

GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall 4600 W 51st Street, Roeland Park, KS 66205
Monday, August 2, 2021 6:00 PM

- | | | |
|--|---|--|
| <ul style="list-style-type: none">• Mike Kelly, Mayor• Trisha Brauer, Council Member• Benjamin Dickens, Council Member• Jan Faidley, Council Member• Jennifer Hill, Council Member | <ul style="list-style-type: none">• Jim Kelly, Council Member• Tom Madigan, Council Member• Claudia McCormack, Council Member• Michael Rebne, Council Member | <ul style="list-style-type: none">• Keith Moody, City Administrator• Erin Winn, Asst. Admin.• Kelley Nielsen, City Clerk• John Morris, Police Chief• Donnie Scharff, Public Works Director |
|--|---|--|

Admin	Finance	Safety	Public Works
Hill	Madigan	Faidley	Dickens
McCormack	Rebne	Kelly	Brauer

I. APPROVAL OF MINUTES

A. July 19, 2021

II. DISCUSSION ITEMS:

1. Review and Discuss Universal Design Incentive Policy
2. Review and Discuss Complete Streets Draft Ordinance
3. Review and Discuss Tree Regulations

III. NON-ACTION ITEMS:

IV. ADJOURN

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

A. **Audience Decorum.** Members of the audience shall not engage in

disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**

- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.
- H. **Agendas and minutes** can be accessed at www.roelandpark.org or by contacting the City Clerk

The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: **APPROVAL OF MINUTES- I.-A.**
Committee **8/2/2021**
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **July 19, 2021**
Item Type:

Recommendation:

Details:

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
<input type="checkbox"/> July 19, 2021	Cover Memo

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, July 19, 2021, 6:00 P.M.

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| <ul style="list-style-type: none">○ Mike Kelly, Mayor○ Trisha Brauer, Council Member○ Benjamin Dickens, Council Member○ Jan Faidley, Council Member | <ul style="list-style-type: none">○ Jennifer Hill, Council Member○ Jim Kelly, Council Member○ Tom Madigan, Council Member○ Claudia McCormack, Council Member○ Michael Rebne, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ Erin Winn, Asst. Admin.○ Kelley Nielsen, City Clerk○ John Morris, Police Chief○ Donnie Scharff, Public Works Director |
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Admin

Brauer
Hill

Finance

McCormack
Madigan

Safety

Rebne
Faidley

Public Works

Kelly
Dickens

(Governing Body Workshop Called to Order at 8:21 p.m.)

(The first portion of the meeting was not recorded.)

ROLL CALL

CMBR Faidley called the meeting to order. All Governing Body members were present with CMBR Madigan appearing virtually.

I. APPROVAL OF MINUTES

1. July 6, 2021

The minutes were approved as submitted.

II. DISCUSSION ITEMS

1. Discuss Curbside Glass Recycling Pilot Program

City Administrator Moody provided an overview of the proposed curbside glass recycling program that was not recorded. Information is provided in the packet that outlines the pilot program.

<https://roelandpark.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=3970&MeetingID=543>

CMBR Dickens stated that as part of the discussion he would like for there to be an opportunity to opt-out of the program. He noted that he already pays for curbside glass recycling.

Mayor Kelly noted that representatives from Ripple Glass were available for comment. He said the pilot program is affordable and would give the City and Ripple Glass the opportunity to see what it would be like. He noted there would be direct environmental benefits since glass takes up a lot of space in the landfill and is very heavy. He said it could also have other benefits such as potentially saving on hauling services over time. For Ripple, it gives them an opportunity to work some of the kinks out and he is happy they chose Roeland Park to try out the pilot program. Mayor Kelly said this is a good move for the City.

CMBR Hill said the pilot is an obvious choice. She would like to see them be all in and the City should cover the cost. She said that Roeland Park is the leader setting the example of what needs to be done and this program needs to be done.

CMBR Madigan said he is against anything that puts more cost on the personal property bill. He said he read with surprise about the 50/50 split in the report. He was also surprised at the \$3.50 charge per household regardless of participation. Mr. Madigan also expressed concerns about broken glass on the street. He noticed that solid waste pick-ups start out great, but then the services goes down and the prices go up. He stated he supports what CMBR Hill proposed by having the City pay for the program.

CMBR Kelly also pointed out the survey showed 50/50 split. He does support the pilot program and added that even if they pay from the General Fund the citizens are still paying for it. He said the pilot program is worth trying and educational for the community.

CMBR Hill said she sees a lot have the yellow bins for those who pay for glass recycling now. As a courtesy, she said they should put out information if people choose to end those contracts.

CMBR Rebne asked if they have determined what they want to understand from implementing the pilot program. CMBR Faidley said the action item in the packet outlines what they hope to learn.

City Administrator Moody said he has identified things they hope to learn in the pilot during his presentation. The portion of the meeting was not recorded, but his report is available in the packet.

Mayor Kelly said he wants to learn about community impact, whether they are seeing glass on the street, the impact of noise on residents. He suggested having an informal survey of the 600 participating and what is their impact. Ripple will also be learning how long it takes to do pick-up, what they need to serve an entire community, and the impact on their vehicles.

CMBR Madigan commented on payments from the General Fund. When they put this on the personal property bill, the resident is paying additional money. If put on the General Fund, they need to cut something else and should not blindly keep adding more programs.

CMBR McCormack said thinks this Council is very thoughtful and thorough in their spending and thinking about what the citizens need and does not do anything blindly.

CMBR Hill said as someone with children, they need to start making changes and to push people into it. They need to reframe their thinking for the global good and for the mindfulness of others.

There was consensus to move forward with the pilot program.

2. Review Plans for Parking/Storm/ADA Improvements at Community Center/Pool, Aldi Stair and Cedar St Sidewalk Extension

Dan McGhee from Lamp Rynearson reviewed the project noting the improvements to be made at the Community Center and the Aquatics Center parking lot and traffic pattern improvements, ADA improvements as well as addressing drainage and runoff from the parking lots.

Mr. McGhee also spoke about the Aldi stairs and the street crossing that will be added. He said that the stairs will have 6-inch risers, some landings, and a handrail on each side. There will also be a concrete curb to help delineate the stairs from the greenspace. The design will be done this week. They do not anticipate having to remove any trees but there is a minor manhole realignment that will need to be done.

Their timeframe is to get the project out to bid by the middle of August with the contractor starting in September. The asphalt work needs to be done in 50-degree weather and that is not realistic for the fall, so that will be done in the spring next year. In the meantime, the contractor can do a lot of the Community Center work during the winter, some site work, cold concrete with pavement and pavement marking to be completed in the spring before the opening of the pool season.

CMBR Faidley asked if there would be a curb-less sidewalk entry at the Aldi stairs - at Rosewood from sidewalk extension on Cedar Steet. Mr. McGhee said there would be.

CMBR Madigan apologized for his use of the "blindly," and did not mean to put anyone down or say that they were not doing their job. He asked if they have set any upper monetary limits for any of these projects.

City Administrator Moody said they have limits for each part of the project which totals \$1 million. JCPRD will be making improvements at the sports dome along with some ADA work. They asked them to include ADA compliance in the project, which they will do. JCPRD will pay for those additional costs in addition to the \$122,000 they have agreed to put toward the project.

CMBR Faidley asked what work they would be doing at the sports dome. City Administrator Moody said he doesn't know specifics, but know they plan on replacing the dome.

CMBR Kelly asked Mr. McGhee to speak to the slope of the stairs. Mr. McGhee said there is definitely an elevation change and they are trying to nestle the stairs into the slope. The steps are of a standard size and a couple of landings for resting. It was agreed that the drawing in the packet made it look extremely steep.

City Administrator Moody said he went how to look at steep the hill is and the drawing does makes it look very steep.

