinance in effect at the time the improvements are made.



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7. The new, as well as the existing improvements on property must conform to all other applicable codes, rules, ordinances, and regulations in effect at the time the improvements are made and for the length of the NRA tax rebate, or the rebate may be terminated.
8. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any NRA tax rebate or future rebate until such time as all taxes and special assessments have been paid. If such delinquency occurs after entry into the NRA tx rebate program, the owner shall have no more than ninety (90) days to bring the taxes current or the property shall no longer be eligible for the NRA tax rebate and participation terminates. Any ineligibility does not extend the term of the program.
9. Any commercial, office, industrial, and retail projects not eligible for IRB or EDX with a cost of less than Three Million and 00/100 Dollars (\$3,000,000.00) are eligible.
10. Project value is based on construction cost.

X. Unified Government Application for NRA Tax Rebate Sample Application

See Exhibit C.

XI. Contents of Application for NRA Tax Rebate

- Part 1, Section A:** General Information (See Exhibit D)
- Part 2, Section A:** Application (See Exhibit C)
- Part 2, Section B:** Status of Construction Completion (See Exhibit E)
- Part 2, Section C:** County Appraiser's Statement of Percentage Requirements (See Exhibit F)
- Part 2, Section D:** Economic Development Statement of Tax Status (See Exhibit G)
- Part 2, Section E:** Statement of Application Conformance for NRA Tax Rebate (See Exhibit H)

XII. Application Procedure

1. The application can be obtained from the Economic Development Department or the Building Inspections Division of the NRC, concurrent with a building permit. However, if the building permit has already been obtained or no permit is required for the work, an application can be obtained in person at the Economic Development Department



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located at 701 North 7th Street, Suite 421, Kansas City, Kansas 66101 or at the Unified Government's website under Economic Development Department at <http://www.wycokck.org/economic/>.

2. Prior to any new construction, renovation, or expansion, the applicant shall submit to Economic Development staff a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation. When the project is completed, the applicant shall submit required post-construction documentation prior to receiving the NRA tax rebate.
3. Request the Building Inspections Division to reference in its files that the applicant is applying for the NRA tax rebate and to forward a copy of the building permit to the Unified Government Appraiser.
4. Prior to December 1, following commencement of construction, renovation, or expansion and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the NRA application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department.
5. On or before January 1, after the project is completed, the Unified Government Appraiser shall conduct an on-site inspection, review the construction records, and determine the new valuation of the real estate. The Appraiser shall submit a report of the new valuation and the revised tax information by June 1 to the Unified Government Treasurer.
6. Upon determination that the status of the improvements as of January 1 meets the eligibility criteria, the Appraiser shall certify the percentage requirements of Part 2, Section C to the Unified Government Clerk, Treasurer, and Economic Development Department.
7. Economic Development Department staff will notify the Appraiser of any new NRA applications and input the documentation for tracking.
8. Economic Development Department staff will notify the Finance Department of completed NRA tax rebates on an annual basis.
9. Economic Development Department staff will administer Part 2, Section D: Statement of Tax Status. If the taxes are not current, the application is denied until taxes are current.
10. Economic Development Department staff will forward Part 2, Section E: Statement of Administrative Application Conformance for NRA Tax Rebate to the Appraiser and the Treasurer upon completion of the administrative documentation for the project.



11. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified NRA tax rebate period, and within a thirty (30) day period following the date of tax distribution by the Unified Government to the other taxing units, the NRA tax rebate, less the appropriate administrative fee, shall be made to the applicant. The tax rebate shall be made by the Unified Government Treasurer from the Neighborhood Revitalization Fund established in conjunction with the Unified Government and the other taxing units participating by Interlocal Agreement. The Unified Government Finance Department and the Economic Development Department staff will make reports to the Unified Government Commission and other taxing units.
12. Applicant is **required** to pay taxes each year. A **rebate check** will be issued to applicant from the Treasurer's Office **after taxes are paid**. The NRA tax rebate applies only to the **additional taxes** resulting from the increase in assessed value of the property due to the improvement. For example, if taxes paid on vacant land is Five Hundred and 00/100 Dollars (\$500.00) and a structure is built on the vacant land (improvement) that raises the taxes to Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) (assuming the required assessed value has occurred), the incremental increase in tax is Two Thousand and 00/100 Dollars (\$2,000.00). The Two Thousand and 00/100 Dollars (\$2,000) less an administrative fee is the portion that will be rebated.
13. Applicants appealing their appraised values may jeopardize their eligibility for NRA participation for that year and following tax years and may initially encounter a one (1) year delay in determining their eligibility for NRA participation.
14. A copy of the certification for transfer (NRA Transfer of Deed form at the end of the application) must be used when transferring the NRA tax rebate. The certification should be completed when the property is sold and then sent to the Economic Development Department, Attention: NRA Program Staff, 701 North 7th Street, Suite 421, Kansas City, Kansas 66101. In such situations, the occupant may then be eligible to receive the NRA tax rebate pursuant to all other program criteria.

XIII. Unified Government Tax Levy Schedule

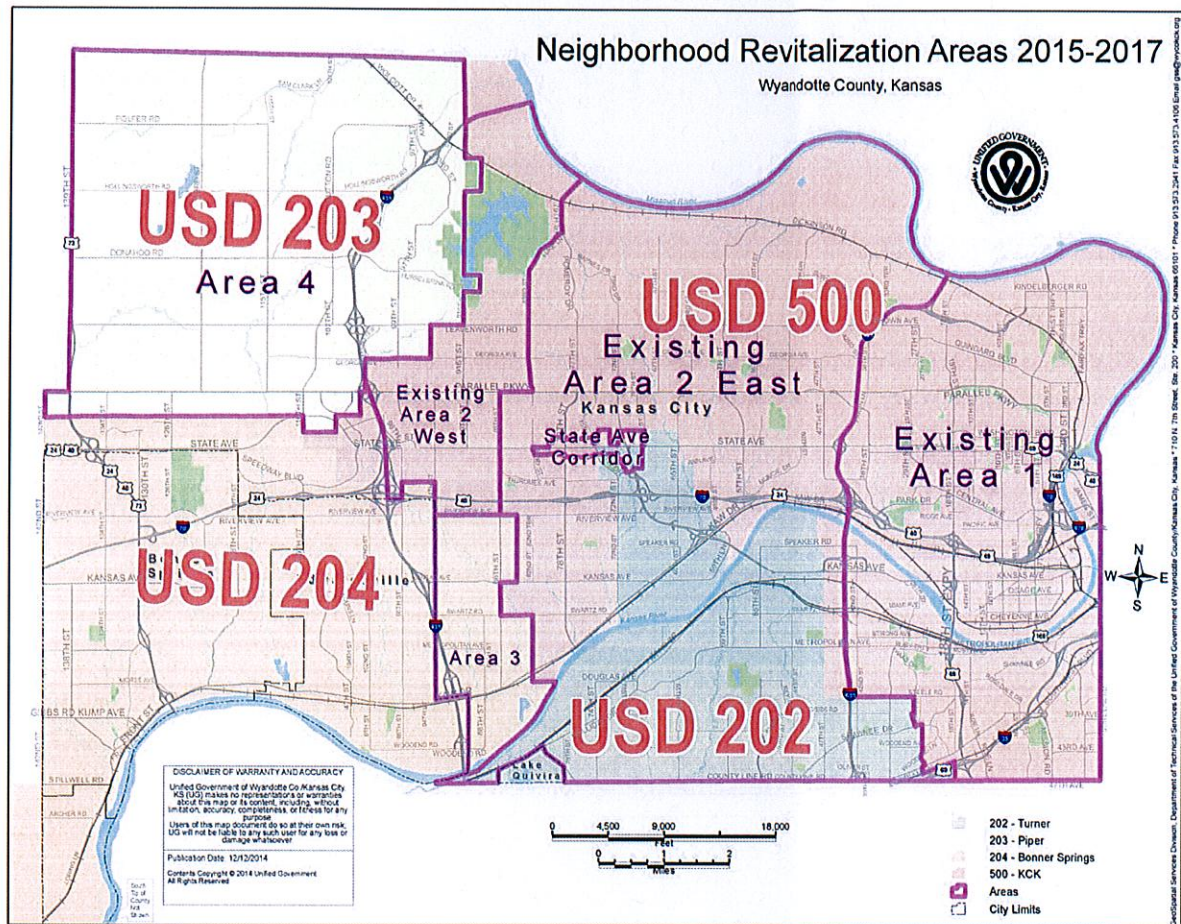
See Exhibit I.

XIV. Neighborhood Revitalization Trust Fund

The Unified Government Commission established a Neighborhood Revitalization Trust Fund in accordance with the provisions of K.S.A. 12-17, 118.

Exhibit A

NRA Area Map & Legal Descriptions



Area 1 in KCK

02/01/2012

Beginning at the intersection of the Kansas and Missouri State line and the Wyandotte-Johnson County line said point being the Southeast corner of Section 35, Township 11, Range 25;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection fo 47th Avenue (County Lind Road) and 18th Street Extended;

thence North along the west line of Section 33, Township 11, Range 25 to 18th Street;

thence continuing North on 18th Street to the Burlington Northern and Santa Fe Railroad tracks;

thence Southwesterly along the centerline of the tracks of the Burlington Northern and Santa Fe Railroad to the West line of the Southeast Quarter of Section 32, Township 11, Range 25;

thence North along the West line of the Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of Merriam Lane;

thence Northeasterly along the centerline of Merriam Lane to its intersection with centerline of 26th Street;

thence Northerly along the centerline of 26th Street to the point where it ends said point being Woodend Road;

thence continue North along the centerline of the extension of 26th Street to its intersection with North right-of-way lined of Shawnee Drive;

thence Westerly along the North right-of-way line of Shawnee Drive to the Southwest corner of EDWARD STEELE SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence East along the North line of EDWARD STEELE SUBDIVISION to the Southeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of KERRYCREEK to centerline of Steele Road;

thence West along the centerline of Steele Road to the point where Steel Road ends;

thence continuing west along the extension of Steele Road to its intersection with centerline of Interstate Highway 635;

thence North along the centerline of Interstate Highway 635 to its intersection with the right bank of the Missouri River;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the East line of Section 29, Township 10, Range 25, said line also being the West line of Section 28, Township 10, Range 25;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 28, Township 10, Range 25, said line also being the West line of Section 27, Township 10, Range 25;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the Northern extension of the East line of Section 27, Township 10, Range 25, said line also being the Northern extension of the West line of Section 26, Township 10, Range 25;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the Eastern extension of the South line of Section 26, Township 10, Range 25, said line also being the Eastern extension of the North line of Section 35, Township 10, Range 25;

thence continuing in a Southwesterly direction along the right bank of the Missouri River to its intersection with the South line of Section 35, Township 10, Range 25, said line also being the North line of Section 35, Township 10, Range 25;

thence East along the South line of Section 35, Township 10, Range 25, to its intersection with the Kansas and Missouri State Line;

thence in a Southwesterly and Southerly direction along the Kansas and Missouri State Line to the point of beginning,

all in Wyandotte County, Kansas.

Area 2 East in KCK

02/01/2012

Beginning at the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection of 47th Avenue (County Lind Road) and 18th Street Extended;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 24;

thence North along the West line of said section 33 to its intersection with the Northeast right-of-way line of Quivira Lane;

thence in a Northwesterly direction along the Northeast right-of-way line of Quivira Lane and Quivira Cut-Off to its point of intersection with the prolongation of a line extending North 18 degrees 45' 04" West from a point on the South line and 666.81' West of the Southeast corner of Section 32, Township 11, Range 24;

thence North 18 degrees 45' 04" West along said prolongation line to its intersection with the Northwesterly right-of-way line of Holliday Drive;

thence in a Southwesterly direction along the Northwesterly right-of-way line of Holliday Drive to its intersection with the West line of Section 32, Township 11, Range 24 said line also being the East line of Section 31, Township 11, Range, 24;

thence South along the East line of Section 31, Township 11, Range 24, to its intersection with the Wyandotte-Johnson County line;

thence continuing West along the Wyandotte-Johnson County line to its intersection with the Centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River downstream to its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24;

thence North along the West line of Section 20, Township 11, Range 24 to the to the Northwest corner of Section 20, Township 11, Range 24;

thence East along the North line of Section 20, Township 11, Range 24 to the center of the North line of the Northwest Quarter Section of Section 20, Township 11, Range 24 said corner also being the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24;

thence West along the North line of Section 17, Township 11, Range 24 to the Centerline of 86th Street;

thence North along the centerline of 86th Street to the centerline of Parallel Parkway;

thence East along the centerline of Parallel Parkway to the centerline of 82nd Street;

thence North along the centerline of 82nd Street to the point where 82nd Street ends and 83rd Street begins;

thence continuing North along the centerline of 83rd Street to the point where 83rd Street ends and Luke Lane begins;

thence continuing Northeast along the centerline of Luke Lane to its intersection with the centerline of 79th Street;

thence North along the centerline of 79th Street to the point where 79th Street ends;

thence North 45 degrees 30 minutes 0 seconds to the right bank of the Missouri River;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the South line of Section 17, Township 10, Range 24, said line also being the North line of Section 20, Township 10, Range 24;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 20, Township 10, Range 24, said line also being the West line of Section 21, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line of Section 21, Township 10, Range 24, said line also being the West line of Section 22, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line of Section 22, Township 10, Range 24, said line also being the West line of Section 23, Township 10, Range 24;

thence in a Northeasterly direction along the right bank of the Missouri River to the North line of Section 23, Township 10, Range 24, said line also being the South line of Section 14, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 14, Township 10, Range 24, said line also being the West line of Section 13, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 13, Township 10, Range 24, said line also being the West line of Section 18, Township 10, Range 25;

thence continuing in an East and Southerly direction along the right bank of the Missouri River to its intersection with the South line of Section 18, Township 10, Range 25, said line also being the North line of Section 19, Township 10, Range 25;

thence continuing South along the right bank of the Missouri River to its intersection with the South line of Section 19, Township 10, Range 25, said line also being the North line of Section 30, Township 10, Range 25;

thence Southeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 30, Township 10, Range 25, said line also being the West line of Section 29, Township 10, Range 25;

thence continuing East along the right bank of the Missouri River to its intersection with the Centerline of Interstate Highway 635;

thence South along the centerline of Interstate Highway 635 to its intersection with the centerline of the Western extension of Steele Road;

thence East along the centerline of the extension of Steele Road to the point where Steele Road begins;

thence continuing East along centerline of Steele Road to the point Northeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of KERRYCREEK, to the Southeast corner of KERRYCREEK, said point being on the North line of EDWARD STEELE SUBDIVISION, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence South along the West line of EDWARD STEELE SUBDIVISION to the North right-of-way line of Shawnee Drive;

thence East along the North right-of-way line of Shawnee Drive to its intersection with the centerline of the Northern extension of 26th Street;

thence South along the centerline of the Northern extension of 26th Street to the point where 26th Street begins said point being Woodend Road;

thence continuing South along the centerline of 26th Street to its intersection with the centerline of Merriam Lane;

thence Southwest along the centerline of Merriam Lane its intersection with the West line of Southeast Quarter of Section 32, Township 11, Range 25;

thence south along the West line of Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of the Burlington Northern and Santa Fe Railroad tracks;

thence Northeast along the centerline of the Burlington Northern and Santa Fe Railroad tracks to its intersection with 18th Street;

thence south along 18th Street and its Southern extension to the point of beginning;

all in Wyandotte County, Kansas.

Area 2 East State Avenue Corridor in KCK

02/01/2012

Beginning at the Southwest corner of Southeast Quarter of Section 5, Township 11, Range 24, said point being on the intersection of 82nd Street and State Avenue;

thence North to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Southwest corner of WESTFIELD GREEN, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West boundary line of WESTFIELD GREEN to the Southwest corner of DEWERCs, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence continuing North 175 feet more or less along the West boundary line of DEWERCs to a point that is due West of the Northwest corner of Lot 7, DEWERCs;

thence East to the Northwest corner of Lot 7, DEWERCs;

thence continuing East along the North boundary line of Lot 7, DEWERCs to the Northeast corner of Lot 7, DEWERCs, said point also being on the West right-of-way line of 79th Street;

thence North along the West right-of-way line of 79th Street to the its intersection with the North right-of-way line of Washington Avenue;

thence East along the North right-of-way line of Washington Avenue to its intersection with the East right of way line of 78th Street;

thence South along the East right-of-way line of 78th Street to a point that is 661.12 feet more or less South of the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 11, Range 24;

thence west to the West line of WHITE SUB, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of WHITE SUB, to the Northwest corner of WHITE SUB;

thence East along the North line of WHITE SUB, to the Northeast corner of WHITE SUB;

thence continuing East to the West line of CANTERBURY MANOR NO 1, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence southeast along the East line of CANTERBURY MANOR NO 1 to the Southwest corner of Block 4, Lot 12, CANTERBURY MANOR NO 1, said point also being on the North right-of-way line of Nebraska Avenue;

thence East along the South line of Block 4, Lot 12, CANTERBURY MANOR NO 1, to the Southeast corner of Block 4, Lot 12, CANTERBURY MANOR NO 1, said point being on the West right-of-way line of 75th Street;

thence Northeast to the Southwest corner Block 5, Lot 4, CANTERBURY MANOR NO 1;

thence East along the South line of Block 5, Lot 4, CANTERBURY MANOR NO 1, to the Southeast corner of Block 5, Lot 4, CANTERBURY MANOR NO 1 said point being on the West line of the Southeast Quarter of Section 4, Township 11, Range 24;

thence North along the West line of the Southeast Quarter of Section 4, Township 11, Range 24 to the of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence East along the North line of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24 East to a point that is 577.0 feet more or less East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence South to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Wyandotte-Delaware Reserve Line;

thence North along the Wyandotte-Delaware Reserve line to a point 690.64 feet North of the South lined of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of College Parkway;

thence North along the West right-of-way line of Collage Parkway to a point 1233.19 feet more or less North of the South line of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of 69th Street;

thence South along the East right-of-way line of 69th street to the North right of way line of State Avenue;

thence West along the North right-of-way line of State Avenue to the northern prolongation of the West right-of-way line of 69th Street;

thence South along the prolongation of the West right-of-way line of 69th Street to the South right-of-way line of State Avenue;

thence continuing South along the West right-of-way line of 69th Street to a point that is 429.00 feet more or less South of the North line of the Southwest Quarter of the Northwest quarter of Section 4, Township 11, Range 24;

thence West to the East right-of-way line of College Parkway;

thence Southwest to the Southeast corner of REDWOOD GARDENS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of REDWOOD GARDENS, to the Southwest corner of REDWOOD GARDENS;

thence North along the west line of REDWOOD GARDENS, to the Southwest right-of-way line of Garden Drive;

thence Northwest along the Southwest right-of-way line of Garden Drive to the West right-of-way line of 71st Street;

thence North along the West right-of-way line of 71st Street to the Southeast corner of Block 1 REDWOOD GARDENS;

thence West along the South line of Block 1 REDWOOD GARDENS to the Southwest corner of Block 1 REDWOOD GARDENS;

thence North along the West line of Block 1 REDWOOD GARDENS to the Northwest corner of Block 1 REDWOOD GARDENS, said point being on the South right-of-way line of Armstrong Avenue;

thence West along the South right-of-way line of Armstrong Ave to the West right-of-way line of 72nd Street;

thence North along the West right-of-way line of 72nd Street to the Southeast corner of JENKINS STATUTORY REQUIREMENT PLAT, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of JENKINS STATUTORY REQUIREMENT PLAT, to the Southwest corner of JENKINS STATUTORY REQUIREMENT PLAT, said point being on the East right-of-way line of 74th Drive;

thence West to the intersection of the West right-of-way line of 74th Drive and the North right-of-way line of Armstrong Avenue;

thence West along the North right-of-way line of Armstrong Avenue to the West right-of-way line of 78th Street;

thence North along the West right-of-way of 78th Street to the Northeast corner of WESTRIDGE HEIGHTS, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of WESTRIDGE HEIGHTS to Northwest corner of WESTRIDGE HEIGHTS, said point being on the East line of STONY POINT HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of STONY POINT HEIGHTS to the North right-of-way line of Minnesota Avenue;

thence West along the North right-of-way line of Minnesota Avenue to the centerline of 82nd Street;

thence north along the centerline of 82nd Street to the Point of Beginning;

all in Wyandotte County, Kansas.

