



Tuesday, September 5, 2023
Civic Center, Memorial Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 652-632-373#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Public Hearing to receive comments on a variance request for the size of electronic signs in a C-3 central business district.
- IV. PLANNING COMMISSION
 - a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.
 - b. Public hearing to consider a text amendment to the zoning code regarding storage sheds.
 - c. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."
 - d. Public Hearing to consider a text amendment to off-street parking in residential areas.
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
September 5, 2023**

Department

Prepared By

AGENDA ITEM Consider approving minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUMMARY RECOMMENDATION Approve the Minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUPPORTING DOCUMENTS

1. August 8, 2023 Planning Commission Board of Zoning meeting Minutes-Draft

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 8, 2023 Meeting

I. Call to Order

Present: Brent Littleton, Andy McLenon, Scott Smith, Tim Haynes, Rachel Lyon, Lisa Richard, Michelle Anderson, Mary Jo Meier (came in at 5:54 p.m.)

Absent: Anthony (Tony) Royse

Guest(s): David Schwenker, Jennifer Christensen, Tim Christensen, Donna Dean, Jude Stafford

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the July 11, 2023 Planning Commission/Board of Zoning Appeals Meeting.

Motion:

On the motion of Andy McLenon, seconded by Scott Smith the Commission approved the July 11, 2023 Planning Commission/Board of Zoning Appeals meeting Minutes.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to reduce setbacks in an R-4 medium density multifamily dwelling district at 218 South 5th Street.

Donna Dean explained to the board that she wanted to put in a carport on her driveway, attached to her garage.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission approved a variance to reduce the setback on the street from 25' to 18' and a variance to reduce the setback at the rear of the property from 10' to 1'.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Rachel Lyon

Nay: None

IV. Planning Commission

- a. Consider initiating a public hearing to consider a text amendment to the zoning code regarding storage sheds.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 8, 2023 Meeting

Kelly Passauer asked the board if they wanted to initiate a public hearing to discuss allowing a storage shed to be on a property that was not an accessory use.

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission approved initiating a public hearing to consider a text amendment to the zoning code regarding storage sheds and any additional modifications.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon

Nay: Andy McLenon

- b. Consider initiating a public hearing to consider a text amendment to the zoning code regarding signage in the C-3, Central Business District.

Kelly Passauer asked the board if they would consider a public hearing to discuss signage in the central business district that is not in the downtown historic district.

Motion:

On the motion of Andy McLenon, seconded by Lisa Richard the Commission approved initiating a public hearing to consider a text amendment to the zoning code regarding signage in the C-3, central business district.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon

Nay: None

- c. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Cox Communication asked the commission to adjourn the hearing to the September 5, 2023 meeting.

Motion:

On the motion of Andy McLenon, seconded by Rachel Lyon the Commission adjourned the public hearing until September 5, 2023 at 5:30 p.m.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon

Nay: None

- d. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 8, 2023 Meeting

Jude Stafford, City Intern, outlined the ordinance for shipping containers.

Tim Haynes suggested that the grade of a container be included. He wants to address the nuance between residential and commercial/industrial and the grading and maintenance of the structure. The board needs more information on how the hazardous material is regulated and what they can do to make sure the container is safe for habitation, what the environmental responsibility is, if the floor is wood, what has the wood absorbed. Tim wants to specifically address concerns about safety, condition, size and distinguishing between zones.

Kelly Passauer said that the board could limit the size of shipping container for the commercial and industrial zones.

David Cowan will look at the building regulations to see if any of this information is already covered.

Andy McLenon suggested that the size be considered by zone.

The board thanked Jude for his work on developing the ordinance. Jude will work on the board's suggestions before he goes back to school and then the ordinance will be turned over to the City Attorney to finalize.

Motion:

On the motion of Tim Haynes, seconded by Brent Littleton the Commission adjourned the meeting to September 5, 2023 to provide time to address concerns about safety, conditions, size and distinguishing between the zones, among other topics of interest.