CMBR Hill said lot of people climb that hill and the stairs will have to be easier than climbing.

CMBR Faidley said this the Community Center parking lot is all near her home and noted that there are new lines to a cell phone tower, a trail, and they have never had drainage there. She also mentioned the design plans from SFS for the south side of Room 6 at the Community Center. Mr. McGhee said he has looked at that and they do not want to go into major reconstruction of the parking lot if there is a future remodel. CMBR Faidley said the plan is to enlarge it more into a courtyard space in the future.

City Administrator Moody said he thinks they can move that area out a couple of feet further. Any more than that, then they will lose some parking space.

There was agreement to move forward with the scope of the project.

3. Discuss Changeable Message Sign Location/Design

City Administrator Moody said they originally anticipated two message signs, one internally lit and one not lighted. They have planted 156 trees which takes up a lot of space in the corridor. They waited on designating a place to put the signs to see what spot would be left. He said it is harder to find a spot in residential part of road. For the north side, north of 48th Street would be the best location, but they would have to move some trees. It's possible to have a double-sided sign placed at an angle for traffic in both directions to see it. If it's ground-mounted it's possible that inside lane of traffic would obscure the view for the outside line. There was talk of using their supply of streetlight poles to raise the sign, but they are not sturdy enough. They also discussed a sign installed over the roadway which is considerably more expensive. He said that the majority of the traffic passes on the north side and that later in time they could come back and determine where a sign could be placed at the south end of the City.

Mayor Kelly said they used to have signs posted in the median on the south side of City but they did not reflect the character the community of Roeland Park deserved. His objective was for it to be a more permanent sign. He said it was a miss on their part for not contemplating the signs' locations during the Roe 2020. At this point an LED sign north of 47th Street is not what he was hoping for and doesn't capture as much of community traffic. He said there is a dead tree that has to be removed even though Arts Committee has expressed a desire for that spot. He does not want to create more dead trees by pulling up three more that have just been planted.

CMBR Madigan said he is in full agreement with the Mayor but he does see a lot of traffic leave before 48th street. They do need a sign on the north and south ends of the City. He felt they could possibly replant some trees to make room for the sign.

CMBR Hill was curious if there was a right-of-way area by 51st where the sign could work. City Administrator Moody said they need to consider the site distance triangle and it would need to be far enough back. There's a lot going on the south side of 48th Street, competing with traffic movements and other signage it may not be as noticeable in that corridor. He will take a look at areas to the south again. The newly planted trees will get bigger and it will be difficult to put a sign in strategically where it will be seen.

CMBR Faidley wants to see entryway signs done before moving forward with this objective.

Mayor Kelly said he did not want to give up on this yet and is willing to table the discussion for now. He said they could look at again in August or September.

This item was tabled to a future meeting.

4. Review and Discuss Tree Regulations

This item was tabled to the August 2, 2021, Workshop.

5. Discuss Creation and Purpose of an Affordable Housing Task Group

This item was tabled to the August 2, 2021, Workshop.

III. COMMITTEE MINUTES:

IV. ADJOURN

MOTION: CMBR DICKENS MOVED AND CMBR KELLY SECONDED TO ADJOURN. (THE MOTION CARRIED 8-0).

(Roeland Park Governing Body Workshop Adjourned at 9:09 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 8/2/2021
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 6/29/2021
Submitted By: Erin Winn
Committee/Department: Neighborhood Services
Title: **Review and Discuss Universal Design Incentive Policy**
Item Type: Discussion

Recommendation:

Review and provide direction on draft ordinance.

Details:

August 2nd update - Council member McCormack has offered some language edits for Council to review. Her redline version is attached.

Staff at the direction of City Council and the City Administrator have put together a draft Universal Design ordinance. This ordinance is a product of the Comprehensive Plan process in conjunction with recommendations from subject matter experts and consultants.

The draft outlines a voluntary process to incentivize residents and developers to incorporate minimum levels of UD into remodels and new construction.

The draft establishes minimum criteria and a required certification from the Architect of Record to achieve compliant status. This ensures the integrity of the intent of the ordinance and establishes a baseline for future policy. Further, the ordinance is not mandative at this point to comply with the recommendations of planning commission and city council as established during the comprehensive plan process.

How does item relate to Strategic Plan?


The draft complies with one of the established goals of the comprehensive plan

How does item benefit Community for all Ages?

If adopted it provides minimum accessible amenities for elderly citizens to reside in their homes

for a longer period of time.

ATTACHMENTS:

Description		Type
	Draft Policy	Cover Memo
	Red line ordinance	Cover Memo

ORDINANCE NO. _____

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS ESTABLISHING MUNICIPAL CODE SECTION 4-111 “UNIVERSAL
RESIDENTIAL DESIGN”**

WHEREAS, the City of Roeland Park desires to promote and preserve the public health, safety and general welfare of Roeland Park citizens and visitors by ensuring equal access to housing for people born with mobility issues and people that develop mobility issues, without impacting housing costs and affordability; and

WHEREAS, the City of Roeland Park desires that any person with mobility issues can visit the homes of their friends and families who may not have mobility issues; and

WHEREAS, the City of Roeland Park desires to enhance the full cycle use of housing, without regard to the functional limitations or disabilities of a home’s occupants or guests, in order to accommodate a wide range of individuals in all new residential development within the City of Roeland Park; and

WHEREAS, the City of Roeland Park desires that all new residential development within the City of Roeland Park incorporates design features that enhance residents’ ability to remain in their homes during period of temporary, developing, or permanent disabilities.

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

Section 1. Chapter 4, Article 1, Section 4-111 of the Roeland Park Municipal Code is hereby established to read as follows:

“Sec. 4-111. – Universal Residential Design.

A. Incentive.

If an application is found to be compliant with this Section and any subsequent amendments the city shall waive the building permit fee. Any associated plan review cost or third-party consultant fees incurred by the administrative authority will still be charged commensurate with the most current fee schedule prior to permit issuance.

B. Purpose.

The purpose of this Section is to:

1. Promote and preserve the public health, safety, and general welfare of the people of the City of Roeland Park with mobility issues or who may develop mobility issues with age by ensuring equal access to housing for people born with mobility issues, people that develop mobility issues as the result of disease, accident, injury, military service, or age without significantly impacting housing costs and affordability.

2. Ensure that people with mobility issues can visit the homes of their friends and family members who may not have mobility issues.

3. Enhance the full life cycle use of housing, without regard to the functional limitations or disabilities of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in all new residential development within the City of Roeland Park.

4. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during periods of temporary, developing, or permanent disabilities.

C. Definitions.

For the purpose of this Section, the following terms shall have the following definitions:

Accessible means standards for features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible bathroom means a room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of International Residential Building Code, as may be amended, and that include blocking within the walls to support future installation of grab bar/hand rails.

Accessible bedroom means a room containing a bed and can be used for a resident or guest to sleep that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible common use room means a room commonly used by residents or guests to congregate that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible entry means an entrance that may be used by a visitor to the residential unit that exceeds the minimum requirements of International Residential Building Code, as may be amended.

Accessible exterior access means an exterior accessible route from the public right-of-way to an accessible entry that is consistent with the requirements of ADAAG, as may be amended.

Accessible interior access means an accessible route from the accessible entry to the living, eating, sleeping, and/or bathroom facilities located on the primary entry level.

Adaptable internal stairs mean internal stairways and stairs with a minimum width of thirty-six (36") inches wide, top and bottom landings that provide a clear floor area that is a minimum of forty-eight (48") inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and includes suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one (1) on each side if the chair lift could be installed on either side.

Accessible kitchen shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible powder room means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended, and that include blocking within the walls to support future installation of hand rails.

Laundry facilities means an area that is designed to accommodate facilities for the washing and/or drying of clothes.

Universal design means the specialized design of the built space, products and indoor and outdoor environments to be usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible.