Area 2 West in KCK

2/1/2012

Beginning at the intersection of 86th Street and Riverview Avenue said point being the Southeast corner of Section 7, Township 11, Range 24;

thence West along the South line of Section 7, Township 11, Range 24 to the Southwest corner of Section 7, Township 11, Range 24;

thence North along the West line of Section 7, Township 11, Range 24 to the center of the West line of Section 7, Township 11, Range 24 said line also being the East line of Section 12, Township 11, Range 23;

Thence West along the East-West centerline of Section 12, Township 11, Range 23 to the center of Section 12, Township 11, Range 23;

thence South along the North-South centerline of Section 12, Township 11, Range 23 to its intersection with the South right-of-way line of the Interstate Highway 70;

thence in a Westerly direction along the South right-of-way line of Interstate Highway 70 to its intersection with the centerline of Interstate Highway 435;

thence Northerly along the centerline of Interstate Highway 435 to a point that intersects the North-South centerline of Section 35, Township 10, Range 23;

thence North along the North-South centerline of Section 35, Township 10, Range 23 to the center of Section 35, Township 10, Range 23;

thence East along the East-West centerline of Section 35, Township 10, Range 23 to the center of the East line of Section 35, Township 10, Range 23 said line also being the West line of Section 36, Township 10, Range 23;

thence East along the East-West centerline of Section 36, Township 10, Range 23 to the center of Section 36, Township 10, Range 23;

thence North along the North-South centerline of Section 36, Township 10, Range 23 to the center of the North line of Section 36, Township 10, Range 23;

thence East along the North line of Section 36, Township 10, Range 23 to the Northeast corner of Section 36, Township 10, Range 23 said corner also being the Southeast corner of Section 25, Township 10, Range 23;

thence North along the East line of Section 25, Township 10, Range 23 to the center of the East line of Section 25, Township 10, Range 23 said line also being the West line of Section 30, Township 10, Range 24;

thence East along the East-West centerline of Section 30, Township 10, Range 24 to the center of the South line of Northwest Quarter Section of Section 30, Township 10, Range 24;

thence North to the center of the Northwest Quarter Section of Section 30, Township 10, Range 24:

thence West to the West line of Section 30, Township 10, Range 24;

thence North along the West line of Section 30, Township 10, Range 24 to the Northwest corner of Section 30, Township 10, Range 24 said corner also being the Southwest corner of Section 19, Township 10, Range 24;

thence North along the West line of Section 19, Township 10, Range 24 to the Northwest corner of Section 19, Township 10, Range 24;

thence East along the North line of Section 19, Township 10, Range 24 to the center of the North line of the Northwest Quarter Section of Section 19, Township 10, Range 24 said line also being the South line of the Southwest Quarter Section of Section 18, Township 10, Range 24;

thence North to the East-West Centerline of Section 18, Township 10, Range 24;

thence West along the East-West centerline to the center of West line of Section 18, Township 10, Range 24;

thence North along the West line of Section 18, Township 10, Range 24 to the Northwest corner of Section 18, Township 10, Range 24 said corner also being the Southwest corner of Section 7, Township 10, Range 24;

thence North along the West line of Section 7, Township 10, Range 24 to its intersection with the centerline of Interstate Highway 435;

thence Northeasterly along the centerline of Interstate Highway 435 to its intersection with the the right bank of the Missouri River;

thence in a Southeasterly direction along the right bank of the Missouri River to its intersection with the prolongation of a line extending North 45 degrees 30 minutes 0 seconds East from the end of 79th Street;

thence South 45 degrees 30 minutes 0 seconds West to the end of 79th Street;

thence South along the centerline of 79th Street to its intersection with the centerline of Luke Lane;

thence Southwesterly along the centerline of Luke Lane to the point where Luke Lane ends and 83rd Street begins;

thence continuing South along the centerline of 83rd Street to the point where 83rd Street ends and 82nd Street begins;

thence continuing south along the centerline of 82nd Street to the South line of Section 32, Township 10, Range 24 said point being the center of the North line of Section 5, Township 11, Range 24;

thence West along the North line of Section 5, Township 11, Range 24 to the Northwest corner of Section 5, Township 11, Range 24 said point being the intersection of Parallel Parkway and 86th Street;

thence South on along the centerline 86th Street to the point of beginning;

all in Wyandotte County, Kansas.

Legal Description for Proposed NRP 3 in KCK

11/05/2014

Beginning at the centerline of the Kansas River and its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24 said line also being the East line Section 19, Township 11, Range 24;

thence North along the East line of Section 19, Township 11, Range 24 to the to the Northeast corner of Section 19, Township 11, Range 24 said point also being the Southwest corner of Section 17, Township 11, Range 24;

thence East along the South line of Section 17, Township 11, Range 24 to the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24;

thence West along the North line of Section 17, Township 11, Range 24 to the Northwest corner Section 17, Township 11, Range 24 said point also being the Northeast corner of Section 18, Township 11, Range 24;

thence continuing West along the North line of Section 18, Township 11, Range 24 to the Northwest corner Section 18, Township 11, Range 24;

thence continuing South along the West line of Section 18, Township 11, Range 24 to the Southwest corner Section 18, Township 11, Range 24 said point also being the Northwest corner of Section 19, Township 11, Range 24;

thence continuing South along the West line of Section 19, Township 11, Range 24 to the Southwest corner Section 19, Township 11, Range 24 said point also being the Northwest corner of Section 30, Township 11, Range 24;

thence continuing South along the West line of Section 30, Township 11, Range 24 to the North right-of-way line of Kansas Highway No. 32;

thence in a easterly direction along the North right-of-way line of Kansas Highway No. 32 to its intersection with the North-South centerline of Section 30, Township 11, Range 24;

thence south along the North-South centerline of Section 30, Township 11, Range 24 to the South line Section 30, Township 11, Range 24 said line also being the North line of Section 31, Township 11, Range 24;

thence south along the North-South centerline of Section 31, Township 11, Range 24 to its intersection with the centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River to the point of beginning;

all in Wyandotte County, Kansas.

Legal Description for Proposed NRP 4 in KCK

12/11/2014

Beginning at the Southwest corner of Section 6, Township 10, Range 23:

thence North along the West line of Section 6, Township 10, Range 23 to its intersection with the Delaware Reservation Line, the same being the dividing line between the original Delaware Reservation and the Delaware Trust Lands, said reservation line also being the Wyandotte-Leavenworth County line;

thence Easterly along the Delaware Reservation line to its intersection with the East section line of Section 6, Township 10, Range 23 said intersection also being the West line Section 5, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 5, Township 10, Range 23 said intersection also being the West line Section 4, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 4, Township 10, Range 23 said intersection also being the West line Section 3, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 3, Township 10, Range 23 said intersection also being the West line Section 2, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 2, Township 10, Range 23 said intersection also being the West line Section 1, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the South section line of Section 1, Township 10, Range 23 said intersection also being the North line Section 12, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East line of Section 12, Township 10, Range 23;

thence South along the East line of Section 12, Township 10, Range 23 to Southeast corner of Section 12, Township 10, Range 23 said corner also being the Northeast corner of Section 13, Township 10, Range 23;

thence South along the East line of Section 13, Township 10, Range 23 to the center of the East line of Section 13, Township 10, Range 23 said point also being the center of West line of Section 18, Township 10, Range 24;

thence East along the East-West centerline of Section 18, Township 10, Range 24 to the center of the North line of the Southwest quarter Section 18, Township 10, Range 24;

thence South to the center of the South line of the Southwest quarter of Section 18, Township 10, Range 24;

thence West along the South line of Section 18, Township 10, Range 24 to the Southwest corner of Section 18, Township 10, Range 24 said point also being the Northwest corner of Section 19, Township 10, Range 24;

thence South along the West line of Section 19, Township 10, Range 24 to the Southwest corner of Section 19, Township 10, Range 24 said point also being the Northwest corner of Section 30, Township 10, Range 24;

thence continuing South along the West line of Section 30, Township 10, Range 24 to the center of the West line of the Northwest quarter Section 30, Township 10, Range 24;

thence East to the center of the Northwest quarter of Section 30, Township 10, Range 24;

thence South to the center of the South line of the Northwest quarter of Section 30, Township 10, Range 24;

thence West to the center of the West line of Section 30, Township 10, Range 24;

thence South along the West line of Section 30, Township 10, Range 24 to the Southwest corner of Section 30, Township 10, Range 24 said point also being the Northeast corner of Section 36, Township 10, Range 23;

thence West along the North line of Section 36, Township 10, Range 23 to the center of the North line of Section 36, Township 10, Range 23;

thence South along the North-South centerline of Section 36, Township 10, Range 23 to the center of Section 36, Township 10, Range 23;

thence West along the East-West centerline of Section 36, Township 10, Range 23 to the West line of Section 36, Township 10, Range 23 said line also being the East line of Section 35, Township 10, Range 23;

thence West along the East-West centerline of Section 35, Township 10, Range 23 to the center of Section 35, Township 10, Range 23;

thence South along the North-South centerline of Section 35, Township 10, Range 23 to the South line Section 35, Township 10, Range 23 said line also being the North line of fractional Section 2, Township 11, Range 23;

thence West along the North line of fractional Section 2, Township 11, Range 23 to the center of the North Line of the East half of the Northeast Quarter of fractional Section 2, Township 11, Range 23;

thence South to the East-West centerline of the fractional Section 2, Township 11, Range 23;

thence West along the East-West centerline of the fractional Section 2, Township 11, Range 23 to the center of the fractional Section 2, Township 11, Range 23;

thence South along the North-South centerline of the fractional Section 2, Township 11, Range 23 to the center of the East line of the Southwest quarter of fractional Section 2, Township 11, Range 23;

thence West to the center of the West line of Southwest quarter of fractional Section 2, Township 11, Range 23 said line also being the East line of fractional Section 3, Township 11, Range 23;

thence North along the East line of the fractional Section 3, Township 11, Range 23 to the center of the East line of the fractional Section 3, Township 11, Range 23;

thence West along the East-West centerline of fractional Section 3, Township 11, Range 23 to the West line of fractional Section 3, Township 11, Range 23 said line also being the East line of fractional Section 4, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 4, Township 11, Range 23 to the West line of fractional Section 4, Township 11, Range 23 said line also being the East line of fractional Section 5, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 5, Township 11, Range 23 to the West line of fractional Section 5, Township 11, Range 23 said line also being the East line of fractional Section 6, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 6, Township 11, Range 23 to the West line of fractional Section 6, Township 11, Range 23 said line also being the Wyandotte-Leavenworth County line;

thence North along the West line of fractional Section 6, Township 11, Range 23 to the Northwest corner of fractional Section 6, Township 11, Range 23;

thence East along the North line of fractional Section 6, Township 11, Range 23 to its intersection with the Southwest corner of Section 31, Township 10, Range 23;

thence North along the West line of Section 31, Township 10, Range 23 to the Northwest corner of Section 31, Township 10, Range 23 said corner also being the Southwest corner of Section 30, Township 10, Range 23;

thence continuing North along the West line of Section 30, Township 10, Range 23 to the Northwest corner of Section 30, Township 10, Range 23 said corner also being the Southwest corner of Section 19, Township 10, Range 23;

thence continuing North along the West line of Section 19, Township 10, Range 23 to the Northwest corner of Section 19, Township 10, Range 23 said corner also being the Southwest corner of Section 18, Township 10, Range 23;

thence continuing North along the West line of Section 18, Township 10, Range 23 to the Northwest corner of Section 18, Township 10, Range 23 said corner also being the Southwest corner of Section 7, Township 10, Range 23;

thence continuing North along the West line of Section 7, Township 10, Range 23 to the Northwest corner of Section 7, Township 10, Range 23 said corner also being the Southwest corner of Section 6, Township 10, Range 23 and the point of beginning;

all in Wyandotte County, Kansas.

Exhibit B

Planning and Development Zoning and District Regulations

Wyandotte County - Unified Government, Kansas, Code of Ordinances >> Chapter 27 - PLANNING AND DEVELOPMENT >>
ARTICLE VIII. - ZONING >> DIVISION 4. - DISTRICT REGULATIONS >>

DIVISION 4. - DISTRICT REGULATIONS

Sec. 27-452. - A-G agriculture district.
Sec. 27-453. - R rural residential district.
Sec. 27-454. - R-1 single-family district.
Sec. 27-455. - R-1(B) single-family district.
Sec. 27-456. - R-2 two-family district.
Sec. 27-457. - R-2(B) two-family district.
Sec. 27-458. - R-3 townhouse district.
Sec. 27-459. - R-4 garden apartment district.
Sec. 27-460. - R-5 apartment district.
Sec. 27-461. - R-6 high-rise apartment district.
Sec. 27-462. - R-M mobile home park district.
Sec. 27-463. - C-0 nonretail business district.
Sec. 27-464. - C-1 limited business district.
Sec. 27-465. - C-D central business district.
Sec. 27-466. - C-2 general business district.
Sec. 27-467. - C-3 commercial district.
Sec. 27-468. - M-1 light industrial and industrial park district.
Sec. 27-469. - M-2 general industrial district.
Sec. 27-470. - M-3 heavy industrial district.
Sec. 27-471. - TND Traditional neighborhood design district.
Sec. 27-472. - B-P Planned business park district.
Secs. 27-473—27-497. - Reserved.

Sec. 27-452. - A-G agriculture district.

- (a) *Generally.* This section applies to the A-G agricultural district. The purpose of the A-G agriculture district is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses, and as a holding zone for properties where more intense urban development is not yet feasible. Rezonings from this district shall be carefully considered in light of likely effects on the successful implementation of the comprehensive land use plan and the availability of public facilities. A subdivision that would create one or more lots of less than five acres will require rezoning to the appropriate residential or other zoning district.
- (b) *Permitted uses.* In the A-G agriculture district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) One-family dwellings.
 - (2) Agricultural use, excluding feedlots or confinement livestock or poultry operations. The keeping or raising of livestock, horses, or poultry shall be limited to ownerships of at least one acre. Buildings, pens or other structures devoted to such use shall be located at least 100 feet from any street or property line. Agricultural uses shall be subject to the applicable regulations of the public health department and other unified government regulations.
 - (3) Publicly owned parks and playgrounds, including public recreation and service buildings and municipally owned swimming pools.
 - (4) Municipal facilities of a governmental nature.
 - (5) Railroad lead track rights-of-way, not including railroad yards, sidings, freight depots or train sheds, nor any other facilities which would encourage or require the stopping, starting, loading or unloading of trains.
 - (6) Board of public utilities' facilities.
 - (7) Crop and livestock testing facilities and laboratories.
 - (8) Churches.
 - (9) Golf courses and club houses appurtenant thereto, not including miniature golf courses, driving ranges, and other similar activities operated as a business.
 - (10) Greenhouses, nurseries and truck gardens limited to the propagation and cultivation of plants.
 - (11) Kennels for no more than ten dogs, provided the buildings and pens shall be located not less than 200 feet from any property line.
 - (12) Riding stables, fishing lakes and picnic groves, provided no concession or retail sales shall be permitted.
 - (13) Public and private schools, elementary and high, and institutions of higher learning, including stadiums and dormitories appurtenant thereto if located on the same campus.
 - (14) Publicly owned and operated museums, libraries and community centers.
- (c) *Plan approval.* For all uses and structures listed as permitted uses in subsections (b)(6)—(b)(14) of this section, preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities, such plans shall include details as set out in section 27-212. Such uses shall provide parking and paving setbacks of six feet unless otherwise approved by the planning commission. Notice shall be sent to property owners within 200 feet except for plan approvals for governmental facilities. Approval or disapproval by the planning commission shall be based upon the following:
- (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.
- The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
- (d) *Height and area standards.* All buildings and structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a.

- Front yard: Not less than 50 feet.
- b. Side yard interior: Not less than 20 feet
 - c. Side yard, corner: Not less than 50 feet.
 - d. Rear yard: Not less than 50 feet.
- (3) Lot width and area shall be as follows:
- a. Lot width shall be not less than 250 feet measured at the building line; provided, however, that where a lot or tract has been in a single ownership since December 28, 1982, and has less width than required herein, this regulation shall not prohibit the erection of a single-family dwelling on a lot not less than 70 feet wide.
 - b. Lot area shall be not less than five acres per dwelling unit; provided, however, that where a lot or tract has been in single ownership since December 28, 1982, and has less area than required herein, this subsection shall not prohibit the erection of a single-family dwelling on a lot not less than one acre in area.
- (4) Minimum floor area shall be 864 square feet of habitable floor area for each residence.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1157; Ord. No. 64690, § 1(27-17), 8-30-1984; Ord. No. 64884, § 1, 10-3-1985; Ord. No. 65515, § 1, 3-8-1990; Ord. No. 65814, § 6, 7-8-1993)

Sec. 27-453. - R rural residential district.

- (a) **Generally.** The purpose of the R rural residential district is to accommodate low density residential development in areas of the city which are not likely to receive sanitary sewers and other urban services in the foreseeable future, and which are not likely to disrupt the pattern of urban development now or in the future due to rough terrain, isolated location or other factors. Prior to zoning property to this district, consideration shall be given to the compatibility with neighboring land uses, size and topography of the subdivision site, and the ability of the neighborhood to accommodate the development without excessive damage to soils, roads and other elements in the environment. No area of less than 20 acres shall be rezoned to the R rural residential district unless it is abutting an area already so zoned. This section applies to the R rural residential district.
 - (b) **Permitted uses.** In the R rural residential district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Single-family dwellings.
 - (2) Churches.
 - (3) Any other use permitted in the R-1 district under the standards and requirements of that district.
 - (c) **Plan approval.** For all uses listed as permitted uses in section 27-452(b)(5)–(b)(9), preliminary development plans and final plans shall be approved by the planning commission prior to the issuance of building permits. Such plans shall include details as set out in section 27-212. Approval or disapproval by the planning commission shall be based upon the following:
 - (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.
- The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
- (d) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 50 feet.
 - b. Side yard, interior: Not less than 20 feet.
 - c. Side yard, corner: Not less than 50 feet.
 - d. Rear yard: Not less than 50 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 120 feet measured at the building line.
 - b. Lot area: Not less than one acre per dwelling unit.
 - (4) Minimum floor area shall be 864 square feet of habitable floor area for each residence.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional information, see division 11 of this article.
- (Code 1988, § 27-1158; Ord. No. 64690, § 1(27-19), 8-30-1984)

Sec. 27-454. - R-1 single-family district.

- (a) **Generally.** The purpose of the R-1 single-family district is to accommodate the bulk of single-family detached housing in the city, particularly in newly developing areas where similar density of development now exists. This section applies to the R-1 single-family district.
- (b) **Permitted uses.** In the R-1 single-family district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Single-family dwellings.
 - (2) Municipal facilities of a governmental nature.
 - (3) Publicly owned parks and playgrounds, including public recreation and service buildings and municipally owned swimming pools.
 - (4) Railroad lead track rights-of-way, not including railroad yards, sidings, freight depots or train sheds, nor any other facilities which would encourage or require the stopping, starting, loading or unloading of trains.
 - (5) Board of public utilities facilities.
 - (6) Churches, on parcels no less than 120 feet wide and 15,000 square feet and in converted dwellings only when all provisions of the building code for the appropriate occupancy are met.
 - (7) Golf courses and club houses appurtenant thereto, not including miniature golf courses, driving ranges, and other similar activities operated as a business.
 - (8) Public and private schools, elementary and high, and institutions of higher learning, including stadiums and dormitories appurtenant

- thereto if located on the same campus.
- (9) Publicly owned and operated museums, libraries and community centers.
 - (10) Agricultural use, except that such uses that involve animals shall conform with section 27-609(3).
- (c) **Plan approval.** For all uses and structures listed as permitted uses in subsections (b)(5)–(b)(9) of this section, preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities. Such plans shall include details as set out in section 27-212. Such uses shall provide parking and paving setbacks of six feet unless otherwise approved by the planning commission. Notice shall be sent to property owners within 200 feet except for plan approvals for governmental facilities. Approval or disapproval by the planning commission shall be based upon the following:
- (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.
- The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
- (d) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than seven feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 30 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 65 feet measured at the building line.
 - b. Lot area: Not less than 7,150 square feet per dwelling unit; provided, however, that where a platted lot has less area or width than herein required and was of record as of May 20, 1968, the lot may be occupied by a single-family dwelling in accordance with the height and area standards of the R-1(B) single-family district.
 - (4) Minimum floor area shall be 864 feet of habitable floor area for each residence.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.

(Code 1988, § 27-1159; Ord. No. 64690, § 1(27-21), 8-30-1984; Ord. No. 64884, § 2, 10-3-1985; Ord. No. 65814, § 7, 7-8-1993)

Sec. 27-455. - R-1(B) single-family district.

- (a) **Generally.** The purpose of the R-1(B) single-family district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents. This district is generally considered too intensive for single-family detached homes in developing sections of the city. This section applies to the R-1(B) single-family district.
 - (b) **Permitted uses.** In the R-1(B) single-family district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses: Any use permitted in the R-1 single-family district with uses other than single-family dwellings conforming to the standards and requirements of the R-1 single-family district.
 - (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than ten percent of the width of the zoning lot, but no less than three feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 25 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 50 feet measured at the building line; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635 that is less than 50 feet wide and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 can build at any width; given that the building is in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.
 - b. Lot area: Not less than 5,000 square feet per dwelling unit; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635, if such lot contains less than 5,000 square feet and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 shall be in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.
 - c. The Narrow Lot Design Guidelines dated February 18, 2008, are modified as follows:
 - 1. A residence built on a narrow lot may match elevations of adjacent residences within that street without a raised porch, except as may be required by the building code.
 - 2. If the residence is constructed utilizing state or federal tax credits and the regulations relating to those tax credits have requirements for ADA accessibility, exceptions to the to the raised front entry requirements of the Narrow Lot Design Guidelines may be granted by the director of urban planning.
 - 3. The raised front entry height is reduced from 30 inches to 14 inches.
 - 4. If the narrow lot has a rise from front to rear of more than seven feet, the lot is eligible for a front loaded garage.
 - 5. **Alley and garage standards.**
 - a. If the narrow lot is on an unimproved or severely deteriorated alley, exceptions may be granted by the director of urban planning to the alley entrance requirements.
 - b. Garages in the rear yard shall be located to allow a sufficient turning radius to enter and exit the garage from the alley.
- Existing garage placement requirements should be utilized as guidelines.
- 6. **Siding standards.**
 - a. Any siding with a 50-year warranty will be allowed. This specifically replaces the cement board siding requirement.

- (4) Minimum floor area shall be 750 square feet of habitable floor area for each residence.
For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1160; Ord. No. 64690, § 1(27-23), 8-30-1984; Ord. No. O-2-10, § 1, 1-7-2010; Ord. No. O-19-11, § 1, 6-2-2011)

Sec. 27-456. - R-2 two-family district.