Aye: Lisa Richard, Scott Smith, Mary Jo Meier, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon

Nay: None

- e. **Public Hearing to consider a text amendment to off-street parking in residential areas.**

Kelly Passauer asked the board to provide some additional information. This was originally brought to the commission by the Beautification Committee to address the issue of parking in unapproved areas of the front yard. Specifications for ribbon driveways as an alternative have been discussed as well as considering whether the commission would allow gravel driveways off the alley and whether they would need to be screened.

The board agreed that gravel drives can be allowed directly off the alley and that screening is not needed. The ordinance should include specifications that

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 8, 2023
Meeting**

the area be kept up with clean gravel and weed control. Establish a maximum width. ADA guidelines should also be followed in slope and in keeping the gravel contained on the property

Kelly Passauer asked the board if they agree with the specifications for the ribbon driveway that would be a less expensive alternative to the hard-surface drive.

The board did agree with the specifications.

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission adjourned the public hearing to consider a text amendment to Article B. - Zoning regarding off-street parking in residential areas to September 5, 2023 at 5:30 p.m.

**Aye: Lisa Richard, Scott Smith, Mary Jo Meier, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon
Nay: None**

V. Discussion

a. Comprehensive Plan Update

Kelly Passauer told the board that there were three firms that sent in proposals for the Comprehensive Plan update. She asked for volunteers to help interview the firms. Chuck Goad, chair of the Economic Development Advisory Board and the City Engineer, John Garriss, will also be assisting with the interviews.

Lisa Richard, Rachel Lyon, Andy McClenan and Tim Haynes volunteered to assist in the interview process.

VI. Adjournment

Motion:

On the motion of Rachel Lyon, seconded by Andy McLenon the Commission adjourned the meeting.

**Aye: Lisa Richard, Scott Smith, Mary Jo Meier, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon, Andy McLenon
Nay: None**

Tim Haynes, Chairperson

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 8, 2023
Meeting**

Anthony (Tony) Royse, Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
SEPTEMBER 5, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a variance request for the size of electronic signs in a C-3 central business district.

SUMMARY RECOMMENDATION Approve the variance request for an electronic sign at 123 North 8th Street.

BACKGROUND The Independence Historical Museum is wanting to replace their existing marquee letterboard with a new digital sign. The electronic portion of the sign exceeds the limit by 6.98 square feet. The sign is 32.34 square feet, leaving an area of 16.17 square feet for the electronic portion. Their electronic sign is 23.15 square feet so they need a variance of 6.98 square feet.

802.6. District C-3, central commercial district:

a. Permitted signs:

1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.

2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.

3. *Corner buildings:* One sign equal to standards above for each wall.

4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.

5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.

6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.

7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.

8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.

b. [Poster panels and billboards:] Poster panels and billboards shall not be permitted in the C-3 zone.

c. Signs on awnings, canopies, and marquees:

1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.

2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.

d. General standards:

1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the

surface of the grade of any street or sidewalk.

2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.

3. Marquees shall be no closer than two feet from the property line.

803.6. Attention-Attracting Devices and Electronic Signs:

a. Any attention-attracting device, as defined in [Section 403.0](#), is hereby prohibited from use except as hereinafter provided.

b. Attention-attracting devices and electronic signs, as defined in [Section 403.0](#), shall be permitted in any zoning district for noncommercial purposes if:

1. Such devices or signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization; and

2. Receive approval of the City Commission; and

3. Comply with and follow all requirements and standards designated for their use as set forth in Section 802.5.c.

802.5. District C-2, general business district and District C-4, highway commercial district:

c. *Electronic sign:* Electronic signs consisting of LED/Reader board electronic changeable copy) or electronic display center (video display sign) as defined in this ordinance are permitted and must meet the following requirements:

1. *Detached sign:* The sign must be a detached sign and the electronic portion may not exceed more than 20 percent of the allowable square footage per face of said detached sign.