Visitability means enhancement of the ability of a residential dwelling unit to meet the basic needs of a wide range of guests to enter and use critical portions of the home, to the greatest extent possible, through specific design choices and decisions.

D. Scope, Application, and Intent.

1. This Section may apply to any new design that includes one or more new residential dwelling unit(s) and/or renovation(s) complying with Section 30-18.3 and submitted to the Neighborhood Services Department after the effective date of the ordinance from which this Section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.

2. All plans submitted for a building permit for a residential development subject to this Section shall include construction details and plans showing conformance with the applicable Sections of this Section.

3. The provisions of this Section may apply to:

i. Rehabilitation or expansion of an existing residential unit,

- ii. Reconstruction of an existing residential unit destroyed due to fire or natural disaster,

- iii. Accessory dwelling units,

- iv. Addition of five (5) or fewer new residential units above ground floor commercial space or a parking structure without an elevator, and

- v. New Single-Family Dwelling Units

4. Any determinations regarding the application of these provisions by the Building Official may be appealed to the Planning Commission.

E. New Construction Requirements and AOR Certification.

1. *Visitability.* To ensure that all new residential dwellings units subject to the provisions of this Section meet the basic needs of a wide range of guests to enter and use critical portions of the home, all units eligible for incentive shall include the following features:

- i. An accessible exterior access to an accessible entry;

- ii. An accessible interior access from the accessible entry to an accessible powder room, accessible common use room or an accessible bedroom, and adaptable internal stairs;

- iii. Blocking within the walls to support future installation of grab bar/handrails in all bathrooms; and

- iv. If ground floor open space is provided, then an accessible path of travel to the open space shall be provided.

2. *Universal Design.* To ensure that a share of all new dwelling units are usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, thirty (30%) percent of all new residential units in a residential development of five (5) or more units shall include the following features in order for the entire project to be eligible for incentive:

- i. An accessible exterior access to an accessible entry.

- ii. An accessible interior access from the accessible entry to an accessible bathroom, an accessible common use room, an accessible bedroom, accessible kitchen, accessible common or private open space; accessible laundry facility, and adaptable internal stairs.

- iii. In determining the number of universally designed units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole

number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

iv. ***Architect of Record Certification.*** Any residential dwelling unit being constructed under these regulations shall obtain a certification of compliant construction of at least twenty five percent (25%) of the gross square footage of the dwelling unit from the Architect of Record. This certification is required as a condition of issuance for any subsequently issued Certificate of Occupancy or final inspection.

F. Waivers.

1. The Planning Commission may consider granting a waiver to any of the provisions of this Section if it is able to make one (1) or more of the following findings:

i. The requested waiver is necessary to make the findings for design review approval;

ii. The requested waiver is necessary to support the provision of affordable housing units;

iii. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or

iv. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.

2. Requests for waivers shall be transmitted to the Board of Zoning Appeals for review and comment prior to the Planning Commission consideration of the waiver.

3. When considering a request for a waiver, the Planning Commission and the project applicant may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units. Those features may include:

i. A wider front entry door of forty-two (42") inches in width.

ii. Blocking within the walls of all hallways to support future installation of grab bar/handrails.

iii. Rocker light switches, electrical receptacles, and environmental controls placed at accessible heights throughout the units.

iv. Removable base cabinets in all bathrooms and/or kitchens.

- v. Accessible shower stalls or tubs in all bathrooms.
 - vi. Accessible medicine cabinet and integral mirror in all bathrooms.
 - vii. Accessible countertops with a thirty (30") inches wide workspace and/or one (1) or more fifteen (15") inch breadboards installed between twenty-eight (28") inches and thirty-two (32") inches in height in all kitchens.
 - viii. Any other feature that improves the design of the unit to accommodate visitors or residents with physical or other disabilities in a way that makes it useable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent possible.
4. The Planning Commission may recommend changes or revisions to this Section to the City of Roeland Park City Council as may be appropriate from time to time.

Section 2. This Ordinance shall become effective upon publication in the City's newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 12th day of July 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS ESTABLISHING MUNICIPAL CODE SECTION 4-111 “UNIVERSAL
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WHEREAS, the City of Roeland Park desires to promote and preserve the public health, safety and general welfare of Roeland Park citizens and visitors by ensuring equal access to housing for all populations, regardless of age, physical ability or stature ~~people born with mobility issues and people that develop mobility issues,~~ without impacting housing costs and affordability; and

WHEREAS, the City of Roeland Park desires that any person ~~with mobility issues~~ can visit the homes of their friends and families safely ~~who may not have mobility issues;~~ and

WHEREAS, the City of Roeland Park desires to enhance the full cycle use of housing, regardless of age, physical ability or stature ~~without regard to the functional limitations or disabilities of a home's occupants or guests,~~ in order to accommodate a wide range of individuals in all new residential development within the City of Roeland Park; and

WHEREAS, the City of Roeland Park desires that all new residential development within the City of Roeland Park incorporates design features that enhance residents' ability to remain in their homes during period ~~throughout the myriad of contexts in which people functionf throughout their life cycles. temporary, developing, or permanent disabilities.~~

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The purpose of this Section is to:

1. Promote and preserve the public health, safety, and general welfare of the people of the City of Roeland Park ~~with mobility issues or who may develop mobility issues with age~~ regardless of age, physical ability or stature by ensuring equal access to housing for all people

~~born with mobility issues, people that develop mobility issues as the result of disease, accident, injury, military service, or age~~ without significantly impacting housing costs and affordability.

2. Ensure that all people ~~with mobility issues~~ can visit the homes of their friends and family members ~~who may not have mobility issues~~safely.

3. Enhance the full life cycle use of housing, without regard to the ~~functional limitations or disabilities~~age, physical abilities or stature of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in all new residential development within the City of Roeland Park.

4. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during all stages of life. ~~periods of temporary, developing, or permanent disabilities~~.

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Accessible bedroom means a room containing a bed and can be used for a resident or guest to sleep that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible common use room means a room commonly used by residents or guests to congregate that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible entry means an entrance that may be used by a visitor to the residential unit that exceeds the minimum requirements of International Residential Building Code, as may be amended.

Accessible exterior access means an exterior accessible route from the public right-of-way to an accessible entry that is consistent with the requirements of ADAAG, as may be amended.

Accessible interior access means an accessible route from the accessible entry to the living, eating, sleeping, and/or bathroom facilities located on the primary entry level.

Adaptable internal stairs mean internal stairways and stairs with a minimum width of thirty-six (36") inches wide, top and bottom landings that provide a clear floor area that is a minimum of forty-eight (48") inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and includes suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one (1) on each side if the chair lift could be installed on either side.

Accessible kitchen shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended.

Accessible powder room means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended, and that include blocking within the walls to support future installation of hand rails.

Laundry facilities means an area that is designed to accommodate facilities for the washing and/or drying of clothes.

Universal design means the specialized design of the built space, products and indoor and outdoor environments to be usable by the greatest number of people with the widest reasonable range of abilities ~~or disabilities~~, to the greatest extent feasible.

Visitability means enhancement of the ability of a residential dwelling unit to meet the basic needs of a wide range of guests to enter and use critical portions of the home, to the greatest extent possible, through specific design choices and decisions.

D. Scope, Application, and Intent.

1. This Section may apply to any new design that includes one or more new residential dwelling unit(s) and/or renovation(s) complying with Section 30-18.3 and submitted to the Neighborhood Services Department after the effective date of the ordinance from which this Section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.

2. All plans submitted for a building permit for a residential development subject to this Section shall include construction details and plans showing conformance with the applicable Sections of this Section.