- (a) **Generally.** The purpose of the R-2 two-family district is to accommodate the bulk of two-family dwellings or duplexes, particularly in newly developing areas and areas where similar density of development now exists. Duplex development may also be used as a suitable transition between single-family development and other land uses of a more harsh nature. This section applies to the R-2 two-family district.
- (b) **Permitted uses.** In the R-2 two-family district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1 single-family district, under the standards and requirements of that district.
 - (2) Two-family dwellings, commonly referred to as duplexes.
- (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet (see exceptions in subsection (d) of this section).
 - b. Side yard, interior: Not less than eight feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 30 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 75 feet measured at the building line.
 - b. Lot area: Not less than 3,575 square feet per dwelling unit for buildings erected, converted, or structurally altered for two-family occupancy.
 - (4) Minimum floor area shall be 750 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front lot line to the garage door shall be not less than 36 feet, and space shall be provided in the drive for the parking of two passenger cars for each dwelling unit. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family or two-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1161; Ord. No. 64690, § 1(27-25), 8-30-1984)

Sec. 27-457. - R-2(B) two-family district.

- (a) **Generally.** This section applies to the R-2(B) two-family district. The purpose of the R-2(B) district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents. Conversion of residential buildings constructed as single-family dwellings shall be permitted only when parking, land, floor area and life safety requirements are fully met.
- (b) **Permitted uses.** In the R-2(B) two-family district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1(B) single-family district, under the standards and requirements of that district.
 - (2) Two-family dwellings, commonly referred to as duplexes.
- (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than five feet.
 - c. Side yard, corner: Not less than 20 feet.
 - d. Rear yard: Not less than 25 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 50 feet measured at the building line.
 - b. Lot area: Not less than 2,500 square feet per dwelling unit for buildings erected, converted, or structurally altered for two-family occupancy.
 - (4) Minimum floor area shall be 800 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** One parking space for each dwelling unit shall be provided on the premises. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family or two-family dwellings shall be permitted one wall and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1162; Ord. No. 64690, § 1(27-27), 8-30-1984)

Sec. 27-458. - R-3 townhouse district.

- (a) **Generally.** The purpose of the R-3 district is to accommodate single-family attached residences at densities and with designs that bridge the gap between rental apartment units and single-family homes. The term "townhouse" includes duplexes, side by side units separated by a party wall, or units stacked one above the other. It is the intent of this zoning district that townhouse units be designed and constructed for individual ownership although rental units are not prohibited. This section applies to the R-3 townhouse district.

- (b) *Permitted uses.* In the R-3 townhouse district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1(B) single-family district, under the standards and requirements of that district.
 - (2) Residential buildings containing two to 12 dwelling units.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street (see exceptions under subsection (c)(2)e of this section).
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than six feet from any property line; provided, however, no setback is required for parking in drives on the premises of a dwelling unit.
 - (3) Lot size and area shall be as follows:
 - a. Lot size: no R-3 townhouse district project shall be constructed on a lot less than one acre.
 - b. Lot area: not less than 4,000 square feet per dwelling unit.
 - (4) Minimum floor area: Not less than 750 square feet of habitable floor area per dwelling unit.

For additional standards and information, see division 8 of this article.

- (d) *Parking standards.* Two off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. When parking spaces are provided on the premises of each dwelling unit, when no more than two off-street parking spaces are provided for each dwelling unit on the premises, when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front line to the garage door shall not be less than 35 feet and space shall be provided in the drive for parking two passenger cars for each dwelling unit. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-3 and the procedures are set out in section 27-212.

(Code 1988, § 27-1164; Ord. No. 64690, § 1(27-29), 8-30-1984; Ord. No. 66138, § 1, 8-15-1996)

Sec. 27-459. - R-4 garden apartment district.

- (a) *Generally.* The purpose of the R-4 garden apartment district is to accommodate low-rise multiple-family development at moderate densities. This is the most appropriate district for apartment development in the suburban areas of the city. It is anticipated that garden apartment buildings will be in clusters on sites large enough to allow several buildings. Sites should be carefully planned with maximum privacy and safety and adequate landscaping over the entire site. Such projects are most appropriate on arterial or collector streets or as transitions between business and single-family neighborhoods. This section applies to the R-4 garden apartment district.
- (b) *Permitted uses.* In the R-4 garden apartment district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-2 two-family district, under the requirements of that district.
 - (2) Garden apartment buildings or townhouses.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet, except that buildings designed for senior and/or retired persons may be up to three stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any property line.
 - (3) Lot area shall be not less than 3,000 square feet per dwelling unit.
 - (4) Minimum floor area shall be 380 square feet of habitable floor area for each dwelling unit.

For additional standards and information, see division 8 of this article.

- (d) *Parking standards.* One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designated and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-4 and the procedures are set out in section 27-212.

(Ord. No. 64690, § 1(27-31), 8-30-1984; Ord. No. O-65-02, § 5, 8-29-2002)

Sec. 27-460. - R-5 apartment district.

- (a) *Generally.* The purpose of the R-5 apartment district is to accommodate medium-density apartment buildings of more than two stories. At its higher range of permitted densities, this district is appropriate for infill or redevelopment sites and for areas of existing similar density near major business or employment centers, but not for suburban areas of the city. Conversions of residential buildings shall be permitted only when parking, land and floor area, and life safety requirements are fully met. This section applies to the R-5 apartment district.
- (b) *Permitted uses.* In the R-5 apartment district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-2 two-family district, under the requirements of that district.
 - (2) Apartment buildings.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than four stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line.
 - (3) Lot area shall be not less than 1,500 square feet per dwelling unit; provided, however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.
 - (4) Minimum floor area: Not less than 380 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) *Parking standards.* One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent in this district is RP-5 and the procedures are set out in section 27-212.
- (Code 1988, § 27-1165; Ord. No. 64690, § 1(27-33), 8-30-1984; Ord. No. 65552, § 2, 8-9-1990)

Sec. 27-461. - R-6 high-rise apartment district.

- (a) *Generally.* The purpose of the R-6 high-rise apartment district is to accommodate high-density apartment development of five stories or more. Such development is most suitable in and around the downtown area and in other carefully selected areas where excellent transportation and other services exist. It is also intended that the relatively high density of population permitted in this district be housed in buildings taller than two or three stories in order that reasonable open space may be provided. This section applies to the R-6 high-rise apartment district.
- (b) *Permitted uses.* In the R-6 high-rise apartment district, no building, structure, or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for the following uses:
- (1) Any use permitted in the R-2(B) two-family district under the requirements of that district.
 - (2) Apartment buildings of less than five stories under the R-5 apartment district requirements.
 - (3) Apartment buildings designed solely for senior or retired persons.
 - (4) High-rise apartment buildings.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) There shall be no minimum or maximum height requirement.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line, plus an additional three feet for each story over four to a maximum requirement of 25 feet.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than the height of the building.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line.
 - (3) The building floor area shall not exceed three times the area of the site (floor area ratio 3.0), and an area equal to at least 40 percent of the site area shall be maintained as nonvehicular open space.
 - (4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) *Parking standards.* One parking space shall be provided for each dwelling unit that has one bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one parking space for each three dwelling units. One and one-half parking spaces shall be provided for each dwelling unit that has two bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the

project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by the use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-6 and the procedures are set out in section 27-212

(Code 1988, § 27-1166; Ord. No. 64690, § 1(27-35), 8-30-1984; Ord. No. 64884, § 3, 10-3-1985)

Sec. 27-462. - R-M mobile home park district.

- (a) *Generally.* The purpose of the R-M mobile home park district is to accommodate the particular needs and requirements of mobile homes in areas where such needs can be reasonably and efficiently met. Special consideration must be given to the movement of traffic both within the mobile home park and of the mobile homes themselves on public streets, to the provision of safety features peculiar to the needs of mobile homes, to the provisions of amenities suitable to the density of mobile home parks, and to the safeguarding of the public health, safety, and general welfare. This section applies to the R-M mobile home park district.
- (b) *Permitted uses.* In the R-M mobile home park district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Mobile home dwellings in a mobile home park of at least five acres that shall be designed for a maximum density of seven mobile homes per acre. Each mobile home shall be placed on its own mobile home space.
 - (2) Any legally established mobile home park including, those which are legally nonconforming uses, may use up to 30 percent of the mobile home pad sites for self-contained recreational vehicles. Such pad sites shall meet all R-M district requirements or be already legally established as an existing nonconforming use. No such pad within the mobile home park shall be located within 200 feet of a residential structure zoned R-1 single-family district. No recreational vehicle shall be used for permanent occupancy. Permanent occupancy shall be defined as remaining in one or more mobile home parks within the city for more than 180 days in any 365-day period, or as at least three separate times in a 365-day period, with each time separated by no less than 90 days.
 - (3) In a mobile home park established prior to November 20, 1969, any self-contained recreational vehicle in place as of the effective date of the ordinance from which this section is derived may remain for up to 18 months beyond said effective date. The park owner must provide a list to the unified government specifically designating any such recreational vehicle proposed to remain under this exception within 30 days of the effective date of the ordinance from which this subsection is derived. Thereafter, the park owner must report all recreational vehicles on the annual mobile home listing required for filing with the county in accordance with K.S.A. 79-336(4) also to the unified government.
 - (4) A special use permit may be sought for a campground and, if approved, variations from the standard set out herein may be permitted.
- (c) *Mobile homes, where permitted.* Mobile home, as used in this section, refers to manufactured housing built in compliance with 24 CFR 3280. Except as provided in this subsection, a mobile home may be permitted in the city only in an area zoned R-M mobile home park district.
- (1) A mobile home may be permitted elsewhere in the city by the unified government board of commissioners for the purpose of providing temporary housing following a disaster, such as fire, windstorm, flood or other emergency or hardship, provided such mobile home is removed from its location within one year of its original placement.
 - (2) One or more mobile homes may be used as a temporary office or other nonresidential structure on the site of a construction project, provided such structure is removed upon completion of the project.
 - (3) A mobile home may be utilized as a single-family residence in any district in which single-family residences are permitted, subject to the following:
 - a. The home must be new when placed on the site.
 - b. The home must be placed on a permanent foundation that complies with the unified government's building code for residential structures. The foundation must include a solid perimeter wall.
 - c. The home must be oriented on the lot so that its long axis is parallel to the street. A perpendicular or diagonal placement is permitted only if the narrow dimension of the home nearest the street is no less than two-thirds of the lot width at the building line. Garages or other completely enclosed additions may be included to meet this requirement.
 - d. The home must be at least 22 feet wide over the major part of the mobile home.
 - e. The home must have a roof sloped at least four feet to 12 over no less than 40 percent of the total roofed area. Roof slope indicates the actual incline of a roof as a ratio of vertical rise to horizontal run, determination must be based on actual measurements and not on nominal designation or rules of thumb. It must consist of shingles or other material customarily used for conventionally built dwellings in the area.
 - f. The roof overhang must not be less than one foot measured from the vertical side of the mobile home.
 - g. The home and any attached building additions must be covered with an exterior material customarily used on conventional dwellings in the area. The exterior covering material must extend to the top of the foundation and no less than two feet from the ground. Exterior material customarily used on conventional dwellings does not include smooth, ribbed, or corrugated metal or plastic panels.
 - h. The home must meet all requirements required of other single-family residences in the area where it is to be located.
- (d) *Site location requirements.* No site shall be zoned the R-M mobile home park district unless the following location requirements are met:
- (1) On a minimum 24-foot wide paved public street no more than 500 feet from a street designated and improved as a collector or thoroughfare on the major street plan.
 - (2) All intersecting streets from the collector or thoroughfare to the mobile home court shall have intersections adequate to accommodate maneuvering with a 14-foot by 80-foot mobile home.
- (e) *Height and area standards:*
- (1) Height shall be not more than one story.
 - (2) Setback from property lines shall be as follows:
 - a. Setbacks around perimeter of mobile home park: Not less than 25 feet.
 - b. Front yard: Not less than 25 feet from any public or private street or drive.
 - c. Side yard, interior: Not less than 20 feet on the entry side of the mobile home and not less than five feet on the nonentry side from the side lot line.
 - d. Side yard, corner: Not less than 25 feet.
 - e. Rear yard: Not less than 15 feet from any lot line and not less than 25 feet from any street line.
 - (3) Lot width and area shall be as follows:

Mobile home space size: Not less than 40 feet by 100 feet.
- (f) *Required facilities.* In the R-M mobile home park district, the following minimum facility requirements shall be provided:
- (1) A concrete patio 128 square feet or larger with a minimum width of eight feet for each mobile home space convenient to the entrance of the mobile home and appropriately related to the open area of the space.
 - (2) A concrete or asphalt mobile home pad of adequate size for each mobile home space to fit the outside dimensions of the mobile home to be placed thereupon. Each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the

- mobile home and installed within ten days of home placement.
- (3) Where public streets are provided, they will meet all unified government standards and specifications. All private streets shall be built to standards determined by the unified government engineer and shall be at least 24 feet wide. The unified government may at any time require traffic-control devices to be installed and maintained by the developer or owner on private streets as are deemed necessary to protect the public safety.
 - (4) A paved individual walkway not less than two feet wide shall be provided from each mobile home to a paved driveway or parking space.
 - (5) Appropriate recreational areas at a rate not less than 200 square feet per mobile home space shall be provided. Required recreational areas shall not be less than 2,000 square feet in size.
 - (6) If tenant storage facilities are to be provided outside the mobile home for or by the occupants, the location and design of the storage facilities shall be made a part of the final development plan. Storage facilities may be provided on each mobile home lot or in compounds located within 100 feet from each mobile home lot. If private fences between mobile home lots are to be allowed, they shall be of uniform height and approved as a part of the final development plan.
 - (7) A storm shelter shall be provided for persons living in the mobile home park. The storm shelter shall be adequately designed to protect occupants, and shall have an area of not less than 12 square feet per mobile home lot. The storm shelter shall have adequate fresh air ducts to accommodate the occupants, and storm shelters shall be so located to provide a reasonable degree of safety for all residents.
 - (8) All mobile homes newly installed shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding sides and roof in accordance with K.S.A. 75-1230.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of unsightly areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area and buffer plantings are required adjacent to single-family and two-family zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Parking standards.** Two off-street parking spaces shall be provided for each dwelling unit. In addition, mobile home parks that do not have public streets shall provide visitor parking at a rate of one-quarter parking space for each mobile home lot, appropriately located and dispersed in separate parking lots having no more than eight parking spaces each. For additional standards and information, see division 9 of this article.
 - (i) **Management of mobile home parks.** Each mobile home park shall have a resident manager on staff and shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile home shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirlings, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced. All drives, playground area and equipment, lawn and trees, and any recreational or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the city. All portions of the mobile home park shall be open and accessible to fire, police and other emergency and protective vehicles and personnel, including unified government and state inspectors.
 - (j) **Signs.** Each such project shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
 - (k) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-M and the procedures are set out in section 27-212.
(Code 1988, § 27-1167; Ord. No. 64690, § 1(27-37), 8-30-1984; Ord. No. 65417, § 11, 4-6-1989; Ord. No. 65690, § 6, 1-2-1992; Ord. No. 66814, § 8, 7-8-1993; Ord. No. 66012, § 1, 5-4-1995)

Sec. 27-463. - C-0 nonretail business district.

- (a) **Generally.** The purpose of the C-0 nonretail district is to accommodate services of an administrative, professional and governmental nature. It is intended that no products be handled on the premises other than documents involved in business transactions or items for display or training purposes. The size and bulk of buildings may vary, signs are modest in size and prominence, and the occupancy of the buildings is generally assumed to be in the 8:00 a.m. to 5:00 p.m. range, five days per week. Little noise or commotion is produced, and quality of architecture, screening and landscaping is emphasized to assure compatibility with nearby residential neighbors. Location should be on major streets, in or adjacent to the central business district, or as transition between retail uses and residential property. This section applies to the C-0 nonretail business district, except as stated otherwise.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district.
 - (2) Offices for the administrative functions of businesses, corporations, governmental agencies, utilities, social and philanthropic organizations.
 - (3) Offices for the sale of insurance, real estate, securities, and travel services, as well as equipment, products and materials that are located off the premises.
 - (4) Photographic studios, radio and television studios, hospitals and clinics for treatment of humans, dental laboratories, mortuaries, day care centers, beauty salons.
 - (5) Offices for professions such as medicine, law, engineering, architecture, osteopathy, chiropractic and counseling.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All functions and activities shall be conducted within a fully enclosed building.
 - (2) No stock in trade may be kept on the premises except that which is used in training, display or demonstration, all of which shall be kept inside a building.
 - (3) No use is permitted that involves the parking, storage, or continued presence of vehicles of over 18,000 pounds GVWR.
 - (4) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories or 40 feet, except that in the CP-0 planned nonretail business district, buildings and structures shall not exceed 12 stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than ten feet plus one foot for each story over three.
 - c. Side yard, corner: Not less than 25 feet.

- d. Rear yard: Not less than 25 feet.
 - e. For parking and other paved areas: Not less than six feet from any property line or less than 25 feet from any street line.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Uses in this district, except those situated in the area herein described as the central business district, require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. Buildings in the central business district, within the area bounded by Third Street and Eleventh Street, Ann Avenue and Washington Boulevard, need not provide off-street parking on the premises, if the planning commission determines that adequate alternative parking is available within a practical walking distance in order to protect the public safety and convenience. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one monument sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of rezoning, a practice which may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-O, and the procedures are set out in section 27-212.
 - (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for use as an office or other business purpose unless the following conditions are met:
 - (1) Setbacks comply with those required in this district.
 - (2) All off-street parking required by this article or by the proposed use of the premises can be accommodated in the side or rear yard of the premises, and said premises has access and dimensions to permit the full and safe use thereof.
 - (3) The building is made to comply with all building and other code requirements of a commercial building.
 - (4) The premises is screened from any abutting property zoned or used for residential purposes.
 - (5) A site plan and an architectural plan depicting the requirements of subsection (i) of this section, plus any changes to the exterior of the building, shall be prepared by a registered architect and submitted for review and approval by the planning commission prior to issuance of building permits or occupancy of the building.

(Code 1988, § 27-1168; Ord. No. 64690, § 1(27-39), 8-30-1984; Ord. No. 64884, § 4, 10-3-1985; Ord. No. 66269, § 1, 9-4-1997)

Sec. 27-464. - C-1 limited business district.

- (a) **Generally.** The purpose of the C-1 limited business district is to accommodate retail and service establishments that serve, for the most part, a limited, definable trade area and may have close relationships with the residential areas they serve. The size of buildings, the peak hour flow of traffic, the size and prominence of signs and the amount of noise and commotion created are assumed to be moderate to low in scale compared to regional shopping centers and highway-oriented businesses. Clusters or centers on major intersections are preferable to strip patterns. This section applies to the C-1 limited business district.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Buildings to accommodate the sale of items such as and similar to:
 - a. Antiques, jewelry, glassware, artwork, hobby supplies, gifts, flowers, novelties.
 - b. Auto accessories.
 - c. Books, paper products, office supplies, cameras.
 - d. Sporting goods, music supplies and instruments, bicycles, pets.
 - e. Foods and beverages, including consumption on the premises.
 - f. Department store merchandise.
 - g. Hardware, paint, toys, electronic devices, household appliances and furnishings.
 - h. Clothing, shoes, pharmaceuticals and eyeglasses.
 - (2) Services such as all uses permitted in the C-O district under the requirements and performance standards of that district, including offices for administrative functions, medicine, dentistry, law, philanthropic organizations, counseling, insurance, real estate, securities, and preschools and day care centers.
 - (3) Additional uses such as:
 - a. Barbershops and beauty shops, churches, commercial parking lots.
 - b. Dry cleaning shops, self-service laundry and pick-up stations.
 - c. Dwellings, single-family under the R-1 requirements and two-family under the R-2 requirements.
 - d. Financial institutions, health studios and centers.
 - e. Locksmiths, shoe repair shops.
 - f. Places of assembly for no more than 50 people to be rented out for a period of a week or less.
 - g. Printing, arts and handicrafts, tailoring and dressmaking.
 - h. Schools of a nonacademic nature, including vocational and trade schools, and training centers.
 - i. Servicing of household appliances and small household equipment normally utilized within the home.
 - j. Small animal hospitals and clinics.
 - k. Theatres and commercial recreation, except those uses listed in less restrictive districts or in section 27-579.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory storage and sale of landscaping and gardening supplies may occur outside during the spring planting season, and Christmas trees may be left outside during the period of sale if they do not reduce the capacity of a parking lot below that required by ordinance.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood. No public address, paging or music system shall be used which can be heard outside the building.
 - (3) Beverages containing alcohol may be consumed on the premises only when food is also served on the premises. The sale of such beverages containing alcohol must total less in annual dollar volume than the sale of food. Private clubs are permitted in this district only by special use permit.

- (4) No drive-in or drive-through service directly to persons in automobiles is permitted where food and beverages are served.
 - (5) A maximum of three vehicle fuel pumps may be provided where convenience food products are sold in a building having at least 1,000 square feet devoted to such convenience sales.
 - (6) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation in or on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.
 - (7) Sales of products shall generally be directly to the ultimate consumer. Wholesale sales or the handling in bulk form of the products or merchandise specified herein is not intended.
 - (8) No use is permitted that involves the parking, keeping, storage or continued presence of trucks of over 18,000 pounds GVWR, semitrailer rigs, contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 8:00 a.m. and 1:00 a.m. of the following day.
 - (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than two stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 15 feet.
 - b. Side yard, interior: None, except where a property in this district abuts a zoning district wherein a setback is required, then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 15 feet.
 - d. Rear yard: None, except when abutting property is used for or zoned for residential use a rear yard of no less than 15 feet shall be provided.
 - e. For parking and other paved areas: Not less than six feet from any property line.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. Two wall signs and one detached sign are permitted each building. For additional standards and information, see division 11 of this article.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-1 and the procedures are set out in section 27-212.
 - (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use, except that a residential building may be converted for office use under the conditions set out in section 27-463(i).
- (Code 1988, § 27-1169; Ord. No. 64890, § 1(27-41), 8-30-1984; Ord. No. 64884, § 5, 10-3-1985; Ord. No. 65417, § 12, 4-6-1989)

Sec. 27-465. - C-D central business district.