2. *Duration:* Any portion of the message or image must have a minimum duration of eight seconds.

3. *Off-premises advertising:* All messages displayed shall be directly related to the business for which the sign was constructed.

4. *Setback:* The leading edge of the sign must be a minimum of 100 feet from an abutting residential district boundary.

5. LED/Reader board (electronic changeable copy) signs shall have the following additional restrictions:

i. *Limited text:* The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.

6. Electronic display center (video display) signs shall have the following additional restrictions:

i. *Brightness:* The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 500 nits (candelas per square meter) between dusk and dawn.

ii. *Dimmer control:* The sign must have an automatic dimmer control to produce a distinct illumination change as required.

iii. *Audio or pyrotechnics:* Audio speakers or any form of pyrotechnics are prohibited.

BOARD OF ZONING APPEALS CONSIDERATIONS Acceptance of a variance must be based on the following factors:

A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner. *The Independence Historical Museum wants to replace their existing letterboard sign with a new electronic sign.*

B) The variance will not adversely affect the rights of adjacent property owner. *The sign is approximately the same size and is equipped with a dimmer so it will not affect the rights of adjacent property owners.*

C) The strict enforcement of the regulations would cause an unnecessary hardship. *The current sign is old and needs replaced. The electronic sign is slightly larger.*

D) The variance would not adversely affect public health, safety and morals. *The variance does not appear to affect public health, safety and morals.*

E) The variance will be in keeping with the general intent and spirit of the zoning regulations.
The variance will be in keeping with the general intent and spirit of the zoning regulations.

STAFF RECOMMENDATION Staff recommends approving the variance request of 6.98 square feet.

SUGGESTED MOTION I move to approve a variance of 6.98 square feet for the Independence Historical Museum to replace their marquee letterboard with a new digital sign.

SUPPORTING DOCUMENTS

1. IHMAC Appeal to Zoning
2. VISIONTECH Digital Sign Specifications
3. 230488-2 Historic Museum and Arts Center - Independence, KS - Monuement Sign - 4.17.23
4. SignPermit_201603251248379765

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 7/25/2023

2. Name, Address and Telephone Number of Property Owner:

Independence Historical Museum, Inc. DBA IHMAC
123 N. 8th
Independence, KS
620-331-3515

3. I appoint the following person as my agent during consideration of my request:

Name: Ray Rothgeb
Address: P.O. Box 381
Telephone: 620-331-0108

4. Common Address of Land Involved:

123 N. 8th St
Independence, KS 67301

5. Legal Description of Land Involved:

Lots 1 & 2, and E 10' of lot 3, Blk 41, City of Independence

6. Describe what you wish to do which the zoning code prohibits:

Replace existing sign with a digital sign, the electronic portion of which exceeds the limit specified in 802.6.c.[e]1. The electronic portion of the sign measures 23.15 sq. ft exceeding the 16 sq. ft. limit by 7.15 sq. ft.

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

None

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

Digital sign will replace existing marquee letterboard of approximately the same size, mounted in existing flower bed and between existing light standards, and equipped with Novastar Dimmer to control brightness.

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

None

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

The sign is a free standing, permanent, and non-mechanical item.

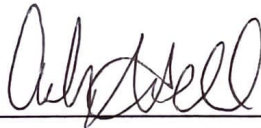
11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

True

12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Signature of Property Owner: _____