3. The provisions of this Section may apply to:

- i. Rehabilitation or expansion of an existing residential unit,
- ii. Reconstruction of an existing residential unit destroyed due to fire or natural disaster,
- iii. Accessory dwelling units,
- iv. Addition of five (5) or fewer new residential units above ground floor commercial space or a parking structure without an elevator, and
- v. New Single-Family Dwelling Units

4. Any determinations regarding the application of these provisions by the Building Official may be appealed to the Planning Commission.

E. New Construction Requirements and AOR Certification.

1. *Visitability.* To ensure that all new residential dwellings units subject to the provisions of this Section meet the basic needs of a wide range of guests to enter and use critical portions of the home, all units eligible for incentive shall include the following features:

- i. An accessible exterior access to an accessible entry;
- ii. An accessible interior access from the accessible entry to an accessible powder room, accessible common use room or an accessible bedroom, and adaptable internal stairs;
- iii. Blocking within the walls to support future installation of grab bar/handrails in all bathrooms; and
- iv. If ground floor open space is provided, then an accessible path of travel to the open space shall be provided.

2. *Universal Design.* To ensure that a share of all new dwelling units are usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, thirty (30%) percent of all new residential units in a residential development of five (5) or more units shall include the following features in order for the entire project to be eligible for incentive:

- i. An accessible exterior access to an accessible entry.
- ii. An accessible interior access from the accessible entry to an accessible bathroom, an accessible common use room, an accessible bedroom, accessible kitchen, accessible common or private open space; accessible laundry facility, and adaptable internal stairs.

iii. In determining the number of universally designed units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

iv. ***Architect of Record Certification.*** Any residential dwelling unit being constructed under these regulations shall obtain a certification of compliant construction of at least twenty five percent (25%) of the gross square footage of the dwelling unit from the Architect of Record. This certification is required as a condition of issuance for any subsequently issued Certificate of Occupancy or final inspection.

F. Waivers.

1. The Planning Commission may consider granting a waiver to any of the provisions of this Section if it is able to make one (1) or more of the following findings:

i. The requested waiver is necessary to make the findings for design review approval;

ii. The requested waiver is necessary to support the provision of affordable housing units;

iii. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or

iv. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.

2. Requests for waivers shall be transmitted to the Board of Zoning Appeals for review and comment prior to the Planning Commission consideration of the waiver.

3. When considering a request for a waiver, the Planning Commission and the project applicant may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units. Those features may include:

i. A wider front entry door of forty-two (42") inches in width.

ii. Blocking within the walls of all hallways to support future installation of grab bar/handrails.

iii. Rocker light switches, electrical receptacles, and environmental controls placed at accessible heights throughout the units.

- iv. Removable base cabinets in all bathrooms and/or kitchens.
- v. Accessible shower stalls or tubs in all bathrooms.
- vi. Accessible medicine cabinet and integral mirror in all bathrooms.

vii. Accessible countertops with a thirty (30") inches wide workspace and/or one (1) or more fifteen (15") inch breadboards installed between twenty-eight (28") inches and thirty-two (32") inches in height in all kitchens.

viii. Any other feature that improves the design of the unit to accommodate visitors or residents with physical or other disabilities in a way that makes it useable by the greatest number of people with the widest reasonable range of abilities ~~or disabilities~~, to the greatest extent possible.

4. The Planning Commission may recommend changes or revisions to this Section to the City of Roeland Park City Council as may be appropriate from time to time.

Section 2. This Ordinance shall become effective upon publication in the City's newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 12th day of July 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

Item Number: DISCUSSION ITEMS- II.-2.
Committee 8/2/2021
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 4/29/2021
Submitted By: Donnie Scharff, Director of Public Works
Committee/Department: Public Works
Title: **Review and Discuss Complete Streets Draft Ordinance**
Item Type: Discussion

Recommendation:

Review draft ordinance for Complete Streets with council

Details:

Attached is the draft of the complete streets ordinance for review. Staff has been working with the city engineer and traffic engineers to develop a draft complete streets ordinance. The governing body passed Resolution 611 (attached) in 2011. Complete streets are sometimes referred to as livable streets that are roadways designed for safe and convenient travel by users of all ages and abilities. Pedestrians, bicyclists, motorists and transit riders must be able to safely move along and across a complete street. Complete streets can improve public safety, promote physical activity, and offers economical and environmental benefits.

Roeland Park has been working to incorporate complete street elements into projects by way of sidewalk extensions, adding multi use path's, and adding bike lanes along roadways and sharrows with signage where appropriate. Adopting an ordinance will assist the city in applying the complete streets lens and refine guidelines relative to incorporating alternative modes and methods for complete street elements that will benefit a community of all ages.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Additional Information

The policy was given a score of 49 out of 100 by the "Smart Growth America" association. The score sheet with comments is also attached.

Link to National Complete Streets Coalition:

<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>

Preliminary results of Q22 of the Citizen Survey are below along with insights from ETC:

Complete Streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. How important is it that the City of Roeland Park allocate funds to invest in complete streets and take into consideration other modes of transportation such as walking, bicycling, and public transportation?

- Very Important: 44.8%
- Important: 33.0%
- Neutral: 14.0%
- Not Important: 8.2%

77.8% of residents indicate they believe it is important for the City to allocate funds to invest in Complete Streets compared to 8.2% who don't believe it's important and 14% who don't care either way.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution 611-Complete Streets	Cover Memo
<input type="checkbox"/> Draft Complete Streets Ordinance	Cover Memo
<input type="checkbox"/> NCSC Scoring of Draft Ordinance	Cover Memo

**CITY OF ROELAND PARK, KANSAS
RESOLUTION NO 611**

**A RESOLUTION APPROVING THE FUTURE DEVELOPMENT OF A COMPLETE
STREETS POLICY THAT SUPPORTS EASE OF USE AND SAFETY FOR ALL USERS
OF TRANSPORTATION SYSTEMS WITHIN THE CITY OF ROELAND PARK.**

WHEREAS, the KC Health Kids is a nonprofit organization dedicated to reducing obesity and improving the health of children in the greater Kansas City area;

WHEREAS, there is a growing recognition that streets designated solely for motor vehicles may be a contributing factor to the national obesity epidemic that is affecting the well being of the citizens of this country, as single purpose streets have been found to limit the opportunity for children and adults to get regular physical activity during their daily routines;

WHEREAS, among its initiatives, KC Healthy Kids is actively encouraging communities and organizations throughout the metropolitan area to support the concept of "Complete Streets" within each jurisdictional area;

WHEREAS, the concept of "Complete Streets" is to design and build streets that balance the safety and convenience of vehicular traffic with the needs of others, such as pedestrians, bicyclists and people of all ages and abilities;

WHEREAS, the Complete Streets concept does not prescribe a singular design for all streets, instead each street is considered to be unique and expected to respond to the needs of the community within the context of its link within the overall street system;

WHEREAS, the City of Roeland Park recognizes the importance of creating "Complete Streets" that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

WHEREAS, increasing walking and bicycling offers the potential for greater health of the population, and more livable communities; and

WHEREAS, Complete Streets support economic growth and community stability by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian and vehicular environments throughout communities; and

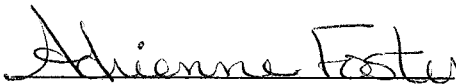
WHEREAS, Complete Streets enhance safe walking and bicycling options for school-age children, in recognition of the objectives of the national Safe Routes to School program; and

WHEREAS, the City of Roeland Park recognizes the importance of street infrastructure and modifications such as sidewalks, crosswalks, shared use paths, bicycle lanes, signage, narrow vehicle lanes and accessible curb ramps, that enable safe, convenient, and comfortable travel for all users; therefore

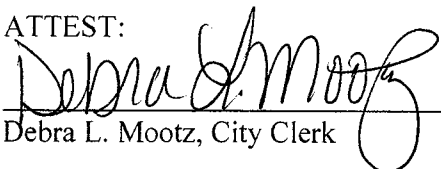
BE IT RESOLVED, that the City of Roeland Park, to the extent feasible, will include Complete Streets design considerations and practices as a routine part of infrastructure planning and implementation; and

BE IT FURTHER RESOLVED, that the City of Roeland Park supports the future development of a Complete Streets policy that supports ease of use and safety for all users of transportation systems within the City of Roeland Park.