- (a) **Generally.** The purpose of the C-D central business district is to accommodate and encourage a broad range of business activities in the downtown section of the city. It is the intent of this district to allow a broad range of land uses, including retail, wholesale, services, residential, governmental, educational, religious, recreational and others which can function without adversely affecting neighboring property or the public interest in general. Intensive use of land and the continued use and renovation of existing structures is encouraged. This section applies to the C-D central business district.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in C-1 limited business district.
 - (2) Custom maintenance and delivery services.
 - (3) Dry cleaning and laundries.
 - (4) Exhibition and convention halls.
 - (5) Hotels and motels.
 - (6) Mixed commercial and residential structures in the CP-D district.
 - (7) Multifamily residential uses under the standards and requirements of the RP-6 planned apartment district, unless specifically reduced herein.
 - (8) Offices, financial institutions.
 - (9) Places of assembly and worship, health services.
 - (10) Printing and publishing.
 - (11) Multifamily residential uses in buildings of three stories or more originally constructed for office/commercial use.
- (c) **Plan approval.** Preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities except for single-family dwellings. Such plans shall conform to the requirements for preliminary and final plans as set out in section 27-212. Notices shall be sent to all property owners within 200 feet. Approval or disapproval by the planning commission shall be based upon the following:
 - (1) The degree of harmony that will prevail between the visual quality of the proposed use and the surrounding development.
 - (2) The degree of conformance with community plans and policies.
 - (3) The ability of the site to meet its parking needs or the ability of public or other available parking to meet these needs.
- (d) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
 - (3) No drive-in or drive-through service directly to persons in automobiles is permitted where food or beverages are sold.

- (4) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.
 - (5) No use is permitted that involves the parking, keeping, storage or continuous presence of trucks of over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof, contractors' equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (e) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) No minimum or maximum height requirement.
 - (2) No setback is required, except that where a property in this district abuts a zoning district where a setback is required, then that same setback shall be provided on that property in this district.
 - (f) *Parking standards.*
 - (1) Uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one off-street parking space for each dwelling unit, and hotels shall provide one off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet of the main entrance to the building served.
 - (2) The unified government may, in the planned zoning procedure, require that reasonable off-street parking be provided within a practical walking distance in order to protect the public safety and convenience. For additional standards and information, see division 9 of this article.
 - (g) *Signs.* Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building, and one monument sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
 - (h) *Landscaping and screening.* Where setbacks allow, a reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
 - (i) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-D and the procedures are set out in section 27-212.
 - (j) *Building conversion.* No building that was designed and constructed as a residential building shall be converted for commercial use in this district.
- (Code 1988, § 27-1170; Ord. No. 64690, § 1 (27-43), 8-30-1984; Ord. No. 85417, § 13, 4-6-1989; Ord. No. O-31-99, § 1, 4-29-1999; Ord. No. O-48-02, § 1, 6-27-2002; Ord. No. O-35-05, § 1, 5-4-2005)

Sec. 27-466. - C-2 general business district.

- (a) *Generally.* The purpose of the C-2 general business district is to accommodate a broad range of retail, wholesale and service establishments that serve a wide range of markets. While concentration of these uses into clusters and groups is highly desirable, it is anticipated that strips and small clusters along major streets will accommodate a large portion of this type of business. Size and type of buildings and accompanying land areas will vary widely, and traffic and commotion will, in some cases, produce noise levels which may be adverse to nearby residential property. The intensity of the use of land is expected to be moderate to low, except in those occasional cases where high-rise buildings or regional shopping centers are placed. Prominence of establishments in this district will call for a higher level of visual quality, greater setbacks, more landscaping and screening than in previous business districts. This section applies to the C-2 general business district except as otherwise stated.
- (b) *Permitted uses.* The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-1 limited business district.
 - (2) Shops and stores for the sale of department store merchandise, new and used automobiles and small and medium trucks, automobile supplies, motorcycles, motor fuels.
 - (3) Sales of such items as lawn and garden supplies and equipment, building supplies and materials.
 - (4) Services such as:
 - a. Automobile washing facilities.
 - b. Clubs and membership organizations other than class A and class B private clubs.
 - c. Dry cleaning and laundries.
 - d. Appliance and household equipment repair.
 - e. Maintenance and delivery services, exterminators.
 - f. Limited automobile repair.
 - g. Places of assembly.
 - h. Printing and publishing, custom furniture reupholstery and repair.
 - i. Hotels and motels.
- (c) *Performance standards.* No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a totally enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory sale and storage of landscaping and gardening supplies, Christmas trees, and vehicles for sale may be kept outside.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
 - (3) Beverages containing alcohol may be consumed on the premises only when food is also served on the premises. The sale of such beverages containing alcohol must total less in annual dollar volume than the sale of food. Private clubs are permitted in this district only by special use permit.
 - (4) Drive-in and drive-through facilities are permitted except for the sale of cereal malt beverages and alcoholic beverages, but only after vehicular approach and stacking space are deemed by the planning director and traffic engineer to be safe, workable and unlikely to produce congestion in the public streets. In the case of disagreement, the unified government board of commissioners shall make the final determination.
 - (5) Servicing of motor vehicles in this district is limited to that which produces no noise, fumes or odor which is perceptible from off the premises and which involves no outside storage or outside keeping of parts.
 - a. *Permitted services.* Except as accessory use to a new car dealership or department stores, activities, which involve machining, painting, removal, repair or rebuilding of major body, or chassis components, welding or sheet metal cutting are not permitted. Body and framework are not permitted. Servicing and repair is limited to vehicles of less than 12,000 pounds GVWR. Such operations as generator and starter repair, tire and battery installation, tune-ups and diagnosis, electrical and

fuel injection servicing, CV joint and clutch and timing belt maintenance and replacement, glass and upholstery replacement, brake installation, rust proofing, air conditioner repair, lubrication, and any scheduled maintenance are typical permitted services in this district. Engine replacement may be done only on an occasional basis and shall not be an advertised service.

- b. **Parking.** All auto servicing businesses established after the date of this section shall provide no less than four off-street parking spaces for each 1,000 square feet of building floor area. Such auto servicing businesses shall be required to do the following prior to opening for businesses:
 1. A dimensioned sketch showing a proposed parking layout that includes parking space striping, location of drive aisles, pavement and a screened trash enclosure being submitted and approved by the development review committee.
 2. Completion of the improvements necessary to implement the plan.
 3. The approved sketch shall represent a firm commitment on the improvement and maintenance of the site and repeated deviations from that layout in the field will be considered a violation of the provisions of this article and enforced accordingly.
- (6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet.
- (7) Sales of products shall generally be directly to the ultimate consumer. The handling in bulk form of the products or merchandise specified herein is not intended.
- (8) No use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
- (9) Automobile washing facilities shall provide reservoir parking spaces between the lot entrance and the car wash equal to five times the capacity of the car wash facility.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories, except that in the CP-2 planned general business district, buildings and structures shall not exceed 12 stories.
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: No setback is required except where a property in this district abuts a zoning district wherein a setback is required, then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: No setback is required except where a property in this district abuts a zoning district wherein a setback is required, then a setback of ten feet shall be provided on that property in this district.
 - e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a property prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-2 and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use in this district.

(Code 1988, § 27-1171; Ord. No. 64690, § 1(27-45), 8-30-1984; Ord. No. 65417, § 14, 4-6-1989; Ord. No. 65814, § 9, 7-8-1993; Ord. No. O-115-02, § 1, 12-26-2002)

Sec. 27-467. - C-3 commercial district.

- (a) **Generally.** This section applies to the C-3 commercial district. The purpose of the C-3 district is to accommodate those businesses that are typically more offensive by reason of noise, commotion, appearance, hours of operation or general image as perceived by the public. The size, bulk and architectural quality of buildings will vary, exterior storage and display of merchandise and equipment will occur and varying degrees of adverse impacts will be experienced by nearby properties. Buildings will tend to be one and two stories in height and site locations will tend to be on major thoroughfares and peripheral to industrial districts or major business centers.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-2 general business district.
 - (2) Buildings and yards for the sale or rental at retail or wholesale of items such as and similar to automotive equipment, cars, trucks, trailers, boats, mobile homes, camping accessories, farm equipment and supplies, manufactured homes, building supplies, lawn accessories, nursery stock, plumbing, heating and air-conditioning equipment and supplies.
 - (3) Services such as:
 - a. Auto and small- and medium-size truck repair and washing, farm machinery repair, adult motion picture theater, adult bookstore or adult video store, entertainment and recreation, except those listed in section 27-579.
 - b. General repair and fix-it shop.
 - c. Lawn, tree and garden services.
 - d. Making or assembly of products to be sold at retail on the premises.
 - e. Miniature golf courses and golf driving ranges.
 - f. Self-storage buildings.
 - g. General and special trades contractors.

- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) Drive-in and drive-through facilities are permitted, except for cereal malt beverages and alcoholic beverages, but only after vehicular approach and stacking space are deemed by the planning director and traffic engineer to be safe, workable and unlikely to produce congestion in the public streets. In the case of disagreement, the unified government board of commissioners shall make the final determination.
 - (2) Any making or assembly of products to be sold, including raw materials, and any servicing or repair activities shall be totally within an enclosed building.
 - (3) No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or otherwise injurious to humans or property shall be produced.
 - (4) No operation shall produce noise that exceeds 60dB(A) at repeated intervals for a sustained length of time measured at any point on the property line. No use shall cause the day-night noise level average to exceed 65dB(A) for any residence for a sustained period.
 - (5) Merchandise for sale or rent on the premises may be displayed or stored outside a building as appropriate only if it is kept off public sidewalks and streets and if it does not reduce the capacity of a parking lot below that required by this section. Such merchandise display need not be screened from view from the street, but shall not include auto parts, inoperable vehicles, junk or salvage. Such merchandise shall be a part of the main business of the property or clearly accessory to the activities and sales conducted within the enclosed building or be on a developed site of at least three acres which has had a business selling merchandise outside prior to January 2, 1999.
 - (6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
 - (7) No use is permitted that involves the parking, keeping, storage or continual presence of trucks of over 30,000 pounds GVWR rating or semitrailer rigs or portions thereof, or heavy construction equipment. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (8) Automobile washing shall provide reservoir parking spaces between the lot entrance and the car wash equal to five times the capacity of the car wash facility.
 - (9) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, schools (those permitted in residential districts), or any residentially zoned area.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be no more than three stories, except that in the CP-3 planned commercial district, buildings and structures shall not exceed 12 stories.
 - (2) Setbacks from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: No setback is required except that where a lot in this district abuts a zoning district wherein a setback is required then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: No setback is required except where a lot in this district abuts a zoning district wherein a setback is required then that same setback shall be provided on that property in this district.
 - e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.

For additional standards and information, see.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-3 and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use in this district.

(Code 1988, § 27-1172; Ord. No. 64690, § 1(27-47), 8-30-1984; Ord. No. 64884, §§ 6, 7, 10-3-1985; Ord. No. 65079, §§ 1, 2, 11-6-1986; Ord. No. 65417, § 15, 4-6-1989; Ord. No. 65814, § 10, 7-8-1993; Ord. No. O-34-02, § 1, 4-25-2002)

Sec. 27-468. - M-1 light industrial and industrial park district.

- (a) **Generally.** The purpose of the M-1 light industrial and industrial park district is to accommodate those activities that are normally considered industrial in nature but which produce few if any external effects that may be adverse to nearby property or to the community in general. Goods which are handled or produced are typically small to moderate in bulk and weight; manufacturing or fabricating processes produce little noise, odors or airborne matter; and volumes of truck and rail traffic are light to moderate in relation to site area. Building sites usually have landscaped setbacks and open spaces, and outdoor service and storage areas are screened. The placement of this district should offer direct access to one or more major streets and involve land that can accommodate large one-story buildings and parking areas plus an adequate buffer for any adjoining residential property. This section applies to the M-1 light industrial and industrial park district except as otherwise stated.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the CP-1 planned limited business district except dwellings, under all the standards and requirements of that district.
 - (2) Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing or testing any commodity except those permitted only in the M-3 heavy industrial district and those listed in section 27-489(b)(5).
 - (3) Warehousing or wholesaling of any commodity except those permitted only in the M-3 heavy industrial district.

- (4) Public and private utility facilities.
- (5) Business services such as testing, photo processing, equipment rental, leasing, employment agencies, places of assembly, printing, exterminating, custom maintenance and delivery services.
- (6) General and special trades contractors.
- (7) Sales of building materials, contractor's equipment, furniture, office, hotel and restaurant supplies, machines, metals.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All operations shall be conducted within a fully enclosed building.
 - (2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage of junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.
 - (3) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 75 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
 - (4) All uses involving storage, handling, use or sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the Uniform Building Code) shall notify the building official prior to any such occupancy or any securing of unified government approval be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may at his discretion submit the use to the development review committee for review.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories or 50 feet, except that in the MP-1 planned light industrial and industrial park district, buildings and structures shall not exceed 160 feet.
 - (2) Setback from property line shall be not less than 25 feet except that parking, loading and other paved areas shall be not less than ten feet from any property line.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for building increments between 20,000 and 60,000 square feet. For buildings larger than 60,000 square feet the parking required for increments over 60,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 60,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-1 district. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district, but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building, and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-1, and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1173; Ord. No. 64690, § 1(27-49), 8-30-1984; Ord. No. 65079, §§ 3, 4, 11-6-1986; Ord. No. 65417, § 16, 4-6-1989)

Sec. 27-469. - M-2 general industrial district.

- (a) **Generally.** The purpose of the M-2 general Industrial district is to accommodate a broad range of industrial and certain commercial uses, many of which will be of less visual quality and constitute a more intensive use of land than those uses typical of the M-1 district. Location of sites will logically relate to highway, major street, rail or river access although frontage on such a means of access is not always essential. A wide diversity of building sizes, architectural character and occupancy from one property to another is typical. Many uses in this district will have adverse effects on nearby residential property unless substantial buffering, land use transition, and traffic controls are utilized. This section applies to the M-2 general industrial district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-3 commercial district except dwellings, under the standards and requirements of that district.
 - (2) Any use permitted in the M-1 light industrial and industrial park district.
 - (3) Sales and rental of such items as lumber and other construction materials and supplies, heavy machinery and equipment, steel, food and dairy products, mobile and manufactured homes, monuments, marble, slate, recreation vehicles and equipment, chemicals, fuel.
 - (4) Services such as woodworking, machinery and equipment repair, cartage, lawn and building maintenance.
 - (5) Services such as railroad terminals, trucking terminals, truck stops, junior poster panel and poster panel advertising, contractor's storage yards.
 - (6) Telecommunication towers no more than 260 feet tall.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b. Vibration or concussion perceptible without instruments at the property line.

- c. Noise greater than 80dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 85dB(A) for any residence for a sustained period.
- d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
- (2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.
- (3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district.
- (4) All uses involving storage, handling, use or sale of hazardous and highly flammable or explosive materials (group H occupancies, as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval, be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review.
- (5) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, school (those permitted in residential districts), or any residentially zoned area.
- (6) Telecommunication towers shall comply with and be subject to the following:
 - a. All towers shall be set back from any existing off-site residence a distance no less than the height of the tower.
 - b. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. The landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - c. Every telecommunication tower shall be subject to administrative review after three years regardless of the approved term of the special use permit or the date such tower was installed in an M-2 or M-3 industrial zone. Reviews will subsequently be required every three years thereafter. At the time of this review the applicant shall demonstrate to the satisfaction of the unified government that:
 - 1. The general appearance of the facility has been adequately maintained. This shall include landscaping, fencing, surfacing, tower appearance, etc.
 - 2. The structural integrity of the tower is uncompromised. A report from a licensed professional engineer shall be submitted by the applicant assuring this.
 - 3. A good faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good faith effort shall include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluation the feasibility of establishing collocation.
 - 4. The unified government may request that the applicant hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.
 Failure to adequately demonstrate compliance on any one of these items shall result in the initiation of an enforcement action in municipal court or at district court of the county.
 - d. In areas where surrounding buildings and facilities are served by underground utilities, all utility lines shall be underground.
 - e. All towers over 100 feet shall be designed to accommodate at least three communication carriers.
- (d) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) There shall be no minimum or maximum height requirements except that, where a property in this district abuts a zoning district wherein a height limitation is imposed by this division then that same height limitation shall apply to that property in this district within 25 feet of the common property line.
 - (2) Setbacks from property lines shall be ten feet for buildings and structures, six feet for all parking, loading, display and storage areas, except that along side and rear property lines adjacent to residentially zoned property, a 15-foot setback is required.

For additional standards and information, see division 8 of this article.

- (e) *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
- (f) *Signs.* A broad range of signs is permitted in this district, including wall signs, detached signs and outdoor advertising. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-2 and the procedures are set out in section 27-212.
- (i) *Building conversion.* No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1174; Ord. No. 64690, § 1(27-51), 8-30-1984; Ord. No. 65079, § 5, 11-6-1986; Ord. No. 65417, § 17, 4-6-1989; Ord. No. 66177, § 2, 12-5-1996; Ord. No. O-48-02, § 4, 6-27-2002)

Sec. 27-470. - M-3 heavy industrial district.

- (a) *Generally.* The purpose of the M-3 heavy industrial district is to accommodate those uses permitted in the M-1 and M-2 districts plus the

- remainder of the industries that are not included in those districts. Visual qualities and external effects of occupants in this district are likely to be adverse, in some cases affecting a sizeable land area. Location of sites would logically be limited to five or fewer sections of the community and relatively large land areas zoned. A substantial amount of heavy vehicular traffic and rail activity will occur with some occupants, and activity may be continuous through night time and weekend hours. This section applies to the M-3 heavy industrial district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumerated uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
- (1) Any use permitted in the M-2 general industrial district.
 - (2) Bulletin outdoor advertising signs adjacent to freeways and expressways.
 - (3) Uses such as manufacturing or assembly of such large bulk products as railroad equipment, heavy contractor's equipment, aircraft, motor vehicles, bridge and bridge components, industrial production equipment concrete products, and watercraft. (Permitted in the more restrictive industrial districts if the standards and requirements of those districts can be met.)
 - (4) Telecommunication towers no more than 250 feet tall.
 - (5) Crematories, if the property is at least 500 feet from any residentially zoned land.
 - (6) Dead animals or offal reduction or processing.
 - (7) Extended or dead storage of motor vehicles, tow lots, and salvage yards for which a salvage special use permit is approved, as set out in division 6 of this article.
 - (8) Grain elevators, railroad yards.
 - (9) Hazardous waste disposal, storage (longer than 90 days) or treatment only if a special use permit is approved, as set out in division 6 of this article.
 - (10) Manufacturing of industrial chemicals, pesticides and agricultural chemicals, paints and related products, plastics, synthetic resins, cement, fireworks or explosives and other manufacturing operations with similar environmental effects.
 - (11) Metal smelting, refining of petroleum products, concrete and asphalt mixing plants.
 - (12) Warehousing, wholesaling, or retailing of fireworks or explosives and other operations with similar potential environmental effects.
- (c) **Plan review.** No permit for construction, reconstruction or expansion of a building, structure, outdoor service or activity area shall be issued, for uses listed under subsections (b)(5)—(b)(11) of this section, until and unless a development plan is first prepared by the applicant and approved by the planning commission after public hearing. The decision of the planning commission may be brought before the unified government board of commissioners for final determination. Plans submitted shall include at least the following:
- (1) Site plan showing buildings, drives, parking, outdoor storage or other activity.
 - (2) Area surrounding the site sufficient to indicate character, topography, current uses and street patterns.
 - (3) Elevation sketches of any buildings or structures with approximate dimensions.
 - (4) Indication of how wastewater, surface water, screening, and landscaping will be handled.
 - (5) Brief description of the operation and how conformance with performance standards will be maintained.
- (d) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 85 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
 - (2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.
 - (3) All accessory materials and products such as lumber, steel and other metals and concrete products that have been previously used shall be totally screened from view from off the premises.
 - (4) All uses involving storage, handling, use of sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review.
 - (5) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, school (those permitted in residential districts), or any residentially zoned area.
 - (6) Telecommunication towers shall comply with and be subject to the following:
 - a. All towers shall be set back from any existing off-site residence a distance no less than the height of the tower.
 - b. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. The landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - c. Every telecommunication tower shall be subject to administrative review after three years regardless of the approved term of the special use permit or the date such tower was installed in an M-2 or M-3 industrial zone. Reviews will subsequently be required every three years thereafter. At the time of this review the applicant shall demonstrate to the satisfaction of the unified government that:
 1. The general appearance of the facility has been adequately maintained. This shall include landscaping, fencing, surfacing, tower appearance, etc.
 2. The structural integrity of the tower is uncompromised. A report from a licensed professional engineer shall be submitted by the applicant assuring this.
 3. A good faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good faith effort shall include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluation the feasibility of establishing collocation.
 4. The unified government may request that the applicant hire a qualified third party to prepare a report providing measurements of radio frequency radio emissions and certifying compliance with all applicable regulations.
 Failure to adequately demonstrate compliance on any one of these items shall result in the initiation of an enforcement action in municipal court or at district court of the county.
 - d. In areas where surrounding buildings and facilities are served by underground utilities, all utility lines shall be underground.
 - e. All towers over 100 feet shall be designed to accommodate at least three communication carriers.
- (e) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:

- (1) There shall be no minimum or maximum height requirements except as may be established by airport approach zones.
- (2) No minimum setback is set out herein, however such setbacks as are deemed in the public interest and reasonably protective of nearby property will be established in the plan review process prior to construction. Along side and rear property lines adjacent to residentially zoned property a 15-foot setback is required for all buildings, structures, parking, loading, display and storage areas.