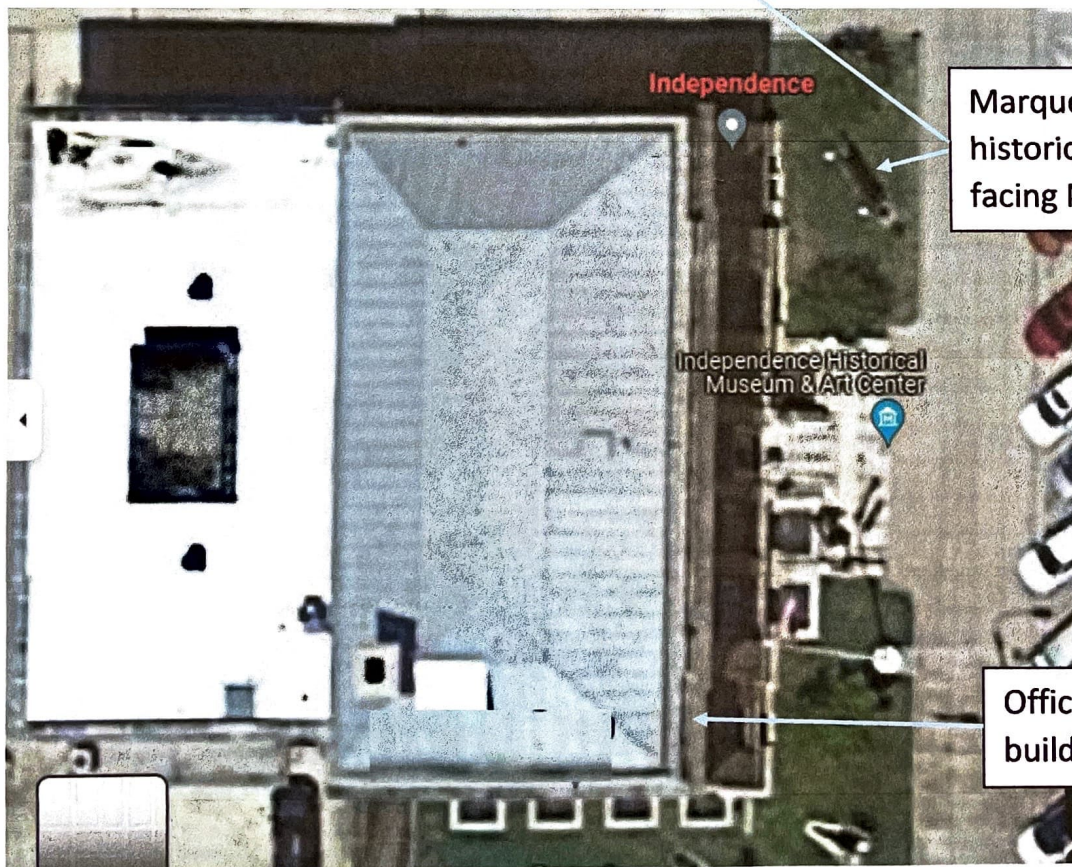
Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____

Independence Museum & Art Center Marquee
123 N. 8th St., Independence, KS 67301



Marquee between historical lamp posts, facing NE.

Office in SE corner of building.

VISIONTECH Digital Sign Specifications

For IHMAC Marquee Update

Signtech, Springfield, MO

New 6.7mm VISIONTECH® Full Color Digital Display with ID Cabinet Includes One steel support set in reinforced concrete footing within the concrete filled planter box.

Cabinet dimensions: 37.8" inches height X 88.2" inches length X 5.5625" deep

LED Digital Display specifications

Pitch: 6.7 mm High Brightness

Single Face: Series: N- Series

Power requirements

11.5 amps for digital

2 amps for ID cabinet.

120 VAC single phase (1376.6 Avg. Watts per face.)

INDEPENDENCE HISTORICAL MUSEUM & ARTS CEN

123 NORTH 8TH STREET, INDEPENDENCE KANSAS

OPTION -A



A 1 MONUMENT SIGN - ELEVATION VIEW
SCALE: 1/2" = 1'

SPECIFICATIONS:
ILLUMINATED MONUMENT SIGN, DARK BRONZE ID CABINET, ROUTED FACE W/ WHITE ACRYLIC BACKER, WHITE LED ILLUMINATION
S/F FULL COLOR DIGITAL DISPLAY
37.8"x88.2" DISPLAY
6.7MM 144 X 336 MATRIX
ALUMINUM BASE CLADDING PAINTED DARK BRONZE