PASSED by the City Council this 3rd day of October, 2011


Adrienne Foster, Mayor

ATTEST:


Debra L. Mootz, City Clerk

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING A COMPLETE STREETS POLICY FOR THE CITY OF ROELAND PARK, KANSAS.

WHEREAS, for purposes of this Ordinance, “Complete Streets” are defined as public rights-of-way that are designed and operated to provide safety and accessibility for all users of roadways and trail systems, including pedestrians, bicyclists, transit users, motorists, emergency vehicles, freight and commercial vehicles, and people of all ages and abilities; and

WHEREAS, the City of Roeland Park, Kansas (the “City”) has long pursued provisions for pedestrians, bicyclists, persons of all ages and abilities, in addition to vehicular traffic, within its public rights-of-way; and

WHEREAS, Complete Streets contribute toward the safety, health, equity, economic viability, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation, and retail destinations by improving the transportation environments throughout; and

WHEREAS, the livability of neighborhoods and the economic development of the City and surrounding areas are greatly enhanced by implementing certain Complete Street principles that address a variety of social and community issues such as traffic congestion, quality of life, public health; and

WHEREAS, the City recognizes that all projects, new or reconstruction, are opportunities to apply Complete Streets design principals. While any such Complete Streets projects are being constructed, the City should ensure that appropriate accommodations are provided to support the safe, reliable movement of all road users within the project area, regardless of their preferred mode of transportation; and

WHEREAS, it is desirable that the City establish a policy with respect to Complete Streets, so that those principles can be incorporated into the public street project design, development and construction process.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. The following policies and procedures regarding Complete Streets (this “Policy”) are hereby established in the Roeland Park Municipal Code Chapter XIII, Article 9, Section 13-901, *et seq.*:

Sec. 13-901. Purpose.

That to the extent reasonable and practical, all public streets that are newly constructed or reconstructed within the City, whether privately or publicly financed, shall be constructed as Complete Streets and that Roeland Park will work, over time, to provide a complete and connected multimodal transportation network

(A) That any facilities proposed to meet the intent of this Policy will be designed in context with the land uses and physical characteristics of the surrounding area as well as the safe, reliable movement of all road users, regardless of their preferred mode of transportation.

(B) That aesthetic treatments will be considered as a part of all projects in consultation with the Public Works Director & City Engineer, or their designees.

(C) That Roeland Park recognizes that users of various modes of transportation, including, but not limited to, pedestrians, bicyclists, transit users, motorists, emergency responders, freight and commercial drivers, are legitimate users of the transportation network and deserve safe facilities. “All Users” includes users of all ages and abilities.

Sec. 13-902. Construction.

To the extent reasonable and practical complete Street construction shall include :

(A) Ensuring provisions for pedestrians, bicyclists, and persons of all ages and abilities, as follows:

- (1) Along public streets, include provisions for crossing public streets and private drives or streets, where appropriate;
- (2) Across interchanges with freeways and other highways, where appropriate;
- (3) To interconnect activity centers and residential areas with parks, trails, and open space.

(B) Working with Johnson County Transit, or other similar agency, to identify existing and potential locations for transit stops and working to ensure that pedestrians and bicyclists can conveniently and safely access transit vehicles at those locations.

(C) that full consideration is being given to the City’s physical, economic, and social setting, Complete Streets principals, in both development and implementation, shall include community context as a factor in decision making. The context-sensitive approach should include a range of goals by giving significant consideration to stakeholder and community values. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historic, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

(D) The City will evaluate the following criteria to encourage funding prioritization for Complete Streets implementation:

- (1) Connectivity – Connecting existing infrastructure to existing infrastructure and creating additional connections to community assets (including, but not limited to, businesses, schools, community centers, city hall, medical facilities, parks, voting locations, or libraries).
- (2) Multimodality – Implementing projects that expand infrastructure for modes of transportation other than the car.
- (3) Economic Development – Proposed project supports broader efforts to

enhance economic development.

(4) Natural Resources – The removal of mature trees shall be disfavored as mature trees cannot be easily replaced.

(5) Equity – Project will broaden transportation options for neighborhoods with limited connectivity to community assets.

(6) Grades – Impacting the grade of driveways located within the contemplated construction shall be disfavored.

(7) Consideration - Prioritization should consider the principles established in the most recent version of the following documents :

(i) *Pedestrian + Bicycle Infrastructure Strategy* – August 2017

(ii) *Roeland Park Moving Forward 2040: Comprehensive Plan* – September 8, 2020

(iii) American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Street, 7th Edition 2018

(iv) The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) 2009

(v) Documents and plans prepared for The City of Roeland Park

(vi) ADA Standards for Accessible Design

(vii) Urban Street Stormwater Guide (NACTO)

Sec. 13-903. Exclusions.

Complete Street Construction may be excluded where documentation and data indicate that the costs or impacts of accommodation are excessively disproportionate to the need or probable use or future use. Such instances are:

(A) Normal maintenance activities, including mowing, cleaning, sweeping, pothole repair, surface treatment or overlay operations, and other regular maintenance.

(B) Projects involving a public street where bicyclists and pedestrians are expressly prohibited by law. In such cases, the City will consider alternate provisions, where appropriate and feasible.

(C) Areas where extreme topographic or natural resource constraints prevent the installation of some facilities. In such cases, the City will consider alternate provisions, where appropriate and feasible.

(D) In cases where the project is a public or private street under the control of another entity.

Section 13-904. Performance Measures

To understand the impact of this Ordinance, the City shall maintain and biennially review performance measures making available to the public such review in the following categories: (This work will be the responsibility of city staff and volunteers in the appropriate

departments/committees.)

- (a) Safety
- (b) Infrastructure
- (c) Economic Development
- (d) Equity

Section 13-905. Implementation

(a) This Resolution shall take effect immediately.

(b) Roeland Park will work to ensure that this ordinance remains in accordance with optimal standards and elements available from partners including but not limited to the National Complete Streets Coalition and the Mid-America Regional Council.

ADOPTED by the Governing Body this _____ day of _____, 2021.

SIGNED by the Mayor this _____ day of _____, 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

(SEAL)

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

Complete Streets Policy Review using [National Complete Streets Coalition Policy Framework](#)

		Points Available	Draft Roeland Park, Kansas Complete Streets Policy (2021)
		100	49
			NOTES
Vision and Intent		12	12
Direct: Policy language is clear in intent and uses "shall" or "must."	x	3	3 Whereas statements - weak language
Average: Policy states "may" or "considers"	or	1	1 Whereas statements - weak language
Indirect: Policy language is indirect and uses language such as, "consider Complete Streets principles or elements."	or	0	
Mentions the need to create a complete, connected network.	x	2	2 Sec. 13-901. Purpose
Specifies at least one motivation or benefit.	x	2	2 Whereas statement #3
Specifies equity as an addition motivation or benefit.	x	1	
Specifies modes, with a minimum of four, two of which must be biking or walking	x	4	4 Whereas statement #1 & Sec. 13-901.Purpose (C)
Diverse Users		9	3
Point language requires jurisdiction to prioritize vulnerable users or neighborhoods with histories of systematic disinvestment or underinvestment.	x	5	
Policy states its intents to "benefit" the neighborhoods or vulnerable users above.	or	3	Sec. 13-902. Construction (D)(5) - weak language - "for 3 neighborhoods with limited connectivity to community assets"
Policy mentioned or considers any of the neighborhoods or users above.	or	1	
Policy establishes an accountable, measureable definition for priority groups or places.	x	4	0 Does not define priority groups
Commitment in all projects and phases		10	4
<u>For municipalities/counties</u>			
Requires all new construction and reconstruction/retrofit projects to account for the needs of all modes and all abilities.	x	4	
Considers or mentions these projects as opportunities to apply the policy.	or	1	Whereas statement #5 & Sec. 13-901. Purpose. - weak language - "the extent reasonable" & practical
Requires all maintenance projects and ongoing operations to account for the needs of all modes and all abilities	x	4	
Considers or mentions these projects as opportunities to apply the policy.	or	1	1 reconstruction but not maintenance
<u>For state/MPO policies</u>			
Requires all new construction and reconstruction/retrofit projects receiving state or federal funding to account for all modes and all users	x	4	
Considers or mentions these projects as opportunities to apply this policy.	or	1	