For additional standards and information, see division 8 of this article.

- (f) **Parking standards.** Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
- (g) **Signs.** A broad range of signs is permitted in this district, including wall signs, detached signs and outdoor advertising. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (h) **Landscaping and screening.** All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (i) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-3 and the procedures are set out in section 27-212.
- (j) **Building conversion.** No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Ord. No. 64880, § 1(27-53), 8-30-1984; Ord. No. 64884, § 8, 10-3-1985; Ord. No. 65079, § 6, 11-6-1986; Ord. No. 65417, § 18, 4-6-1989; Ord. No. 66177, § 3, 12-5-1996; Ord. No. 66255, § 1, 8-7-1997)

Sec. 27-471. - TND Traditional neighborhood design district.

- (a) **Purpose.** This section establishes and encourages innovative mixed-use development as an alternative to typical post World War II suburban, use-segregated developments. Specifically, the TND is intended to be used for the creation of developments that:
 - (1) Create a dynamic, mixed-use environment, where walking is the predominant mode of transportation.
 - (2) Provide for a range of housing choices in close proximity to each other, including vertical mixed use.
 - (3) Create land development solutions that are not typically found elsewhere in the city.
 - (4) Produce quality public spaces that are usable for a variety of public and semi-public activities.
 - (5) Ensure higher standards of design and construction for buildings, public infrastructure, and landscaping.
 - (6) Guarantee a high degree of connectivity for pedestrian and vehicular traffic.
 - (7) Locate buildings close to the street, so that streets and squares are defined as "outdoor rooms".
 - (8) Utilize all the streets for on-street parking.
 - (9) Expedite the development process.
 - (10) Provide numerous, narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists.
- (b) **Conceptual framework and T-zones.** Because of the unique characteristics of TND, a sub-classification of organizing property and uses is established. The sub-classifications for TND are called "transect zones" (T-zones). T-zones help to regulate the creation of the built environment by utilizing land use, density, and intensity to create a quality environment by using them as assets rather than regulating them as potential detriments to the development.
 - (1) **T-zone definitions:**
 - a. **T-1 Natural.** Land that will permanently remain undeveloped.
 - b. **T-2 Rural.** Large lot, rural and estate areas.
 - c. **T-3 Sub-urban.** The most natural, least dense, most residential context of a community.
 - d. **T-4 General urban.** A predominantly residential context, typically the largest zone within a community. It allows for the widest variety of housing choice.
 - e. **T-5 Urban center.** A denser, mixed-use context, typically located near the center of a pedestrian shed or as a corridor along important thoroughfares.
 - f. **T-6 Urban core.** The most dense, primarily mixed-use business, cultural and entertainment concentration of a region, typically assigned to major crossroads.
 - g. **D District.** Specialized single-use sections of a community that have a regional scale. Examples are hospitals, universities, stadiums or large wholesale markets.
 - h. **CS Civic space.** Sites reserved for civic buildings and civic open space. Zone CS includes land reserved for parks.
- (c) **Design manual.** In the TND district, a wide variety of uses and structures are permitted. To encourage this, the city requires any applicant seeking this zoning classification to submit as a part of the rezoning application a "design manual". The design manual shall include, but shall not be limited to:
 - (1) A detailed summary of the project;
 - (2) The scope and vision of the project;
 - (3) An detailed analysis of the existing and surrounding zoning;
 - (4) An detailed analysis of the existing site and development patterns at the neighborhood level;
 - (5) A plan that illustrates the location of the T-zones contained in the project;
 - (6) Illustrations of the building types contained in the project;
 - (7) Illustrated thoroughfare standards;
 - (8) Landscape standards;
 - (9) Architectural standards;
 - (10) A phasing diagram;
 - (11) Unit count;
 - (12) Illustrations of preliminary grading;
 - (13) Illustrations of pedestrian sheds;

- (14) Illustrations of parks, open space, block patterns, and street network;
- (15) Illustrations of the overall master plan layout.
- (d) **Performance standards.** Performance standards shall be governed by the design manual. The intent of the district is to allow for a mixture of uses, often adjacent to or very close to each other. Issues of noise, trash, and operational hours are to be closely coordinated. Every application shall include the following elements:
 - (1) The plan consists of a series of neighborhoods of an approximately ¼-mile radius, which correlates to a five minute walk from center to edge. This encourages walking and interaction among residents.
 - (2) Each neighborhood has a discernible center.
 - (3) Each neighborhood has a variety of dwelling types.
 - (4) All TND developments of 80 acres or more allow civic uses within the neighborhoods.
 - (5) Each neighborhood has a variety of open spaces.
 - (6) The development has streets laid out in a connected network, so there are multiple alternate routes to various destinations.
 - (7) Buildings are placed close to the street, so that streets and squares are defined as "outdoor rooms."
 - (8) Street designs accommodate parking. Parking lots and garages rarely front the streets, and are typically relegated to the rear of the lot.
 - (9) All T-5 and T-6 portions of a TND development abut and enter off a class A or B thoroughfare.
 - (10) All TND developments of 80 acres or more include a minimum of three out of the six T-zones excluding zones T-1, D, and CS.
 - (11) T-zones within the development are in succession (T-3, T-4, T-5 etc.), but may skip one zone. In no case may the T-zones skip over more than one zone (example T-2 to T-5). Zones D and CS do not occur in succession and may abut any other T-zone.
- (e) **Development review board.** There is hereby created a development review board (DRB). The DRB will act as the governing body for all areas zoned TND and shall enforce building layout, aesthetics, and the design manual.
 - (1) **Members.** The DRB is to be composed of six members:
 - a. The chairman of the planning commission, with the consent and approval of the planning commission, shall appoint two members of the planning commission to serve on the DRB.
 - b. The planning director shall appoint one member of the city's planning staff to serve on the DRB.
 - c. The public works director shall appoint one member of the city's public work's staff to serve on the DRB.
 - d. The applicant, or his designee, shall serve on the DRB.
 - e. The applicant's architect or designer shall serve on the DRB.
 - (2) **Organization and authority.**
 - a. **Organization.** The DRB shall elect officers as it deems necessary.
 - b. **Rules.** The DRB shall have the power to make whatever rules and guidelines necessary for the execution of its duties as set forth in this section. All rules shall be approved by the board of commissioners by resolutions before becoming effective. If no rules are readopted, Robert's Rules (RR) shall apply.
 - c. **Meetings.** The DRB shall meet on an as-needed basis, based upon the complete submission of applications.
 - d. **Records.** The DRB shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, determinations, and decisions. All such material shall be public record.
 - e. **Vacancies.** All vacancies on the DRB that are subject to appointment shall be reported to the planning commission.
 - (3) **Duties and powers.** The DRB will act as the governing body for a TND district.
- (f) **District size.** All parcels zoned TND shall meet one of the following criteria:
 - (1) Located west of Interstate 635 and containing a minimum of 80 acres.
 - (2) Located east of Interstate 635, not located in the Downtown, and containing a minimum of five acres.
 - (3) Located on an arterial collector.
 - (4) Located within ¼-mile of an existing transit stop.
 - (5) Located next to an existing TND zone and will connect with a public street to the existing TND zone.
- (g) **Permitted uses.** In the TND district, a wide variety of uses and structures are permitted. A use allowed by right or allowed by exception must occur within a structure intended for that use. Uses allowed by exception must be approved by the DRB. Structures and uses shall be regulated by T-zone:
 - (1) **Retail uses allowed by right.**
 - a. Barber and beauty shops.
 - b. Churches.
 - c. Multiple level commercial parking lots.
 - d. Dry cleaning shops, self-service laundry and pick-up stations.
 - e. Financial institutions, health studios and centers.
 - f. Locksmiths, shoe repair shops.
 - g. Places of assembly for no more than 50 people to be rented out for a period of one week or less.
 - h. Printing, arts and handicrafts, tailoring and dressmaking.
 - i. Servicing of household appliances and small household equipment normally utilized within the home.
 - j. Small animal hospitals and clinics.
 - k. Jewelry, house-wares, artwork, hobby supplies, gifts, flowers.
 - l. Books, paper products, office supplies, cameras.
 - m. Sporting goods, music supplies and instruments, bicycles, pets.
 - n. Foods and beverages, including consumption on the premises.
 - o. Toys, electronic devices, household appliances, and furnishings.
 - p. Clothing, shoes, pharmaceuticals and eyeglasses.
 - q. Custom furniture re-upholstery and repair.
 - r. Grocery, hardware, department store under 60,000 square feet.
 - s. Theaters and performance halls with up to three screens.
 - (2) **Retail uses allowed by exception.**
 - a. Automotive accessories.
 - b. Schools of a nonacademic nature including vocational and trade schools, training centers.
 - c. Taverns and private clubs.
 - d. Gas stations and convenience stores.
 - (3) **Office uses allowed by right.**
 - a. Offices for the administrative functions of businesses, corporations, governmental agencies, utilities, social and philanthropic organizations.
 - b. Offices for the sale of insurance, real estate, securities, and travel services, as well as equipment, products and materials

- which are located off the premises.
- c. Photographic studios, radio and television studios, hospitals and clinics for treatment of humans, dental laboratories, mortuaries, day care centers, beauty salons.
 - d. Offices for the professions such as medicine, law, engineering, architecture, osteopathy, chiropractic and counseling.
 - e. Day care and pre-schools.
- (h) **Building types.** In the TND, a variety of building types are permitted, from mixed-use buildings to single-family detached houses.
- (1) **Building type definitions.**
- a. **Accessory unit.** A dwelling unit (sometimes known as a granny flat) that is located over a garage on the same lot or premises as the main structure. An accessory unit may also be a single story dwelling unit, not associated with a garage, located on the same lot or premises as the main structure. Such units can be attached or detached from the main structure, and are located towards the rear of the lot. All accessory units shall have a maximum square footage equal to 50 percent of the main structure's finished space excluding garages and basements.
 - b. **Apartment building.** A structure with more than two dwelling units on one lot. The apartment building type may also be used for lodging purposes.
 - [c.] **Flat over flat (duplex).** A structure with two dwelling units placed one above the other.
 - [d.] **Live/work building.** A dwelling unit that contains, to a limited extent, a commercial component. A live/work unit is a fee-simple unit on its own lot with the commercial component limited to the ground level.
 - [e.] **Mixed use building.** A building or buildings that combines retail/commercial and/or service uses with residential or office use in the same building or on the same lot in one of the following ways:
 1. **Vertical mixed use.** A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
 2. **Horizontal mixed use—Attached.** A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
 3. **Horizontal mixed use—Detached.** Two or more structures on one site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.
 - [f.] **Paired house (duplex).** A structure with two dwelling units placed one beside the other sharing a common wall.
 - [g.] **Prominent civic building.** A civic building located on a prominent community site. Prominent civic structures are allowed more design flexibility due to their role in the community and the plan. Prominent civic buildings are to be located in CS zones.
 - [h.] **Row house.** One dwelling unit attached by a common wall to another dwelling unit. A row house is generally a fee simple unit, from ground to roof, with no units above or below.
 - [i.] **Single-family detached house.** One dwelling unit on its own lot, detached from other adjoining lots.
 - [j.] **Small civic building.** A civic building specifically designed for a civic function but not located in a civic space (CS) zone.
 - [k.] **Small commercial building.** A single-use, one-story structure with either office or retail use.
- (2) **Allowed building types.** Building types are regulated by T-zone as listed in table 27-1176-1. Building types allowed by exception must be approved by the DRB.

Table 27-1176-1 Allowed Building Types

Building Type	T2	T3	T4	T5	T6	CS
Type I: Mixed Use Building			E	R	R	
Type II: Live/Work Building		E	E	R	R	
Type III: Small Civic Building		E	R	R	R	E
Type IV: Small Commercial Building				E		
Type V: Apartment Building			R	R	R	
Type VI: Rowhouse			R	R	E	
Type VII: Flat over Flat (Duplex)		E	R			
Type VIII: Paired House (Duplex)		E	R			
Type IX: Single Family Detached House	R	R	R			
Type X: Accessory Unit	R	R	R	R	R	

Type C:
Prominent
Civic
Building

E

E

E

E

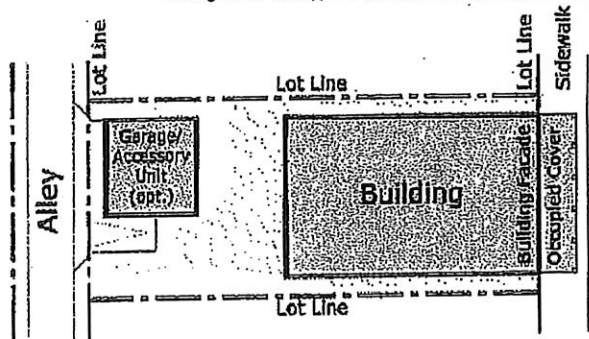
E

Interpretation of Table 27-2276-1: "R" means allowed by right; "E" means allowed by exception. A blank cell means that the building type is not allowed.

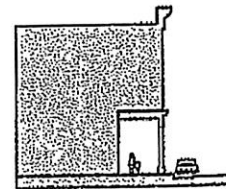
(i) Frontage types. In the TND, a variety of frontage types are permitted.

(1) Frontage type definitions.

- a. **Arcade.** A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk remains the frontage line. This type is conventional for retail use, with other uses in the occupied space above the colonnade.

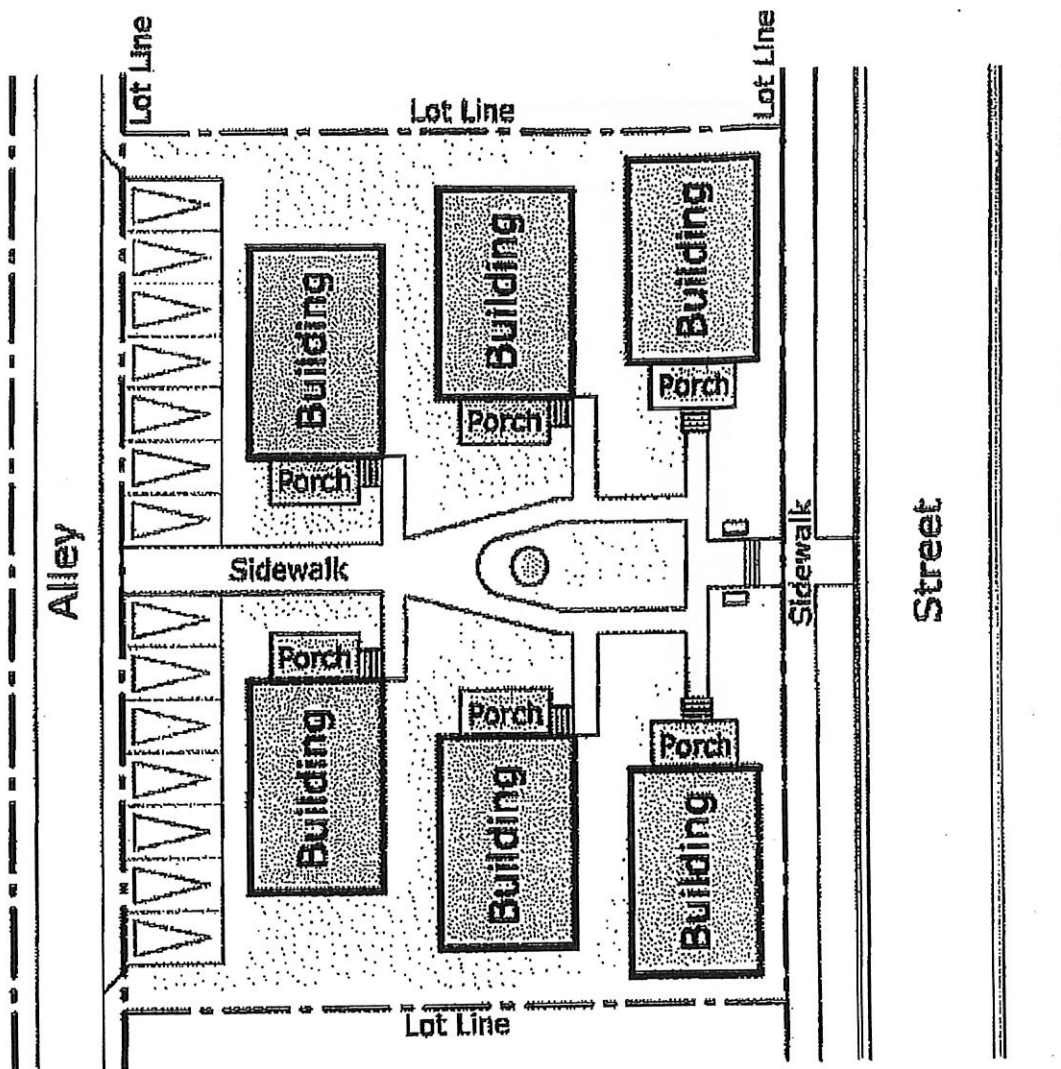


**Arcade
Frontage**



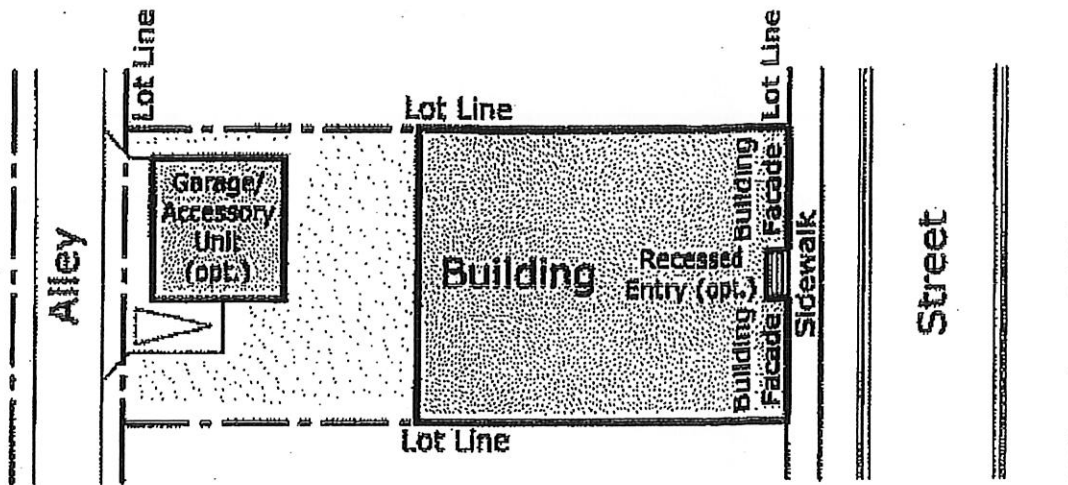
Arcade Section

- b. **Common lawn.** A frontage wherein a group of buildings share a common lawn. The frontage has a visual relation to the street and to the buildings across the lawn.



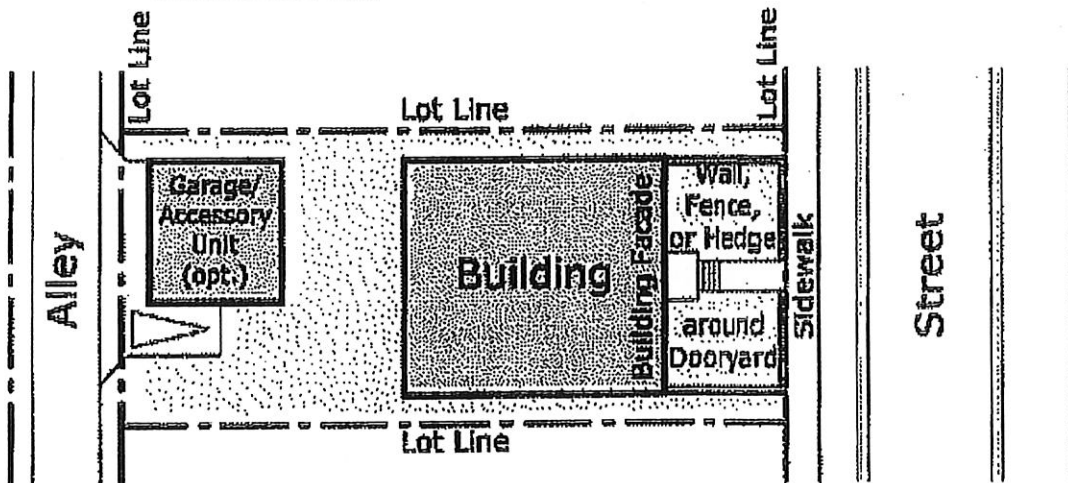
Common Lawn Frontage

- c. *Doorway.* A frontage wherein the facade is aligned with the sidewalk and the entry is a door flush with the facade, or recessed into the facade. This type is similar to storefront frontages, except that they are primarily used for residential entries.