CONFIRM HEIGHT TO WIDTH MEASUREMENT OF PROPOSED SIGN
TO ENSURE SIGN(S) WILL FIT AREA AS SHOWN



A 2 MONUMENT SIGN - CONCEPTUAL VIEW
SCALE: NTS



A 3 MONUMENT SIGN - NIGHT VIEW VIEW
SCALE: NTS

EXISTING SIGN



3160 W. KEARNEY
SPRINGFIELD, MO 65803
(417)862.1778
1.800.788.1778
FAX (417) 865-9237

All artwork created by Missouri Neon/Signlink/Visiontech, including logo design, sign design, both creative and mechanical are property of Missouri Neon/Signlink/Visiontech and will be treated as such and may not be reproduced, copied or used for the purpose of competitive bidding. A \$1000-\$1,500 fee will be assessed for this design if used in any manner without written consent of authorized representative of Missouri Neon/Signlink/Visiontech.

Customer Approved :

Client signature insures that spelling, colors & specifications meets the clients satisfaction and approval per artwork.

Salesperson: VERNON BOYCE

ORIG. DATE: 4-03-23
SCALE: NOTED

Revision - A

DATE: 5-17-23
NOTES: CORRECTIONS
TO ADDR. & ARTS
COPY

SIGNLINK PROUDLY APPLIES



Approved Manufacturer



*ALL VISIONTECH DISPLAYS REQUIRE PROPER VENTILATION. IN APPLICATIONS WHERE THE DISPLAY REQUIRES END FILLER OR IS IN METRIC CABINETS AND IS AND BELOW AIRCURE VENTING IN REVEALS AND OR END CAPS IS REQUIRED FOR COOL AND PROTECTS.

**APPLICATION FOR SIGN PERMIT
CITY OF INDEPENDENCE, KS
620-332-2504**

BUSINESS Independence Historical Museum Inc (IHMAC)

ADDRESS 123 N. 8th St.

CONTACT NAME [Business Owner] Independence Historical Museum Inc.

PHONE 620-331-0108 City License # _____

SIGN COMPANY Signlink, Springfield, MO

CONTACT NAME Ray Rothgeb

Location of sign or advertising structure, be specific in detail: _____

NE Corner of W. Myrtle and N. 8th within existing marquee standards

Color Dk Bronze Dimensions 23.15 _____ sq ft per face

Construction Material ALUMINUM BASE CLADDING Lit Internally? Y/N Y

ELECTRICIAN Danny Johnston

COMPANY NAME D&A Electrical System, Independence, KS

PHONE 620-331-0044 City License # 6702

ADDITIONAL INFORMATION & REQUIREMENTS

Does this design fit the guidelines of the historical district?

One set of detailed scale drawings and specifications [dimensions] showing proposed structure, method of construction and attachment to building or ground must accompany this application.

Stress and design calculation [if applicable] showing dead load and wind design must accompany this application.

Evidence that sign will comply with National Electric Code must accompany this application [if applicable].

Application submitted by Ray Rothgeb

PERMIT APPROVAL

A \$25.00 fee must be paid and permit must be signed before work is started on installation of sign.

Zoning Administration Date _____ Permit Number _____



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
SEPTEMBER 5, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

SUMMARY RECOMMENDATION Adjourn the hearing until October 3, 2023 at 5:30 PM

BACKGROUND Cox is still reviewing alternative solutions. It is recommended that the hearing be adjourned to October 3, 2023 at 5:30 PM to allow them more time to formalize other potential solutions.

STAFF RECOMMENDATION City staff recommends adjourning the hearing to October 3, 2023 at 5:30 PM.

SUGGESTED MOTION I move to adjourn the public hearing until October 3, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS

1. 08/08/2023 Staff Report with Attachments



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
AUGUST 8, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

SUMMARY RECOMMENDATION Adjourn the hearing until September 5, 2023 at 5:30 PM

BACKGROUND This hearing was adjourned at your last meeting to August 8, 2023 at 5:30 PM. Based on comments from the last Planning Commission meeting, Cox is reviewing alternative solutions. It is recommended that the hearing be adjourned to September 5, 2023 at 5:30 PM to allow them more time to formalize other potential solutions.