Complete Streets Policy Review using [National Complete Streets Coalition Policy Framework](#)

	Points Available	
Requires all maintenance projects and ongoing operations receiving state or federal funding to account for the needs of all modes all users.	x 4	
<i>Considers or mentions these projects as opportunities to apply this policy.</i>	or 1	
<u>For all policies</u>		
Specifies the need to provide accommodations for all modes to continue during construction or repair work.	x 2	2 Whereas statement #5
Clear, accountable exceptions	8	2
Includes one or more of approved exceptions - and no others.	x 4	
<i>Includes any other exception, including those that weaken the policy.</i>	or 2	2 Sec. 13-903. Exclusions. (D)
States who is responsible for approving exceptions.	x 2	0 No mention
Requires public notice prior to granting an exception.	x 2	0 No mention
Jurisdiction	8	2
<u>For municipalities/counties</u>		
A municipality's or county's policy requires private development projects to comply.	x 5	
<i>A municipality's or county's policy <u>mentions or encourages</u> private development projects to comply.</i>	or 2	2 Sec. 13-901. Purpose.
<u>For state/MPO</u>		
Clearly notes that projects that address how they will account for the needs of all modes and users are prioritized or awarded extra weight during funding and/or inclusion in funding or plans.	x 5	
<i>Mentions or encourages projects receiving money passing through the agency to account for the needs of all modes and users.</i>	or 2	
<u>For all policies</u>		
Specifies a requirement for interagency coordination between various agencies.	x 3	
<i>Mentions or encourages interagency coordination</i>	or 1	0 no mention
Design	7	3
Directs the adoption of specific design guidelines and/or requires the development/revision of internal design policies and guides.	x 5	
<i>References, but does not formally adopt specific, innovative design guidance.</i>	or 1	Sec. 13-902. Construction. (D)(7) - "should consider the 1 principles"
Sets a specific time frame for implementation	x 2	2 Section 13-905. Implementation - take effect immediately
Land use and context sensitivity	10	7
<u>For municipalities/counties</u>		

Complete Streets Policy Review using [National Complete Streets Coalition Policy Framework](#)

	Points Available	
		Draft Roeland Park, Kansas Complete Streets Policy (2021)
Requires new or revised land use policies, plans, zoning ordinances, or other documents to specify how they will support Complete Streets	x 5	
Requires new or revised plans or guidance to specify how transportation project will serve current and future land use	or 4	4 Sec. 13-901. Purpose. (A) - would be s
Discusses the connection between land use and transportation or includes non-binding recommendation to integrate land use and transportation planning	or 2	
Acknowledges land use as a factor related to transportation planning	or 1	
<u>For state/MPO</u>		
Requires new or revised long-range transportation plan and/or design guidance to specify how transportation projects will serve current and future land use.	x 5	
Discusses the connection between land use and transportation or includes non-binding recommendation to integrate land use and transportation planning.	or 2	
Acknowledges land use as a factor related to transportation planning.	or 1	
<u>For all policies</u>		
Requires the consideration of the community context as a factor in decision-making.	x 3	3 Sec. 13-902. Construction. (C)
<i>Mentions community context as a potential factor in decision making.</i>	or 1	
Policy specifies the need to mitigate unintended consequences	x 2	0 no mention
<i>Acknowledges the possibility of unintended consequences</i>	or 1	0 no mention
Performance Measures	13	7
Establishes specific performance measures under multiple categories	x 3	
<i>Mention measuring performance under multiple categories but does not establish specific measures</i>	or 1	1 Section 13-904. Performance Measures
Establishes specific performance measures for the implementation process	x 2	
<i>Mentioned measuring the implementation process but does not establish specific measures</i>	or 1	0 No mention
Embeds equity in performance measures by measuring disparities relevant to the jurisdiction	x 3	
<i>Mentions equity in performance measures but is not specific</i>	or 1	1 Section 13-904. Performance Measures
Specifies a time frame for recurring collection of performance measures	x 2	2 Section 13-904. Performance Measures - "biennially"

Complete Streets Policy Review using [National Complete Streets Coalition Policy Framework](#)

		Points Available	
Requires performance measure to be released publically	x	2	Draft Roeland Park, Kansas Complete Streets Policy (2021)
Assigns responsibility for collecting and publicizing performance measures to a specific individual/agency/committee	x	1	2 Section 13-904. Performance Measures Section 13-904. Performance Measures - "responsibility of city staff & volunteers"
Project Selection Criteria		8	8
Establishes specific criteria to encourage funding prioritization for Complete Streets implementation	x	5	5 Sec. 13-902. Construction. (D)
<i>Mentions revising project selection criteria to encourage Complete Streets implementation</i>	or	1	
Specifically addresses how equity will be embedded into project selection criteria	x	3	3 Sec. 13-902. Construction. (5)
Implementation steps		15	1
Requires that related procedures, plans, regulations, and other processes be revised within a specific timeframe	x	3	0 no mention
<i>Mentions revising procedures, plans, regulations, and other processes.</i>	or	1	
Offers workshops or other training opportunities for transportation staff, community leaders, etc. Specific about the timing and/or participants for the training and workshops.	x	3	0 no mention
<i>Mentions workshops or other training opportunities for transportation staff.</i>	or	1	
Assigns responsibility for implementation to a new or existing committee that includes both internal and external stakeholders that are representative of underinvested and vulnerable communities.		3	
Specific about which stakeholders will be represented on the committee.	x		0 no mention
<i>Assigns oversight of implementation to a specific body that may not include internal and external stakeholders.</i>	or	1	1 Whereas statement #5
Creates a community engagement plan with specific strategies for who, when, and how they will approach public engagement.		6	
Specifically addresses how the jurisdiction will overcome barriers to engagement for underrepresented communities.	x		
<i>Creates a community engagement plan with specific strategies for who, when, and how they will approach public engagement, but does not address underrepresented communities.</i>	or	3	
<i>Mentions community engagement but does not go into detail about specific strategies.</i>	or	1	0 no mention

Item Number: DISCUSSION ITEMS- II.-3.
Committee 8/2/2021
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 7/14/2021
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Review and Discuss Tree Regulations**
Item Type: Discussion

Recommendation:

Staff is seeking direction on regulations that would preserve existing trees as well as require planting of trees with newly developed residential sites.

Details:

The two documents attached address tree planting and preservation. They have been developed for discussion purposes in response to concerns expressed over the removal of mature trees.

The first document reflects a new section 13-506 added to Article 5. Trees Shrubs and Growths in the City Code. This language is based upon an existing Fairway policy (see link below). Implementation of this new section by Council can be accomplished by approving an ordinance. This new section protects the existing trees on public property including right of way and easements. It could be changed to also cover trees on private property. It provides for a penalty for removing protected trees on "covered property".