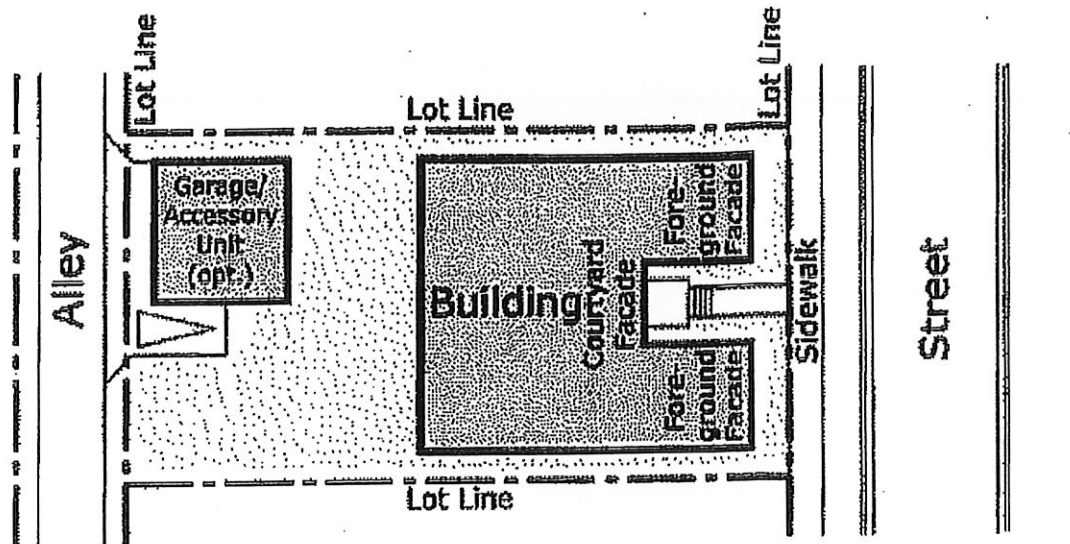
Doorway Frontage

- d. *Dooryard.* A frontage wherein the facade is set back from the frontage line by an at-grade courtyard. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The dooryard is suitable to conversion for outdoor dining.



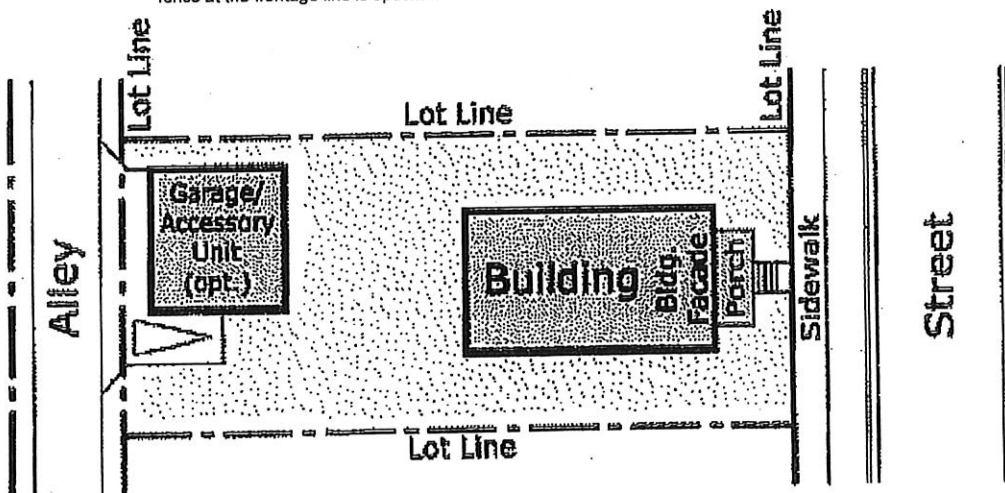
Dooryard Frontage

- e. *Forecourt.* A frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalk.



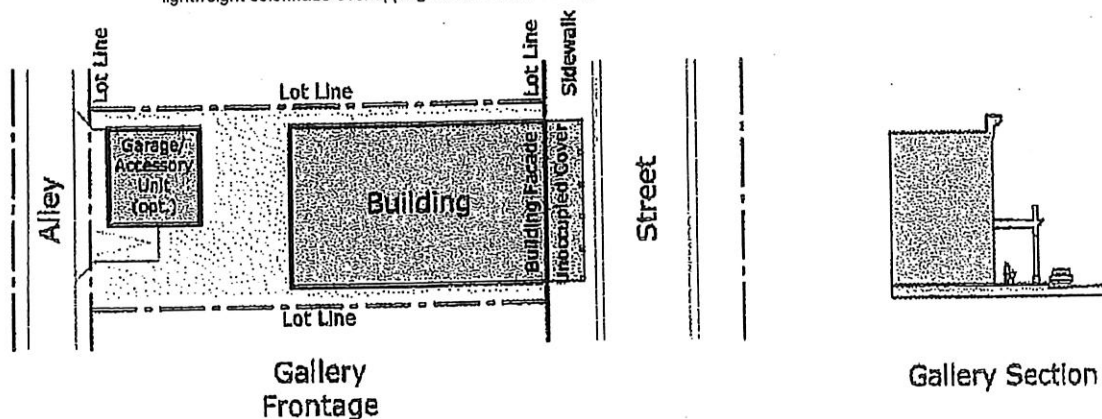
Forecourt Frontage

- f. *Front yard.* A frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line is optional.

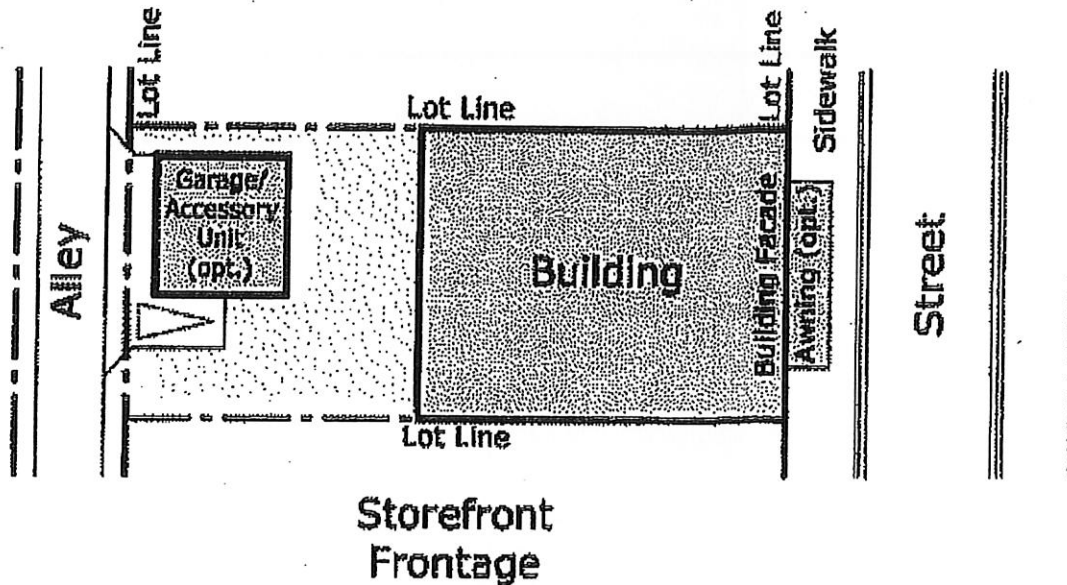


Front Yard Frontage

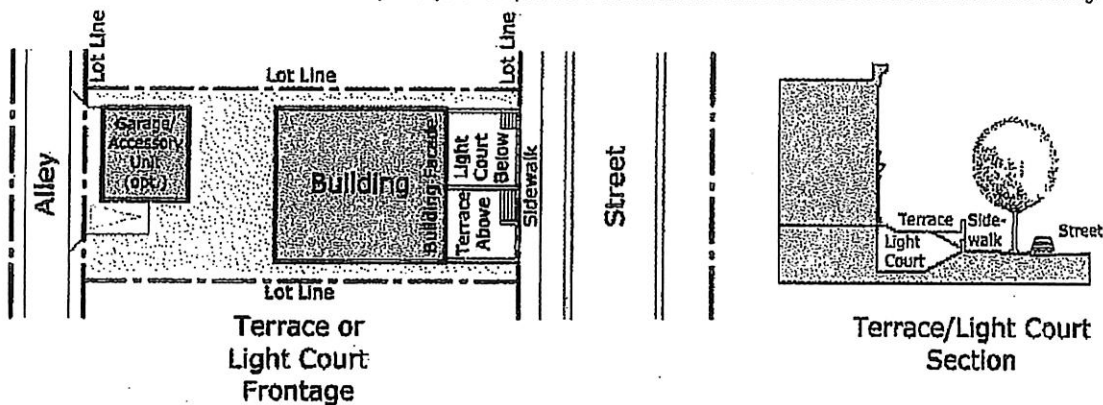
- g. *Gallery.* A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use.



- h. **Storefront.** A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.



- i. **Terrace or light court.** A frontage where the facade is set back from the frontage line by an elevated terrace or sunken light court. The sunken court can potentially access an additional unit below grade. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The terrace is suitable to conversion for outdoor dining.



- (2) **Allowed frontage types.** Frontage types are regulated by building type as listed in table 27-1176-2.
Table 27-1176-2 Allowed Frontage Types

Building Type	Type I: Mixed-Use Building;rr; Type II: Live/Work Building;rr;	Type III: Small Civic Building;rr;	Type IV: Small Commercial Building;rr;	Type V: Apartment Building;rr;	Type VI: Rowhouse;rr;
Frontage Type					
Arcade	A	A	A	A	
Common Lawn				A	A
Doorway		A		A	A
Dooryard	A	A	A	A	A
Forecourt		A		A	
Front Yard		A		A	A
Gallery	A	A	A	A	
Storefront	A	A		A	
Terrace/Light Court			A		A
Building Type	Type VII: Flat over Flat (Duplex) Type VIII: Paired House (Duplex)	Type IX: Single Family Detached House	Type X Accessory Unit	Type C: Prominent Civic Building	
Frontage					

Type				
Arcade				Constraints are dependent on principal structures.;rr; By DRB Review
Common Lawn	A	A*		
Doorway				
Dooryard	A			
Forecourt				
Front Yard	A	A		
Gallery				
Storefront				
Terrace/Light Court	A			

Interpretation of Table 27-2276-2: "A" means allowed. "A*" means allowed in all applicable zones except T-2. A blank cell means that the building type is not allowed.

(j) *Function intensity standards.* The intensity of the uses are governed by T-zone, lot location, and parking requirements:

(1) *Applicable to all zones.*

a. *Applicable to all uses.* Use is limited by the parking requirement of subsection 27-1176(n).

b. *Residential.* Only one accessory unit or accessory structure shall be allowed per main structure.

(2) *Zone T-2.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

(3) *Zone T-3.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

b. *Office.* The building area available for office use on each lot is restricted to the first story of the principal or the ancillary building.

c. *Retail.* The area in T-3 available for retail use must be designated on the regulating plan. The total area of retail in T-3 is limited to 500 square feet at the first story for each 100 dwelling units within the entire TND development.

(4) *Zone T-4.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

b. *Office.* The building area available for office use on each lot is restricted to the first story of the principal or the ancillary building.

c. *Retail.* The building area available for retail use is restricted to block corner locations at the first story.

d. *Residential.* In order to ensure a diversity of residential opportunities, a minimum of three of the allowed by right building types must be constructed, not including accessory units. Each type must account for at least ten percent of the total number of units within this zone only.

(5) *Zone T-5.*

a. *Residential.* In order to ensure a diversity of residential opportunities, a minimum of three of the allowed by right building types must be constructed, not including accessory units. Each type must account for at least ten percent of the total number of units within this zone only.

(k) *Height standards.* The height of the primary building on a lot is regulated by T-zone:

(1) *Applicable to all zones.* Accessory units (building type X) and accessory structures shall not exceed the height of the primary structure.

(2) *T-2.* No more than two and one-half stories for all building types.

(3) *T-3.* No more than two and one-half stories for all building types. Live/work buildings and flat over flat buildings shall at least two stories.

(4) *T-4.* No more than three stories for all building types. Mixed-use buildings, live/work buildings, and flat over flat buildings shall be at least two stories. Mixed use buildings and live/work buildings shall have a first floor to ceiling height of 15 feet minimum.

(5) *T-5.* At least two stories and no more than four stories for all building types. Mixed-use buildings, live/work buildings, and small commercial buildings shall have a first floor to ceiling height of 15 feet minimum.

(6) *T-6.* At least two stories and no more than eight stories for all building types.

(7) *D.* No more than four stories.

(8) *CS.* No height limitation.

(l) *Setback standards.* Setbacks are regulated by T zone and frontage type and are measured from the public right-of-way. Setbacks are regulated by transect zone and frontage type as listed in tables 27-1176-3 and 27-1176-4.

Table 27-1176-3 Front Setbacks

Transect Zone	T2	T3	T4	T5	T6	CS	D
Frontage Type							
Arcade		0'	0'	0'	0'	By Special Review	
Doorway							
Gallery							
Storefront							
Common Lawn		10-20'	0-10'	0-10'	0-10'		
Dooryard		8-20'	8-20'	8-20'	8-20'		
Forecourt		25' min.	10-35	10-35	10-35		
Facade							
Foreground Facade		10-25'	0-10'	0-10'	0-10'		
Front Yard	50' min.	10-25'	0-15'	0-15'	0-15'		
Terrace/Light Court		10-25'	8-20'	8-20'	8-20'		

Interpretation of Table 27-2276-3: A blank cell means that a standard is not applicable.

Table 27-1176-4 Side and Rear Setbacks

Transect Zone	T2	T3	T4	T5	T6	CS	D
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Setback Type						
Side Setback		50' min.	5' min.	0-10'	0-10'	0-10'
Rear Setback	Corner Lot	50' min.	5' min.	5' min	5-10'	0-10'
	Interior Lot	50' min.	5' min.	5' min	5' min	0-10'
	Lot with Alley;rr;	8'	8'	8'	8'	8'

(1) *Additional setback standards.*

- For parking lots and parking garages.* At least 25 feet from any public right-of-way and at least six feet from any property line.
- Minimum thoroughfare landscaping and buffering setbacks.* The TND district thoroughfare landscaping and buffering setbacks shall comply with the landscape standards of this chapter.

(m) *Lot size and area standards.*

(1) *Lot size.* Lot sizes are regulated by T zone.

- T-2.* Minimum of 20 acres average per dwelling unit.
- T-3.* A mixture of lot widths is required in order to achieve residential diversity. The provision of small, medium, and large lot widths shall be achieved as follows:
 - Small lots.* At least 25 percent and no more than 50 percent of the total number of lots in T-3 shall be 25 feet to 45 feet wide.
 - Medium lots.* At least 25 percent and no more than 50 percent of the total number of lots in T-3 shall be 45 feet to 80 feet wide.
 - Large lots.* At least 15 percent and no more than 35 percent of the total number of lots in T-3 shall be more than 80 feet wide.
- T-4.* Sixteen feet minimum lot width for attached housing, 25 feet minimum lot width for detached housing.
- T-5.* No minimum lot size. Lot widths are limited to no more than 80 feet. Lots with common lawn frontages have no maximum lot width.
- T-6.* No minimum.
- CS.* No lot size regulation.
- D.* By special review of the development review board.

(2) *Minimum floor area.* Floor area requirements for the TND district are regulated by the currently adopted building code.

(n) *Parking standards.* Parking standards are a component of the design manual, and shall be illustrated as such. Parking standards are regulated by T zone. Office and retail space may utilize the on-street parking adjacent to the lot frontage as part of the parking requirement.

(1) *T-2.*

- Two off-street parking spaces shall be provided for each dwelling unit.
- One off-street parking space shall be provided for each lodging bedroom.

(2) *T-3.*

- Two off-street parking spaces shall be provided for each dwelling unit.
- One off-street parking space shall be provided for each lodging bedroom.
- Two parking spaces per 1,000 square feet of office or retail space shall be required.

(3) *T-4 and T5.*

- One off-street parking space shall be provided for each dwelling unit.
- One off-street parking space shall be provided for each lodging bedroom.
- Two parking spaces per 1,000 square feet of office or retail space shall be required.

(4) *Zone T-6.* There is no parking requirement for dwelling units, lodging units, office space, or retail space.

(5) *Zone CB.* No parking regulation.

(6) *Zone D.* By the DRB.

(7) *Shared parking standard.* When sharing uses on a particular lot, the parking requirement may be further reduced by the following factors:

- Residential and office.* The combined requirement may be reduced by a factor of 0.75.
- Residential and retail.* The combined requirement may be reduced by a factor of 0.9.
- Office and retail.* The combined requirement may be reduced by a factor of 0.75.
- Lodging and residential.* The combined requirement may be reduced by a factor of 0.9.
- Lodging and office.* The combined requirement may be reduced by a factor of 0.8.
- Lodging and retail.* The combined requirement may be reduced by a factor of 0.9.

(8) If parking is reduced under subsection (7), above, the applicant must provide a written agreement between the owners and lessees of the parking spaces that complies with the following standards:

- The term of agreement is a minimum of 20 years.
- The agreement must provide that it is enforceable by the Unified Government of Wyandotte County.
- The agreement must provide that it binds all heirs, successors, and assigns to the lessor and lessee.
- The agreement must be recorded with the register of deeds of the county.
- If the agreement expires or terminates, the use for which the off-site parking was provided will be considered nonconforming. All approvals relating to the nonconforming use will be subject to revocation. Continuation or expansion of the nonconforming use is prohibited unless the use is brought into compliance with the parking regulations of this chapter.

(o) *Additional standards.*

- Businesses providing drive up or walk up services such as restaurants must be designed to match the character of the development. In no case shall the drive thru lane or window abut or face a public street.
- Gas stations, bank drive-thrus, and convenience stores must be designed to match the character of the development. In no case shall the gas pump canopy abut a public street. Any canopy must be attached to the primary building. All canopy supports must match the primary building material and design of the primary building.
- Sidewalk sales and display of merchandise may only occur adjacent to storefront businesses in T-zone 5 and 6 where the paved sidewalk is a minimum of ten feet wide. The merchandise shall only be displayed along the tenant space and up to five feet from the building face. No used merchandise may be displayed outside. All merchandise sold outside must be of the same character and nature as the goods sold inside.
- Outdoor eating areas for restaurants and drinking establishments are allowed along the sidewalk in T-zones 5 and 6 where the

- paved sidewalk is a minimum of ten feet wide. The merchandise shall only be displayed along the tenant space and up to five feet from the building face.
- (5) Outdoor eating areas for restaurants and drinking establishments may not occupy an area greater than ten percent of the floor area of the adjoining establishment.
 - (6) Communication antennas and towers shall comply with the accessory use section 27-1271 or special use permit section 27-1252 (32) of the unified government zoning code.
 - (7) All dwelling units within this district must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.
- (p) **Signs.** Each live/work unit shall be permitted a sign area that shall not exceed five percent of the first floor face. The sign area can be used in one wall-mounted sign, one projecting sign, or the sign area can be divided between a combination of the two sign types. In no case shall a projecting sign project more than three feet from the face of the building. All wall-mounted signs are to be individual channel lock letters. Portable signs such as sandwich boards are allowed but must be removed daily. Sandwich board signs are restricted to be no larger than two feet by two feet. All other commercial signs shall be governed by the C-1 or C-2 sign code.
- (1) **Prohibited signs.** The following signs are prohibited:
 - a. Internal illuminated signs for live/work units.
 - b. Attention-attracting devices for live/work units.
 - c. Electronic signs.
 - d. Pole signs.
 - e. Roof signs.
 - f. Obsolete signs.
 - g. Signs that falsely state that the building or portions thereof is reserved for a use that is inconsistent with the existing zoning.
- (q) **Roadway standards.** All roadways shall be governed by the street standards portion of the design manual and Code, which govern the specific design of every roadway in the district, including the provision of on-street parking. In general, roadways are to be designed for slower design speeds, to ensure the safety of pedestrians, bicyclists, and motorists. This entails narrower lane widths, the provision of on-street parking on all roadway types, and small curb radii at intersections. A variety of roadway types is encouraged, and block perimeters should be small. Specific roadway standards are noted in the appendix A of this chapter: TND roadway design criteria.
- (1) **Road type definitions.**
 - a. **Alley.** Very low capacity roadway with two-way yield operation along the rear of properties providing common access for parking, service areas, and accessory units as well as utility easements.
 - b. **Avenue.** Medium capacity roadway with intensive pedestrian use appropriate as the main street of the commercial or mixed use zone.
 - c. **Courtyard.** Low to very low capacity divided roadway with a landscaped median to provide direct local access along a dead-end alignment.
 - d. **Frontage road.** Low to very low capacity roadway parallel to a thruway to provide access to abutting property.
 - e. **Lane.** Low to very low capacity roadway with two-way yield operation to provide direct access to abutting land.
 - f. **Parkway.** Low to medium capacity divided roadway with a landscaped center median appropriate as the main street of the commercial or mixed use zone.
 - g. **Public square.** A configuration where the perimeter streets are all one way providing counter-clockwise circulation, with a landscaped center median.
 - h. **Route.** Low to medium capacity roadway that connects different parts of the TND but does not provide direct access or parking to abutting land.
 - i. **Street.** Low capacity roadway to provide direct local access to abutting land. A street may have either two-way or one-way operation.
 - j. **Thruway.** Medium to high capacity roadway that bisects or borders the TND and is part of the larger collector-arterial network of the city.
- (r) **Block sizes.** All blocks shall have the following maximum block perimeters:
- (1) Zone T-3: 3,000 feet maximum.
 - (2) Zone T-4: 1,800 feet maximum.
 - (3) Zone T-5: 2,000 feet maximum.
 - (4) Zone T-6: 2,000 feet maximum.
- (s) **Landscape standards.** All landscaping shall be governed by a landscape standards portion of the design manual, which lists plant species, instructions, location criteria, and their application in the various T zones.
- (1) **Frontage landscaping.** Minimum landscaping at the completion of construction between the frontage line and the building facade is regulated by frontage and building type.
 - a. **Arcade.**
 1. Applicable to all building types: Zero landscape plantings required.
 - b. **Common lawn.**
 1. Applicable to all building types: Six landscape plantings required per dwelling unit. At least one of the six required landscape plantings shall be a shade or ornamental tree.
 - c. **Doorway.**
 1. Applicable to all building types: Zero landscape plantings required.
 - d. **Dooryard.**
 1. Building types I, II, III, IV: Zero landscape plantings required.
 2. Building types V, VI, VII, VIII: Six landscape plantings required.
 - e. **Forecourt.**
 1. Applicable to all building types: Fifteen landscape plantings required
 - f. **Front yard.**
 1. Applicable to all building types: Eleven landscape plantings required. At least two of these landscape plantings shall be a shade or ornamental tree. Landscape plantings at approximately 30 inches on center shall be used along street-facing foundation walls.
 - g. **Gallery.**
 1. Applicable to all building types: Zero landscape plantings required.
 - h. **Storefront.**
 1. Applicable to all building types:
 - i. Storefronts less than 60 feet in length: Zero landscape plantings required.
 - ii. Storefronts greater than 60 in length: landscaping in the form of movable planter boxes and pots are required. One planter box with a minimum dimension of 18 inches by 18 inches shall be required per 25 feet of storefront length.

