

ORDINANCE NO. BID-3389

AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF THE BUSINESS IMPROVEMENT SERVICE FEES FOR THE 2023 ASSESSMENT YEAR FOR BUSINESSES LOCATED WITHIN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, pursuant to applicable provisions of K.S.A. 12-1781 et seq. and Section 2.14.010 et seq. of the Overland Park Municipal Code, the Governing Body shall adopt an annual business improvement service fee after receipt of the Downtown Business Improvement District Advisory Board’s proposed schedule of the business improvement service fee for the 2023 assessment year for businesses located within the District; and

WHEREAS, upon review of said proposed schedule, the Governing Body hereby determines that the business improvement service fees for the 2023 assessment year should be assessed at the rate set forth in Section 1 below.

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

Section 1. The property owners of each business within the Downtown Business Improvement District as of December 2022 shall be assessed a business improvement service fee for the 2023 assessment year according to the following:

1. The fee for each business property shall be the sum of the fee for commercial business use, residential business use, and vacant commercial parcels.
2. The fee for commercial business use shall be based upon the following rate schedule:

<u>Commercial Building Area</u>	<u>Fee Rate</u>
3,000 square feet or less	\$0.22 per square foot
3,001 to 6,000 square feet	\$660 + \$0.20 per square foot over 3,000
6,001 to 14,000 square feet	\$1,260 + \$0.16 per square foot over 6,000
More than 14,000 square feet	\$2,540 + \$0.0175 per square foot over 14,000

The fee for multi-unit residential business use shall be based upon the following rate schedule:

<u>Residential Building Area</u>	<u>Fee Rate</u>
20,000 square feet or less	\$0.035 per square foot
More than 20,000 square feet	\$700 + \$0.0175 per square foot over 20,000

The fee for vacant parcels of land or parcels of land where new buildings are under construction but not yet occupied shall be \$0.005 per square foot of land area.

The fee defined above shall be modified based upon the Tier in which the business property is located as follows:

Tier 1 shall pay 112% of the calculated fee

Tier 2 shall pay 89.6% of the calculated fee
Tier 3 shall pay 67.2% of the calculated fee

Section 2. Should any provision of this ordinance be determined to be void, invalid, unenforceable or illegal for any reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this ordinance shall be unaffected thereby and shall continue to be valid and enforceable.

Section 3. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 7th day of November, 2022.

APPROVED by the Mayor this 7th day of November, 2022.

CITY OF OVERLAND PARK, KANSAS

(s) Curt Skoog _____
Curt Skoog, Mayor

ATTEST:

(s) Elizabeth Kelley _____
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Stephen B. Horner _____
Stephen B. Horner
Senior Assistant City Attorney