The second document creates section 16-1005 in Article 10 Landscaping and Screening in the Zoning Code. Currently the zoning code does not require trees to be planted in single family and 2 family zoning districts. This new section ensures trees are planted on undeveloped lots when development occurs. Roeland Park does not have many such lots but this addresses the situation if it arises. Implementing this section would require a public hearing before the Planning Commission before council can take action on adopting via an ordinance.

The Parks and Trees Committee reviewed these drafts at their meeting on 7/14/21. The Committee was supportive of a policy applying to trees on public property but most members expressed concerns with a policy that applies to trees on private property. It was suggested that public input be sought out through a community forum or some other such engagement method prior to action on a policy applied to private trees. A member suggested holding removal of

invasive species exempt from the policy.

Changing section 13-506 to apply to trees on private property in addition to trees in/on public property would be similar to the approach taken by Prairie Village recently (see link below). Most of the trees in the community are located on private property and thus expanding the regulation so that trees on private property are also covered creates significant control by the City over the tree canopy. Such control will have supporters; those who find that trees make Roeland Park unique and enhance quality of life, those who recognize the environmental and ecological benefits of trees, and those who enjoy the appearance of trees. But will also have opponents; those who view the regulation as an infringement on property rights, those who want to expand solar energy generation, and those who view trees as a potential hazard to their safety and property (if they fall). These differing views can create conflict in the administration/enforcement of the policy. It is important to weigh these views as you consider the scope of the policy.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Additional Information

Link to Roeland Park's Current Tree Policies:

https://library.municode.com/ks/roeland_park/codes/code_of_ordinances?nodeId=CHXIIIISTSI_ART5TRSHGR

Link to Fairway Tree Policy:

https://library.municode.com/ks/fairway/codes/code_of_ordinances?nodeId=CH11TR

Link to Prairie Village Tree Policy:

https://library.municode.com/ks/prairie_village/codes/code_of_ordinances?nodeId=CHXIXZORE_CH19.47LAST

ATTACHMENTS:

Description	Type
▣ Section 16-1005- Draft Tree Planting Policy for Single and 2 Family Zoning Districts	Cover Memo
▣ Section 13-506- Draft Tree Preservation Policy	Cover Memo

Article 10 Landscaping and Screening

16-1005

1) LANDSCAPE PERFORMANCE STANDARDS FOR SINGLE FAMILY RESIDENTIAL AND DUPLEX RESIDENTIAL.

(a) *Applicability.* The provisions of this section shall specifically apply to:

(1) Any removal of a tree in the public right-of-way, except for those authorized to remain by an official City project or an official City decision.

(2) All applications that are subject to the landscape standards.

(3) The following situations in *Single Family Residential and Duplex Residential* zoning where:

a. Any new residential structure is built on a vacant lot;

b. An existing residential structure is torn down, either a demolition, or a demolition and rebuild of a new residential structure; and/or

c. Any remodel of an existing residential structure that adds more than 600 square feet to the existing building footprint.

(b) *Tree Protection and Removal Plan.* A tree protection and removal plan shall be provided for all applicable projects where:

(1) As part of a landscape plan associated with development, where existing trees will be retained and protected to meet landscape requirements;

(2) Any trees are proposed to be removed as part of a building permit associated with situations listed above; and

(3) Any project, whether public or private, is conducted within City limits and involves the retention and/or removal of trees.

(4) The tree protections and removal plan shall:

(a) Show all existing trees, including size and species;

(b) Identify trees proposed for removal and those to be retained; and

(c) Include locations of protection fences and other protection measures required by this Section.

(c) Minimum Planting Requirements in the Absence of Existing Mature Trees:

(1) One (1) tree of 2' caliper for every 30 linear feet of road frontage or fraction thereof for areas zoned single family dwelling Unit or Duplex Residential.

(2) Trees shall be selected from the "K-State Research and Extensions Master Gardener Recommended Landscape Trees for Metropolitan Kansas City" as the guide used for planting trees on private property.

(d) Exceptions for Removal. It is the property owner's responsibility to ensure that no person remove, damage, or otherwise impair any tree prohibited from removal without written authorization from the building official to remove the tree. The building official may consider an exception to remove the tree only upon a written request indicating the specific tree and documentation establishing justification for removal. The building official shall generally grant the exception for the following:

(1) The tree is dead;

(2) The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or

(3) Removal of the tree is necessary for construction, development, or redevelopment under the following criteria:

a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;

b. The presence of the tree places an undue financial burden on the applicant; and

c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint or site design can be made to preserve the tree.

(4) The building official may seek advice from other staff, or departments or a third-party consultant when deciding to grant an exception under the provisions of this Section. Written authorization by the building official shall be valid for the duration of any permit associated with the authorization. Except for applications associated with a site plan approved by the planning commission, the building official's decision may be appealed as provided in other areas of this code.

(e) Violation and Enforcement. Removal, damage, or impairment of any protected tree, except as provided in this section, is a violation of this section, enforceable as provided in other sections of this code each tree shall be considered a separate incident.

ARTICLE 5. TREES, SHRUBS AND GROWTHS

Sec. 13-501. Maintenance.

The City shall have the right to plant, maintain, treat and remove trees and shrubbery within the right-of-way abutting streets, alleys, avenues and boulevards within the City. It shall be the duty of the owners of property abutting any sidewalk, street, avenue, alley or parking to cut and trim the branches and limits of any trees or shrubbery as provided in section 8-402 of this Code. It shall also be the duty of the owner or occupant of any property abutting any street, avenue, alley or parking to cut and remove any dead tree, dead branches, dead limbs or dead shrubbery upon their property which extends over any street, avenue or alley.

(Ord. No. 904, §§ 3, 6, 2-16-2015)

Editor's note(s)—Ord. No. 904, §§ 3, 6, adopted Feb. 16, 2015, repealed the former § 13-501, and enacted a new § 13-501 as set out herein. The former § 13-501 pertained to trimming and derived from the Code of 1977, § 13-604.

Sec. 13-502. Traffic Hazard.

If the Chief of Police, Public Works Director, or their designee, determines that any tree or shrubbery located on any private property abutting any sidewalk, street, avenue, alley or parking constitutes a traffic hazard, by dangerously obstructing the view of drivers of vehicles or traffic entering a street from an intersecting street, he or she shall notify the owner of such abutting property to remove the same, and it shall be the duty of the owner to remove the same.

(Code 1977, § 13-605)

State law reference(s)—K.S.A. 12-3201.

Sec. 13-503. Trimming or Removal by City.

If the Governing Body determines that the owner of property abutting any sidewalk, street, avenue, alley or parking has failed to comply with the requirements of sections 13-501 and 13-502, the City may proceed to order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

(Ord. No. 904, §§ 4, 6, 2-16-2015)

Editor's note(s)—Ord. No. 904, §§ 4, 6, adopted Feb. 16, 2015, repealed the former § 13-503, and enacted a new § 13-503 as set out herein. The former § 13-503 pertained to similar subject matter and derived from the Code of 1977, § 13-606.

Sec. 13-504. Diseased or Infected Trees Upon Private Property.

It shall be unlawful to harbor any tree or plant or shrubs infected or infested with disease or insect pest or larvae. It shall also be unlawful to store or otherwise harbor on any property in the City, the material from any diseased or infected trees. Upon failure of the owner to remove such infected, infested and diseased trees, shrubs and other growth, the City may order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

(Ord. No. 904, §§ 5, 6, 2-16-2015)

Editor's note(s)—Ord. No. 904, §§ 5, 6, adopted Feb. 16, 2015, repealed the former § 13-504, and enacted a new § 13-504 as set out herein. The former § 13-504 pertained to similar subject matter and derived from the Code of 1977, § 13-507.

Sec. 13-505. Saving Clause.

Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree, shrub or growth which endangers persons or property and nothing herein contained shall interfere with the suppression of pests or disease, including the Dutch Elm disease.