- i. *Terrace/light court.*
 1. Building types I, II, III, IV: Zero landscape plantings required.
 2. Building types V, VI, VII, VIII: Six landscape plantings required.
- (2) *Street trees.* Trees are required in the public right-of-way along streets, at a minimum of one shade tree every 40 feet, except where a park exists.
- (3) *Buffering.* In situations where the rear property of a detached single-family home abuts a public street, thoroughfare, or an existing detached single-family subdivision zoned R-1 or R-1(B), buffering shall be put in place to soften the impact of the development and protect future property owners from traffic sound and headlight glare. The necessary buffering shall be accomplished by the use of trees, shrubs, walls, and fences within a landscape easement or tract. The applicant shall submit a thorough landscape plan that addresses how this buffering will be accomplished. At least two of the following elements must be used:
 - a. Evergreen trees planted at 30 feet on center.
 - b. Evergreen shrubs planted at four feet on center.
 - c. A six-foot high masonry wall or solid fence.
- (t) *Building materials.* All building materials and their use shall be governed by the architecture standards portion of the design manual, which shall list specific material instructions and usage criteria. Masonry building materials approved for this district are stone, brick, cast stone, and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65 percent of the sum total of all building facades, except for building type X, single-family detached house, which shall have 25 percent of the sum total of all facades. Building type XI, accessory units, and accessory structures and garages shall be exempt from the masonry requirement but shall be constructed from the same materials as the main structure. Stucco in a TND development shall mean traditional stucco or gypsum concrete/plaster materials with smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100 percent excluding trim unless otherwise approved by the DRB. Exterior insulation and finish systems (EIFS) or pre-manufactured panels are not permitted. These provisions are intended to ensure a longer-lasting, sustainable appeal of the TND neighborhoods.
- (u) *Planned zoning.* This is a planned zoning district that involves the submittal and approval of preliminary development plans at the time of rezoning. Following zoning approval, all final plans are approved as follows:
 - (1) The DRB is delegated the authority to approve the final plan, except as provided in subsection [2], below.
 - (2) If the DRB does not reach a unanimous recommendation on a final plan, then the issue will be presented to the planning commission for final review following the normal criteria for final plan submission set out in subsection 27-211(f).
- (v) *Definitions for this section.*
 - (1) *Accessory structure.* Detached non-dwelling unit structure, including a garage, that is located on the same lot or premises as the main structure. Accessory structures shall not be located in the front yard.
 - (2) *Block.* The aggregate of private lots, passages, rear lanes, and alleys, circumscribed by thoroughfares.
 - (3) *Civic.* The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, religion, and municipal parking.
 - (4) *Civic space.* An open area dedicated for public use.
 - (5) *Design manual.* A manual used as a tool for the applicant to present their vision for the TND development. The manual is accepted as the code for the development and is used as a guide for the DRB review board to assure that the original design, continuity and theme is carried through the marketing and building process.
 - (6) *Development review board.* This board will act as the governing body for the TND development and enforce building layout, aesthetics and the design manual. (See subsection 27-1176(e))
 - (7) *Frontage line.* The front property line and/or right-of-way line of a building lot.
 - (8) *Landscape planting.* A deciduous or evergreen tree or shrub planted between the frontage line and the front facade of a building. Perennial or annual flowers and bulbs are not considered landscape plantings.
 - (9) *Lodging.* Premises available for daily and/or weekly renting of bedrooms.
 - (10) *Masonry.* Durable, long-lasting materials such as stone, brick, cast stone, stucco, synthetic stone, cultured stone, and, glass-fiber reinforced concrete.
 - (11) *Open space.* An area or tract of land that is set aside and left natural or pristinely manicured for the enjoyment of the public. These areas should be accessible both physically and visually to residences of the community. Such land shall be owned and maintained by the developer, owner, or property owners association.
 - (12) *Outdoor room.* An open space that is framed by buildings, fences, walls, landscaping, or berms in order to create the feel of a private open space.
 - (13) *Pedestrian shed.* An area defined by the average distance that may be traversed at an easy walking pace from its edge to its center. This distance is applied to determine the size of a neighborhood or extent of a community. A standard pedestrian shed is one-quarter of a mile radius, or 1,320 feet. Pedestrian sheds should be conceived as oriented toward a central destination containing one or more important intersections, meeting places, civic spaces, civic buildings, and the capacity to accommodate a T-5 transect zone in the future.
 - (14) *Plan of record.* The plan that is accepted by the city planning commission and unified government board of commissioners as a part of the TND rezoning process. This plan shows the general shapes and forms of buildings, building materials, building locations, landscaping, open space and all other details of the plan. (See subsection 27-1176(c and d)).
 - (15) *T-zone.* A geographical cross-section, used to identify the level of urban character and intensity of a traditional neighborhood design project.
 - (16) *Use-segregated development.* A method of development wherein different types of uses are separated and sorted by type, size, and setback from property lines.
 - (17) *Walkable neighborhoods.* Neighborhoods that are designed to allow residents the ability and reason to walk around the neighborhood for goods, services, and social interaction.

APPENDIX A—TND ROADWAY DESIGN CRITERIA

Type	Thruway	Frontage Road	Avenue	Parkway	Route	Public Square	Street	Lane	Courtyard	Alley
Design speed	see comment	20	30	30	30	20	25	20	20	10
Maximum ADT	see comment	400	7,000	7,000	7,000	7,000	2,000	400	400	200
T-zones applicable to	All zones	T3, T4	T3, T4, T5, T6 districts	T3, T4, T5, T6 districts	T1 & T2	T3, T4, T5, T6 districts	T3, T4, T5, T6 districts	T3, T4	T3, T4	T3, T4, T5, T6 districts
Number of lanes	see comment	1 lane, one-way,	2 or more,	2	2	1 or 2	2 or 1 for one-way	1 lane two-way	1 lane each way divided	1 lane two-way

		see comment	see comment					operation	by median, see comment	operation
Intersection spacing, block length min/max. sheet note 4	1/3 mile minimum for controlled intersection. Shorter allowed for right-in, right-out. Public square, courtyard, alley and lane cannot intersect thruway	220 feet/660 feet, sheet note 6	300 feet/660 feet	300 feet/660 feet	125 feet/660 feet	maximum length 300 feet. sheet note 7	125 feet/660 feet	125 feet/660 feet	125 feet/660 feet	125 feet/660 feet
Dead end alignment	see comment	not allowed	not allowed	not allowed	not allowed	not allowed	allowed, 600 feet max. min 75 feet cul- de-sac diameter	not allowed	allowed, 150 feet max	not allowed
Driveway access	none	allowed	limited	limited	allowed	not allowed	allowed	allowed	allowed	allowed
On-street parking	see comment	parallel or head in	parallel or head in	parallel or head in	not allowed	parallel or head in	parallel or head in sheet note 2	parallel only sheet note 2	parallel or head in	design garage setbacks to discourage parking in alley ROW
Pedestrian facilities	see comment	5 feet minimum conc sidewalk access side only	10 feet minimum conc sidewalk, both sides	8 feet minimum conc sidewalk, both sides	use bicycle path	5 feet in T3, 8 feet elsewhere. Required on outside only	5 feet minimum conc sidewalk, both sides	5 feet minimum conc sidewalk, both sides	5 feet minimum conc sidewalk, both sides	no separate facility
Curb to sidewalk clearance (parkway width)	see comment	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	8 feet minimum, maximum so as not to discourage use of trail.	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	3 feet minimum	3 feet minimum	not applicable
Bicycle facilities	see comment	shared	4 feet bike lane exclusive of gutter or 10 feet separated path, concrete or asphalt	4 feet bike lane exclusive of gutter or 10 feet separated path, concrete or asphalt	12 feet conc or asphalt separated path	shared	shared	shared	shared	shared
Roadside drainage	see comment	stand-up curb and gutter	stand-up curb and gutter	stand-up curb and gutter, may be pitched to drain to one side only	open swale	stand-up curb and gutter, may be pitched to drain to one side only	stand-up curb and gutter	stand-up curb and gutter	stand-up curb and gutter, may be pitched to drain to one side only	none - graded like sidewalk, or center swale with inlets
Lane widths	travel lane to adjacent face of curb, sheet note 3	see comment	11 feet	13 feet	13 feet	11 feet	13 feet	11 feet	11 feet	11 feet, 20 feet at turn around
	travel lane not adjacent to curb	see comment	10 feet	12 feet	12 feet	10 feet	12 feet	10 feet	10 feet	10 feet, 20 feet at turn around
										Single lane at 12 feet. sheet note 5
										none

Parking parallel	see comment	7 feet	8 feet	8 feet	not allowed	8 feet	7 feet	7 feet	7 feet	not allowed
Parking heading	see comment	angled 45°, 16 feet	angled 45°, 18 feet	angled 45°, 18 feet	not allowed	angled 45°, 18 feet	angled 45°, 18 feet	not allowed	angled 45°, 18 feet	at 90°, 27 feet deep
Curb return radius	see comment	10 feet	20 feet	20 feet	25 feet	10 feet, see comment	10 feet, see comment	10 feet, see comment	10 feet, see comment	10 feet, see comment
Comment	Design of thruway not governed by this regulation.	Median between main roadway and frontage at least 15 feet not more than 35 feet		Median at least 25 feet not more than 60 feet		1. Median at least 40 feet not more than 75 feet 2. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Median at least 22 feet but not more than 60 feet. 2. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	25 feet at alley to alley intersections or

Sheet notes:

1. T4 and higher may use 10 feet minimum conc sidewalk with zero curb to walk clearance and 5 by 5 tree planters at maximum 40 feet spacing.
2. In T3 zone tree planters may be placed in the parking lane.
3. Minimum total pavement width shall be 20 feet on any roadway except alleys.
4. Normal measurement is from centerline of right-of-way. *Exception*, when other streets intersect an avenue, or divided roadway (parkway, public square and courtyard) the intersection spacing shall be measured to the centerline of the nearest travel lane of the divided roadway not to the centerline of the right-of-way.
5. Pavement width of alley shall be modified to provide passing opportunities consisting of 20 feet by 40 feet paved area to occur at least each 300 feet or once on every reach that is not visible from a higher capacity roadways at both ends of the reach.
6. Separation of entry and exit of frontage road from other intersections will follow the minimum intersection spacing requirements of the intersected street, except where entry or exit is restricted by design elements to permit a right turn only then the distance from the edge of the nearest through lane of a second intersecting street upstream of the frontage road intersection to the edge of the frontage road may be a minimum of 40 feet.
7. Each intersection onto a public square shall have a splitter island or other control to discourage wrong way entry to the public square.

The provisions of appendixes B—D to Ord. No. O-29-06 are hereby adopted by reference as if set out in this section at length.

(Ord. No. O-23-10, § 1, 4-29-2010)

Editor's note—

Ord. No. O-23-10, § 1, Apr. 29, 2010, repealed the former § 27-471 and enacted a new § 27-471 as set out herein. The former § 27-471 pertained to TND traditional neighborhood design district and derived from Code 1988, § 27-1178; Ord. No. O-9-01, § 1, 1-25-2001; Ord. No. O-29-06, § 1, 3-2-2006.

Cross reference—Definitions generally, § 1-2.

Sec. 27-472. - B-P Planned business park district.

- (a) **Generally.** The purpose of the B-P planned business park district is to allow a mix of primarily office, research and light industrial uses with limited retail and service uses in a planned business park setting. The district is a planned zoning district with a minimum area of ten acres, designed to provide for moderate density, high quality development with attractive buildings, increased amenities and open space. In appropriate situations, B-P planned business park zoning may be located adjacent to residential uses. This section applies to the B-P planned business park district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
- (1) Any use permitted in the CP-1 planned limited business district except dwellings, under the parking and basic landscaping requirements of that district.
 - (2) Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing or testing any commodity except those permitted only in the M-3 heavy industrial district and those listed in section 27-469(b)(5).
 - (3) Warehousing or wholesaling of any commodity except those permitted only in the M-3 heavy industrial district.
 - (4) Public and private utility facilities.
 - (5) Business services such as testing, photo processing, equipment rental, leasing, employment agencies, place of assembly, printing, exterminating, custom maintenance and delivery services.
 - (6) General and special trades contractors.
 - (7) Sales of building materials, contractor's equipment, furniture, office hotel and restaurant supplies, machines, metals.
- (c) **Performance and design standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) All operations shall be conducted within a fully enclosed building.
 - (2) All storage of materials, products or equipment (beyond customary building mechanical systems) shall be within a fully enclosed building unless otherwise approved by the planning commission. In such a case, outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use, shall not include storage of junk or salvage and shall be so screened that the contents are not visible at eye level within 100 feet of the property line. Semitrailers not coupled with tractors shall be included in this area limitation.
 - (3) No noise, odors, vibration, or other impacts shall be discernible off the premises of the building.

- (4) Applicants for this district must include only land that is under unified control or under contract for sale that will provide unified control.
- (5) The preliminary and final plans shall include a coordinated architectural design for buildings, site improvements and landscaping.
- (6) Buildings are required to exhibit an attractive appearance especially toward the street and any nearby residential areas. Typically, such an attractive appearance would be characterized by significant use of glass, masonry, and other high quality finish materials and designs with significant offsets and articulation.
- (d) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) *Height.*
 - a. Not more than 50 feet.
 - b. Not more than 100 feet for structures other than buildings, but must be set back from the property line a distance equal to the height of the structure.
 - (2) *Setback from property lines.*
 - a. From residentially zoned or developed property or property having a residential designation on the land use plan, the minimum building setback is 50 feet and the minimum setback for parking, loading, and other paved areas is 25 feet.
 - b. From the perimeter of the business park the minimum building setback is 40 feet and the minimum setback for parking, loading, and other paved areas is ten feet.
 - c. Elsewhere, the minimum building setback is 25 feet and the minimum setback for parking, loading and other paved areas is six feet.
 - d. For additional standards and information, see division 8 of this article.
- (e) *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning and zoning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided for buildings of up to 20,000 square feet. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for building increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning and zoning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-1 district unless otherwise approved. For additional standards and information, see division 9 of this article.
- (f) *Signs.* Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas and enhancing the overall appearance. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 8,000 square feet of site area. Six-foot high architectural screening in combination with a 25-foot buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) *Building conversion.* No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1177; Ord. No. O-9-01, § 2. 1-25-2001)

Secs. 27-473—27-497. - Reserved.



Exhibit C

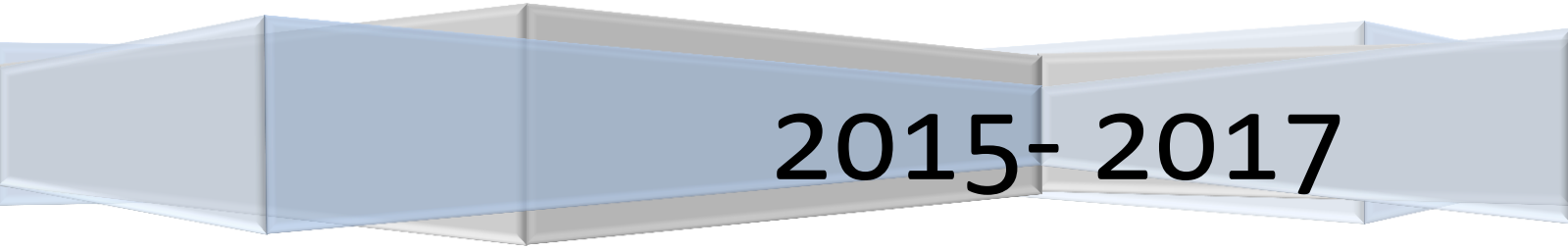
DEPARTMENT OF ECONOMIC DEVELOPMENT

Unified Government of Wyandotte County/Kansas City, Kansas

701 North 7th Street, Ste. 421
Kansas City, Kansas 66101

Phone: (913) 573-5730
Fax (913) 573-5745

Neighborhood Revitalization Act (NRA) Application



2015- 2017



NRA TAX REBATE PROGRAM INITIAL ELIGIBILITY CRITERIA

You must answer “YES” to each of the following questions in order to submit an NRA Application

- Are you the owner of the property?
- Is the property in the NRA Area?
- Are the taxes on this and other property you own current?
- Will the planned improvement comply with Unified Government zoning ordinances and all applicable codes?

NRA APPLICATION PROCEDURES

1. The application can be obtained from the Economic Development Department or the Building Inspections Division of the NRC, concurrent with a building permit. However, if the building permit has already been obtained or no permit is required for the work, an application can be obtained in person at the Economic Development Department located at 701 North 7th Street, Suite 421, Kansas City, Kansas 66101 or at the Unified Government’s website under Economic Development Department at <http://www.wycokck.org/economic/>.
2. Prior to any new construction, renovation, or expansion, the applicant shall submit to Economic Development staff a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation. When the project is completed, the applicant shall submit required post-construction documentation prior to receiving the NRA tax rebate.
3. It is suggested that the Building Inspections Division to reference in its files that the applicant is applying for the NRA tax rebate and to forward a copy of the building permit to the Unified Government Appraiser.
4. Prior to December 1, following commencement of construction, renovation, or expansion and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the NRA application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department.
5. On or before January 1, after the project is completed, the Unified Government Appraiser shall conduct an on-site inspection, review the construction records, and determine the new valuation of the real estate. The Appraiser shall submit a report of the new valuation and the revised tax information by June 1 to the Unified Government Treasurer.



6. Upon determination that the status of the improvements as of January 1 meets the eligibility criteria, the Appraiser shall certify the percentage requirements of Part 2, Section C to the Unified Government Clerk, Treasurer, and Economic Development Department.
7. Economic Development Department staff will notify the Appraiser of any new NRA applications and input the documentation for tracking.
8. Economic Development Department staff will notify the Finance Department of completed NRA tax rebates on an annual basis.
9. Economic Development Department staff will administer Part 2, Section D: Statement of Tax Status. If the taxes are not current, the application is denied until taxes are current.
10. Economic Development Department staff will forward Part 2, Section E: Statement of Administrative Application Conformance for NRA Tax Rebate to the Appraiser and the Treasurer upon completion of the administrative documentation for the project.
11. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified NRA tax rebate period, and within a thirty (30) day period following the date of tax distribution by the Unified Government to the other taxing units, the NRA tax rebate, less the appropriate administrative fee, shall be made to the applicant. The tax rebate shall be made by the Unified Government Treasurer from the Neighborhood Revitalization Fund established in conjunction with the Unified Government and the other taxing units participating by Interlocal Agreement. The Unified Government Finance Department and the Economic Development Department staff will make reports to the Unified Government Commission and other taxing units.
12. Applicant is **required** to pay taxes each year. A **rebate check** will be issued to applicant from the Treasurer's Office **after taxes are paid**. The NRA tax rebate applies only to the **additional taxes** resulting from the increase in assessed value of the property due to the improvement. For example, if taxes paid on vacant land is Five Hundred and 00/100 Dollars (\$500.00) and a structure is built on the vacant land (improvement) that raises the taxes to Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) (assuming the required assessed value has occurred), the incremental increase in tax is Two Thousand and 00/100 Dollars (\$2,000.00). The Two Thousand and 00/100 Dollars (\$2,000) less an administrative fee is the portion that will be rebated.
13. Applicants appealing their appraised values may jeopardize their eligibility for NRA participation for that year and following tax years and may initially encounter a one (1) year delay in determining their eligibility for NRA participation.



14. A copy of the certification for transfer (NRA Transfer of Deed form at the end of the application) must be used when transferring the NRA tax rebate. The certification should be completed when the property is sold and then sent to the Economic Development Department, Attention: NRA Program Staff, 701 North 7th Street, Suite 421, Kansas City, Kansas 66101. In such situations, the occupant may then be eligible to receive the NRA tax rebate pursuant to all other program criteria.

Part 1, Section A: General Information

The applicant is responsible for the following information and documentation when submitting an NRA application:

1. Application information
2. Property Area, Type, and Use
3. Improvement
4. Building Permits
5. Construction Time Line
6. Demolition of Structures
7. TIF District and Tax Credits
8. Application Fee
9. Utilization of Local, Minority, or Woman Owned Business Enterprise
10. Historic Designation
11. Pre and Post Construction, Renovation, or Expansion Requirements
12. Applicant Signature and Date

[Intentionally Left Blank]



Part 2, Section A: Completed by applicant (Please type or Print)

Application Information

Date _____, 20____

Applicant's name _____ Phone _____

Applicant's mailing address _____

Owner's name _____ Phone _____

Owner's mailing address _____

Project property address _____

Are you the owner of the property ____ Yes ____ No

Are you the developer ____ Yes ____ No

Developer's name _____

Company _____ Phone _____

Parcel Identification Number: _____ School District: _____

(Take Parcel ID number and legal description from your tax statement or call the Unified Government Clerk at 573-2874)

Legal Description of Parcel: (Use additional sheets if necessary)

Property Area, Type, and Use (check all that apply)

A. The Project is located in ____ Area 1 ____ Area 2 East ____ Area 2 West ____ Turner
USD 202 ____ Area 3 ____ Area 4 ____ Special Project Area - ____ Area 1 ____ State
Avenue Corridor

B. The Special Project Area is ____ Retail in Nature ____ Environmentally Contaminated
____ Historical



- C. The Project is ____ New Construction ____ Renovation ____ Expansion
- D. The Project is ____ Residential ____ Commercial ____ Office ____ Industrial ____ Retail
____ Historic ____ Environmentally Contaminated
- E. End use will be ____ Owner Occupied ____ Rental ____ Leased

Improvements

Describe the Improvements (Be specific)

Building Permit

Estimated cost of improvement: \$ _____

Building permit value: \$ _____

Construction Time Line

Construction commences on _____, 20__

Projected Date of completion _____, 20__ (estimate)

Demolition of Structure(s)

List building to be demolished: _____
(Use another sheet of paper if needed)

If demolishing residential structures complete the following:

- Number of dwelling units: _____ (List tenants if known occupying the building when purchased, or present tenants and note the date of occupancy or relocation. If needed, use a separate sheet of paper and attach it to this application)
- Demolition-permit number: (Attach copy of permit.) _____

TIF District or Tax Credits

Is the project or property within a TIF Redevelopment District ____ Yes ____ No



TIF name _____

Are you planning on applying for any tax credits? ____ Yes ____ No

What type of tax credits _____

Application Fee

An application fee of \$1,000.00 is required for all commercial, industrial, office, retail, historical, and environmentally contaminated projects. If the project is in a Special Projects Area and the construction cost is over \$10 million, the application fee is \$2,000.00. Checks will be made to the Unified Government Treasurer.

Utilization of Local, Minority, and Women Owned Business Enterprise

____ Yes ____ No (Applicant will contact the UG Contract Compliance Department for goals)

Historic Designation

____ Yes ____ No (Please attach proof of Historic State and or Federal designation)

Pre and Post Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application prior to any construction, renovation, or expansion along with the application to be eligible for the NRA tax rebate program:

1. A copy of the building permit that shows the estimated cost (this is not the permit that is posted on site)
 - a. In some cases permits are in stages. As an example: footings or demolition will come first before the building permit will be issued
 - b. All permits must be submitted. As an example: a building permit prior to any construction/renovation/expansion
2. Application fee (*if applicable*)
3. Pictures of proposed interior/exterior improvement area
4. A picture of the property with address (*if an existing structure*)
5. An aerial map showing the parcel/property



6. Plans/Renderings:
 - a. Residential new - pdf of house plans
 - b. Residential renovation/addition – project renderings (this can be what was submitted to Building Inspections Department)
 - c. Commercial new – pdf of architectural front elevation drawing
 - d. Commercial renovation/expansion – pdf of interior/exterior project renderings – this can be what was submitted to Building Inspections Department
7. A list of improvement cost or improvement bid estimates

Prior to receiving a rebate, the following required documentation must be submitted:

1. A Certificate of Occupancy (CO) or an approved Final Inspection form signed by the Building Inspections Division of NRC
2. Pictures of the completed improvement
3. Receipts or certification of construction expenses

Applicant Signature and Date

Submitted by _____ / _____ Date _____, 20____
(Please print) (Application's Signature)

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Staff Review of Application

Date application came into this office: _____, 20____

Application completed in full and all documentation is attached: Yes ____ No ____

Comments: _____

Approved: ____ Denied: ____

Authorized Signature



Part 2 Section B: To be filled out by the applicant

Prior to December 1, following commencement of construction and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the Neighborhood Revitalization Tax Rebate Incentive Program application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department Attention: NRA Program, at 701 North 7th Street Room 421 Kansas City, KS 66101

(Please type or print.)

Applicant's Name: _____

Property Address: _____

Parcel ID Number: _____

Building Permit Number: _____

Status of Construction Completion

_____ Incomplete project as of January 1 following commencement

_____ Completed project as of January 1 following commencement

[Intentionally Left Blank]



CERTIFICATION OF TRANSFER OF DEED FOR NRA PROGRAM

Owner or Developer/ Builder: _____

This is to certify that parcel No _____, commonly known as

_____,
Kansas City, Kansas, _____, on which _____
has _____rehabilitated and existing structure, or _____built a new existing structure, and has
been sold to _____ on the

_____ day of _____, 20____

The deed has been recorded at the Register of Deeds office on the _____ day of

_____ 20____. In book number _____ on page _____

By: _____ 20____

Print Name

Signature

Date

(Authorized Signature)

Please return completed form to:

Unified Government – Department of Economic Development

Attention: NRA Program Staff

701 North 7th Street, Suite 421

Kansas City, Kansas 66101

To: Unified Government Appraiser
Unified Government Treasurer

FROM: Unified Government Economic Development Department

The above certification from the above Owner/Developer/ Builder indicates that the NRA eligible structure was transferred on the date written above.

Pursuant to the terms of the NRA plan please transfer the property Tax Rebate effective the date the deed was recorded.

Authorized Signature
NRA Program Staff

Title

_____, 20____
Date



GENERAL ELIGIBILITY REQUIREMENTS FOR NRA TAX REBATE

Residential Improvements

- New construction or rehabilitation of structure.
- NRA projects are limited to Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.

Single-family, Duplex, and Townhomes (New or Rehabilitation):

- Single-family detached is on one (1) parcel.
- Duplex on one (1) parcel is considered one (1) single duplex.
- Duplex on two (2) parcels is considered single-family attached.
- Townhomes with three (3) units on three (3) parcels are single-family attached.

All of the above must be owner-occupied with the exception of a single duplex.

Multi-family Structure Projects (Rehabilitation Only):

- Subject to approval by the District Commissioner and At-Large Commissioner on proposed projects.
- New construction of multi-family projects are not eligible for the NRA tax rebate.
- Multi-family structures are considered three (3) or more units on one parcel.
- Townhomes on a single parcel with three (3) or more units are considered multi-family.

All residential improvements located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate.

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A. NRA Residential Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner-Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	10
1	Multi-family – Rehabilitation Only	15% assessed value	95%	10
1	Historical Structures Owner/Rental - Rehabilitation Only	5% assessed value	100%	10
2 East Turner USD 202	Single-family detached or Duplex single-family attached (Owner Occupied) – New Construction	\$175,000	95%	5
2 East & West	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New / Rehabilitation	15% assessed value	95%	5
2 East & West	Multi-family - Rehabilitation Only	15% assessed value	95%	5
2 East & West	Historic Structures Owner Occupied – Rehabilitation Only	10% assessed value	100%	5
3	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	5
3	Historic Structures Owner Occupied – Rehabilitation Only	15% assessed value	100%	5
3	Multi-family – Rehabilitation Only	15% assessed value	95%	5
4	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied and have their own parcel), and Single Duplex - Rehabilitation Only	15% assessed value	95%	5

B. Low Income Housing Tax Credit (LIHTC)

- LIHTC projects are ineligible unless it is a new or rehabilitation senior residential housing project for the following categories of residential improvements:
 - A. Single-family detached
 - B. Duplex single or attached
 - C. Townhomes single or attached
 - D. Multi-family
 - E. Mixed-use



- LIHTC projects require Commission approval and a development agreement.

C. Tax Increment Financing (TIF)

- NRA projects are ineligible within TIF districts except within existing TIF districts in Area 1 which are eligible for a ninety-five percent (95%) rebate for five (5) years.
- Developer must be active and current on taxes.

Commercial, Office, Industrial, Retail Improvements

- New construction, rehabilitation, or expansion of structure.
- NRA projects are under Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.
- Commercial application fees for new construction, rehabilitation, and expansion:
 - A. All projects have a minimum fee of One Thousand and 00/100 Dollars (\$1,000.00).
 - B. Projects in Special Project Areas with a construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) have a fee of Two Thousand and 00/100 Dollars (\$2,000.00).
 - C. The application fee is waived for Land Bank properties.
- New construction, rehabilitation, or expansion of any type of commercial, office, retail, or industrial structure located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate, provided the project is not eligible for an Investment Revenue Bond (IRB) or Economic Development Exemption (EDX).

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A. NRA Commercial Criteria

Projects with Construction Cost under Two Million and 00/100 Dollars (\$2,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	95%	5
2 West	Rehabilitation Only	15% assessed value	95%	5
3	New/Rehabilitation/Expansion	15% assessed value	95%	5
1	Historic Rehabilitation	5% assessed value	100%	10
2 East & West	Historic Rehabilitation	15% assessed value	100%	5
3	Historic Rehabilitation	15% assessed value	100%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	95%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5

Projects with Construction Cost of Two Million and 00/100 Dollars (\$2,000,000.00) to Three Million and 00/100 Dollars (\$3,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
2 West	Rehabilitation Only	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
1	Historic Rehabilitation	5% assessed value	80-90%	10
2 East & West	Historic Rehabilitation	15% assessed value	80-90%	5
3	Historic Rehabilitation	15% assessed value	80-90%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5



Projects ranging between construction cost of Two Million and 00/100 Dollars (\$2,000,000.00) and Three Million and 00/100 Dollars (\$3,000,000.00) have a rebate starting at seventy-five percent (75%) and eighty percent (80%) for historic rehabilitation with the ability to increase the percentage by ten percent (10%) for using Local, Minority, or Women (LMW) business enterprise as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years. Applicants must contact the Contract Compliance Department to set LMW goals.

Special Project Areas

- Special projects are permitted in two areas:
 1. Area 1
 2. State Avenue Corridor
- Special projects are over Three Million and 00/100 Dollars (\$3,000,000.00) in construction cost.
- Special projects must meet one (1) of the following three (3) criteria:
 1. Retail in nature;
 2. Environmentally contaminated area; or
 3. Historic designation by either the State of Kansas or the Federal Register.
- The projects will be subject to construction participation requirements for the utilization of LMW contractors as provided in the IRB tax abatement policy. Projects meeting these criteria will be eligible for consideration of up to a twenty (20) year rebate starting at seventy-five percent (75%) and increased by ten percent (10%) for using LMW business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years.
- Projects proposed under this provision will require specific approval by the Full Commission at a public meeting.

Special Project Area	Type of Investment	Minimum Value	Rebate	Yrs.
Area 1	Projects over \$3 million	15% assessed value	75-85%	Up to 20
State Avenue Corridor	Projects over \$3 million	15% assessed value	75-85%	Up to 20



NRA PROGRAM AREAS

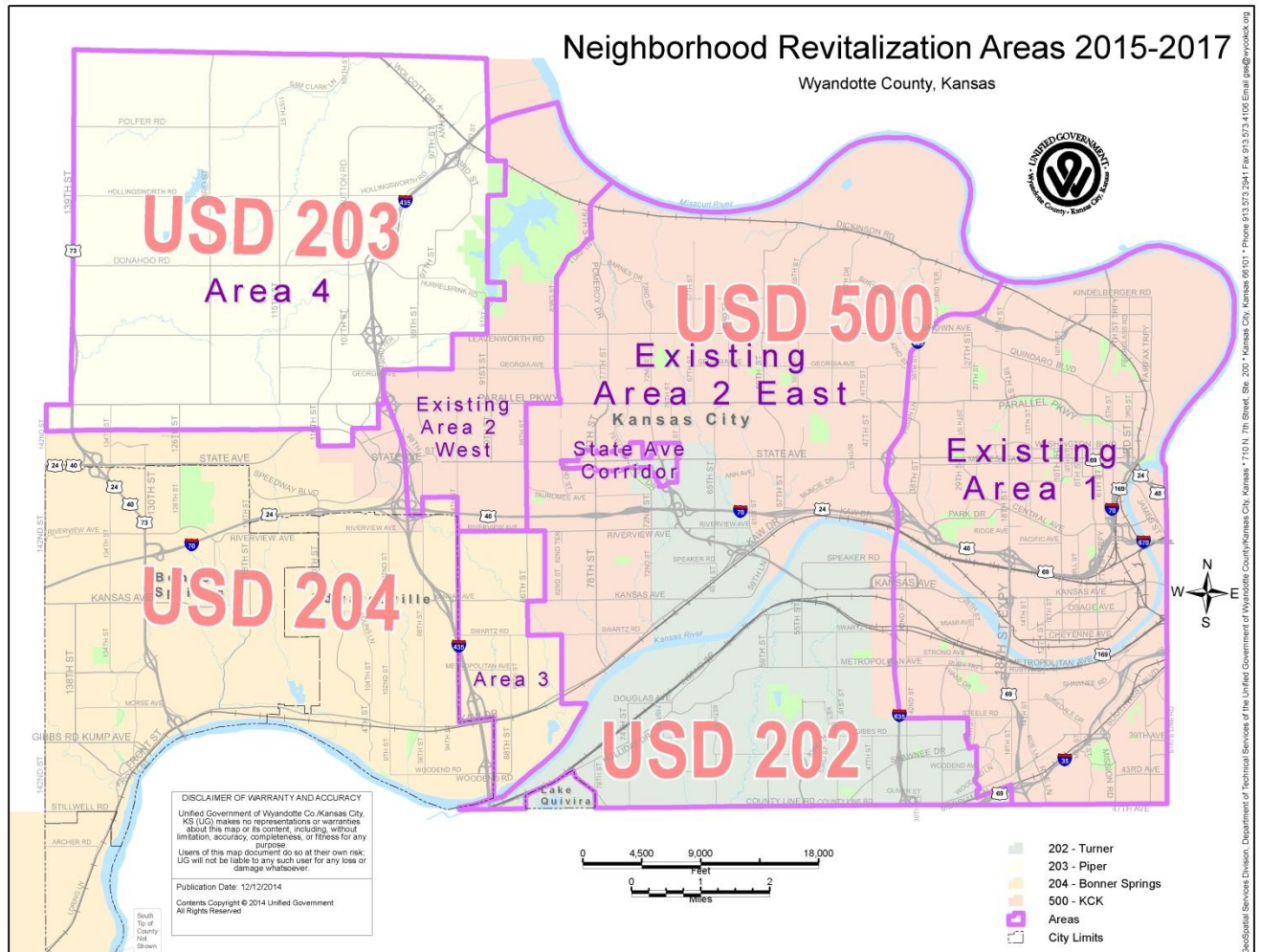


Exhibit D

Part 1, Section A: General Information

The applicant is responsible for the following information and documentation when submitting an NRA application:

1. Application information
2. Property Area, Type, and Use
3. Improvement
4. Building Permits
5. Construction Time Line
6. Demolition of Structures
7. TIF District and Tax Credits
8. Application Fee
9. Utilization of Local, Minority, or Woman Owned Business Enterprise
10. Historic Designation
11. Pre and Post Construction, Renovation, or Expansion Requirements
12. Applicant Signature and Date

Exhibit E

Part 2 Section B: To be filled out by the applicant

Prior to December 1, following commencement of construction and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the Neighborhood Revitalization Tax Rebate Incentive Program application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department Attention: NRA Program, at 701 North 7th Street Room 421 Kansas City, KS 66101

(Please type or print.)

Applicant's Name: _____

Property Address: _____

Parcel ID Number: _____

Building Permit Number: _____

Status of Construction Completion

_____ Incomplete project as of January 1 following commencement

_____ Completed project as of January 1 following commencement

Exhibit F

Part 2, Section C: County Appraiser's statement of percentage requirements

The County Appraiser's NRA program staff will e-mail the Economic Development NRA program staff the following for each parcel once the new value is established.

County Appraiser's Statement of Percentage Requirements

	<u>Assessed Value</u> Prior to Improvements	<u>Assessed Value</u> After Improvements	<u>Assessed Value</u> Subject to Rebate
Land	\$ _____	\$ _____	\$ _____
Improvement	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____

After careful determination, it has been decided that the added improvements made to the structure on this parcel of land meets the required _____% increased new assessed valuation OR does not meet the required % _____ increased new assessed valuation.

For the following address:

Parcel _____

County Appraiser's Office
(Authorized Staff)

Title

Date

Exhibit G

Part 2, Section D: Economic Development statement of tax status

As of today _____, 20_____ taxes on this parcel of land.

_____ Are current

_____ Are not current

(Authorized Signature)

Date

Exhibit H

Part 2, Section E: Statement of Administrative Application Conformance for Tax Rebate

Based on the information supplied by the applicant and the tax status, a determination has been made that the applicant has completed all the required steps administratively for this parcel of land:

_____ Is in conformance

_____ Is **not** in conformance

Reason(s):

By: _____, 20 ____
Authorized Signature Date
Economic Development

Exhibit I

2014-RATE		2014 WYANDOTTE COUNTY TAX RATES											Added 2006	Added 2008
TAX UNIT	TAX DISTRICT	SCHOOL DISTRICT	DRG. DIST.	COUNTY LIBRARY	TOTAL RATES	STATE	COUNTY	CITY TWSP	COMM SCHOOL	DRG. COLLEGE	DRG. DIST.	COUNTY LIBRARY	Rec. Com.	USD 500 Library
KANSAS CITY														
010	1, 1A, 1AA, 1B, 1C, 1FF1, 1GG, DEL, PR, QU, SH, WY	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
020	1AA3 QU	500	WOL		170.853	1.500	38.488	43.473	49.165	26.108	3.208			8.911
030	1BB, 1E, SH, WY	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
040	1BB4, 1F, DEL, 47, WY	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
050	1EE SH	202	KV	YES	191.688	1.500	38.488	43.473	54.707	26.108	14.826	5.583	7.003	
060	1FF, 1G, 53, 63, DEL, PR	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
070	1G1 PR	203	WOL	YES	177.896	1.500	38.488	43.473	59.536	26.108	3.208	5.583		
080	2, 2A, SH	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
090	4B	500	FX		180.886	1.500	38.488	43.473	49.165	26.108	13.241			8.911
DELAWARE TOWNSHIP														
100	47A	204		YES	134.687	1.500	38.488	0.000	63.008	26.108		5.583		
100	49	204 EL		YES	134.687	1.500	38.488	0.000	63.008	26.108		5.583		
BONNER SPRINGS														
110	5	204			162.720	1.500	38.488	33.616	63.008	26.108				
EDWARDSVILLE														
130	6	204		YES	182.054	1.500	38.488	47.367	63.008	26.108		5.583		
140	6A DEL	500			171.539	1.500	38.488	47.367	49.165	26.108				8.911
LAKE QUIVIRA														
160	7 SH	202		YES	151.825	1.500	38.488	18.436	54.707	26.108		5.583	7.003	
KANSAS CITY T.I.F. DISTRICTS														
170	OPV (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
180	OSF (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
190	OEa (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
210	OFC1 (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
220	OFC2 (1E)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
250	OMC (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
260	OTH (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
270	OZN (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
280	OWD (1BB4)	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
290	OTM (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
300	OAA (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
310	OCA (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
320	KSC1 (1F)	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
330	KSC2 (1FF1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
340	KSC3 (1FF)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
350	ONA (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
360	OMR1 (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
370	OMR2 (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
380	OMR3 (1E)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
390	OAK (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
400	OLV (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
410	OSP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
420	OEH (1AA)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
430	ORP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
440	OMS (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
450	OFF (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
460	OAR (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
470	OTN (1BB)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
480	OEP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
490	OW1 (1G)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
500	OW2 (1G1)	203	WOL	YES	177.896	1.500	38.488	43.473	59.536	26.108	3.208	5.583		
510	OW3 (1A)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
520	OW4 (1AA3)	500	WOL		170.853	1.500	38.488	43.473	49.165	26.108	3.208			8.911
540	OSH (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
550	OMT (1B)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911

TAX UNIT	TAX DISTRICT	SCHOOL DISTRICT	DRG. DIST.	COUNTY LIBRARY	TOTAL RATES	STATE	COUNTY	CITY TWSP	SCHOOL COLLEGE	COMM	DRG. DIST.	COUNTY LIBRARY	Rec. Com.	USD 500 Library
560	OSW (1G)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
570	OBS (5)	204			162.720	1.500	38.488	33.616	63.008	26.108				
581	ORB (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
582	ORB (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
590	OBT (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
600	2	500			182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
601	2	500			182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
SSMID														
700	1S	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
710	OSPS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
720	OTHS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
740	OSHS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
750	OSAS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
2014 Tax Rate Totals (By Jurisdiction)														
					State Levy Rate	1.500				USD #202 Levy Rate		54.707		
										USD #202 Levy Does Not Incl Rec. Comm. Levy Rate Modified Nov. 2006				
					County Levy Rate	38.488				USD #202 Levy Rate (Rec. Comm.)		7.003		
										USD #202 Rec. Comm. (6.000) & Employee Benefits (1.003)				
					County Library Levy Rate	5.583				USD #203 Levy Rate		59.536		
					City of KCKS Levy Rate	43.473				USD #204 Levy Rate		63.008		
					City of Bonner Springs, KS Levy Rate	33.616				JUCO Levy Rate		26.108		
					City of Edwardsville, KS Levy Rate	47.367				Kaw Valley Drainage Dist. Levy Rate		14.826		
					City of Lake Quivira, KS Levy Rate	18.436				Fairfax Drainage Dist. Levy Rate		13.241		
					USD #500 Levy Rate	49.165				Wolcott Drainage Dist. Levy Rate		3.208		
					USD #500 Combined Public Library Board & Employee Benefits	8.911								
					Public Library Board = 7.862 & Employee Benefits = 1.049					SSMID		12.499		



Staff Request for Commission Action

Tracking No. 171135

Full Commission Meeting Date: na

Committee: Administration & Human Services

Date of Standing Committee Action: 5/22/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/11/2017	<u>Contact Name:</u> Tib Laughlin	<u>Contact Phone:</u> x5851	<u>Contact Email:</u> dlaughlin@wycokck.org	<u>Department/Division:</u> General Services
<u>Item Description:</u> Presentation of the Spring Tax Sale results and changes and improvements in the Tax Sale process.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				