(Code 1977, § 13-608)

Sec 13-506 PUBLIC TREE PROTECTION^[2]

Footnotes:

--- (2) ---

State Law reference— *Authority to regulate trees on public property, K.S.A. 12-3201.*

- **Sec. 13-507. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tree Manager means the Director of Public Works or his designee.

Covered property means real property located within the incorporated boundaries of the City that is owned, leased, or rented by the City, including all parkland and green space; and all easements and rights-of-way within the incorporated boundaries of the City that are used, in whole or in part, for a public road, highway or sidewalk.

Diameter at breast height (DBH) means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

Drip line means a vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

Feature tree means any tree that has a DBH of greater than thirty inches (30"). Trees that have received special care provided by the City for the treatment or prevention of disease or infestation may also be considered a feature tree.

Owner means the person who has the legal title to the property or lessee, agent or other person acting on behalf of the titleholder with authorization to do so.

Protected tree means any tree that has a DBH of thirty inches (30") or less.

Protective/temporary fencing means a snow fence, chain-link fence, orange vinyl construction fence or other similar fencing with a minimum four foot (4') height.

Replacement tree means a tree from the replacement tree list with a preferred caliper size of two and one-half inches (2.5") but a minimum of two inches (2"), measured twelve inches (12") from the ground and height of not less than seven feet (7') when planted.

Tree removal authorization means permission granted by the City to remove a protected tree or a feature tree.

- **Sec. 13-508. - Enforcement and penalty.**

The Public Works Director or their designee shall serve as Tree Manager and have the authority to enforce the terms and conditions of this article. Any person, firm, corporation, agent, or employee thereof who violates any provision of this article shall be assessed an administrative fine of not more than five hundred dollars (\$500.00) for each incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident. In addition, all violations shall be required to meet the requirements outlined under tree replacement or the Roeland Park Tree Fund. If any administrative fine or assessment to the Roeland Park Tree Fund shall remain unpaid thirty (30) days after receipt of notice of the imposition or assessment, the City may use any and all reasonable means available to collect the funds, including, but limited to, imposing a lien on the property for the amount of the fine or assessment.

- **Sec. 13-509. - Appeal process.**

Any person, firm, corporation, agent, or employee thereof may submit a written appeal of a decision of the Tree Manager or designee to the Roeland Park Municipal Judge via the City Administrator's Office within ten (10) days of receipt of notice of the imposition or assessment. The appellant shall appear at a hearing before the Roeland Park Municipal Judge at the next regularly scheduled meeting. Any imposition or assessment affirmed or amended shall be paid to the City within fourteen (14) days to prevent the City from taking any and all reasonable means available to collect the funds, including, but not limited to, stop work orders or imposing a lien on the property for the unpaid portion of the fine or assessment.

- **Sec. 13-510. - Applicability of article.**

The terms and provisions of this article shall apply to all covered property.

- **Sec. 13-511. – Roeland Park Tree Fund.**

There is established a Roeland Park Tree Fund, which shall be a special account administered by the City. The Roeland Park Tree Fund shall be used only for purchasing, planting and maintaining trees on covered property. The amount of payment required shall

be calculated based on the following: DBH removed minus DBH replaced multiplied by one hundred dollars (\$100.00). If approved by the Tree Manager, an applicant or owner may make a payment into the Roeland Park Tree Fund in lieu of planting replacement trees.

- **Sec. 13-512. - Tree protection.**

Prior to demolition or construction, the following procedures shall be followed on all types of construction projects. It is the responsibility of the developer and/or contractor and his or her subcontractors to take appropriate action to preserve all protected trees and feature trees during all phases of construction.

(1)

Protective/temporary fencing. Protective/temporary fencing shall be required for all protected trees and feature trees to prevent infringement on the root system from any construction-related activities. The protective fencing shall be installed according to tree diameter at breast height (DBH) as follows:

Trees greater than twenty-eight inch (28") DBH must have a fence to encompass a perimeter twenty feet (20') from center or seventy-five percent (75%) of drip line (whichever is lesser);

Trees between twenty inch (20") and twenty-eight inch (28") inch DBH must have a fence to encompass a perimeter fifteen feet (15') from center of tree or seventy-five percent (75%) of drip line (whichever is lesser);

Trees less than twenty inch (20") DBH must have a fence to encompass a perimeter ten feet (10') from the center of the tree or seventy-five percent (75%) of the drip line (whichever is lesser);

Fencing shall exclude any preexisting structures, foundations, slabs, roadways, highways, and driveways. The fencing is to be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fencing must appear on construction documents and shall be installed prior to any other construction-related activity. The fencing shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.

(2)

Prohibited activities. Prohibited activities adjacent to trees shall include the following:

a.

Material storage. No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any protected tree or feature tree.

b.

Equipment cleaning/liquid disposal. No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of a protected tree or a feature

tree. This includes, without limitation, paint, old solvents, asphalt, concrete, mortar or similar materials.

c.

Tree attachments. No signs, wires or other attachments other than those of a protective nature shall be attached to any protected tree or feature tree.

d.

Vehicular traffic. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.

e.

Grade changes. No grade changes in excess of two inches (2") (cut or fill) shall be allowed within the limits of the drip line of any protected tree or feature tree.

f.

New impervious paving. No new paving with asphalt, concrete or other impervious materials in a manner which may, in the reasonable discretion of the Tree Manager, reasonably be expected to severely damage or kill a tree shall be placed within the limits of the drip line of a protected tree or a feature tree.

g.

Exceptions. Notwithstanding anything contained in this article shall not prohibit work that is necessary to install, maintain, repair, replace or remove utility lines or activity that merely disrupts the surface of the ground.

- **Sec. 13-513. - Tree removal.**

(a)

Authorization. No person, directly or indirectly, shall cut down, destroy, move or remove, or effectively destroy, any protected tree or feature tree located on covered property without first obtaining tree removal authorization. Generally, if a tree removal authorization is granted, the applicant shall replace the protected trees being removed with replacement trees. A sufficient number of replacement trees shall be planted so that the total caliper of the replacement trees is equal to the caliper of the tree removed as measured at DBH. If, for whatever reason, planting replacement trees is deemed infeasible, the owner shall make payment to the Roeland Park Tree Fund.

(b)

Process. Owners must request tree removal authorization in writing to the Tree Manager. If the removal is in conjunction with a construction project, the written request must be submitted at the same time as the building permit application.

(c)

Authority to review; approval. The Tree Manager shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified in this article. Upon receipt of a completed application, the Tree Manager may take one (1) of the following actions:

(1)

Deferral of decision. The Tree Manager may defer the approval of a tree removal authorization to the Parks and Trees Committee for any reason. Any decision made by the Parks and Trees Committee may be appealed to the City Council. All decisions made by the City Council shall be final.

(2)

Approval. The Tree Manager shall issue tree removal authorization provided the owner has agreed in writing to either meet the tree replacement criteria or make payment to the Roeland Park Tree Fund.

(d)

Authorization expiration. Tree removal authorization issued in connection with an approved building permit or site plan shall be valid for the period of that building permit's or site plan's validity. A tree removal authorization not issued in connection with an approved building permit or site plan shall become void after one hundred and eighty (180) days after the date of approval.

(e)

Authorization for removal of a feature tree. A feature tree may only be removed with approval from the City Council provided that one (1) of the following exceptions is met. The burden of qualifying the exceptions is upon the applicant to show that the following criteria have been met:

(1)

The tree is dead.

(2)

The tree is diseased or dying and constitutes a threat to healthy trees, to property, or to public safety.

(3)

Removal of the tree is necessary for construction, development, or redevelopment, and:

a.

All reasonable efforts have been made to avoid removing the tree for construction/development and removal cannot be avoided.

b.

The presence of the tree places undue financial burden on the applicant.

c.

No other reasonable accommodations can be made to preserve the tree.