STAFF RECOMMENDATION City staff recommends the hearing be adjourned to September 5, 2023 at 5:30 PM.

SUGGESTED MOTION I move to adjourn the public hearing until September 5, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS

1. Cox Letter Requesting the Public Hearing Be Adjourned
2. 07/11/2023 Staff Report with Attachments



August 4, 2023

Planning Commission/Board of Zoning Appeals
City of Independence, KS
811 West Laurel St.
Independence, KS 67301

RE: Public Hearing for the Conditional Use Permit for 401 N. 10th Street

Dear Chairman Tim Haynes and members of the Planning Commission/Board of Zoning Appeals:

Thank you for your time last month to consider a Conditional Use Permit for 401 N. 10th Street for Cox Communications. Due to overwhelming concerns by residents and wanting to be a good corporate partner with the community, Cox is requesting to adjourn the conditional use permit hearing for this location. Cox is exploring other options in the community to place a fiber cabinet.

Cox looks forward to serving business of Independence in the future and being part of the community. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Megan Bottenberg".

Megan Bottenberg
Director, Government Affairs



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE JULY 11, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

SUMMARY RECOMMENDATION Approve the conditional use permit with conditions.

BACKGROUND Cox Communications Kansas is planning to construct a utility substation on City property at 401 North 10th Street. A 25' x 25', 625 square foot concrete slab will be laid with screened chainlink fencing around the perimeter, and four parking spots will be added along Chestnut Street (parking required in the Agreement for Use of Property).

		Permitted Zoning District													
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2	
Utility substations not elsewhere listed		C	C	C	C	C	C		C	P	P	P	P	P	

POLICY EXPLANATION 901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, **provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.**

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

- a. Statement of intended use of the property.
- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation. *The City and Cox have signed an agreement of use of property that was approved by the City Commission.*
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. *The utility substation will initially contribute to the broadband options for businesses, with a potential for residential in the future.*
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. *The substation will be on City property, and a fence will secure the substation.*
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII). *No off-street parking is required by the zoning code for the substation. However, the lease with the City requires the construction of four new off-street parking areas to serve the neighborhood.*
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided. *The surrounding grass area should absorb any run off from the concrete pad.*
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. *If any future access drives are planned they shall be required to meet this criteria.*

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

STAFF RECOMMENDATION City staff recommends granting the conditional use permit with the following conditions:

1. The applicant shall be in compliance with the Agreement for Use of City Property previously approved by the City Commission.
2. The utility substation shall be screened by fencing around the perimeter.
3. Any future access drives shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
4. The applicant shall be in compliance with all other applicable laws or regulations.

SUGGESTED MOTION I move to recommend the City Commission authorize a conditional use permit for a utility substation not elsewhere listed in an R-4, medium density multifamily dwelling district at 401 North 10th Street with the conditions as recommended by City staff.

SUPPORTING DOCUMENTS

1. Public Hearing Notification 401 N 10th Cox Utility Substation
2. Use of City Property - 401 N 10th - Fully Executed
3. 401 N 10th City Ownership
4. 401 N 10th Diagram
5. 401 N 10th Street CUP Application
6. 401 N 10th Street 200 foot Notification
7. 401 N 10th Notification Area
8. 401 N 10th Receipt

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, July 11, 2023 at 5:30 p.m.

To receive comments on a request for a conditional use permit for “utility substations not elsewhere listed” in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Legal Description:

E 100’ Lt 5 Blk 10, Orig Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

401 North 10th Street

Applicant/Owners:

Cox Communications Kansas L.L.C.
City of Independence

Case Number:

2023/CUP/05

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator’s office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

AGREEMENT FOR USE OF CITY PROPERTY

This Agreement is entered into between the **City of Independence, Kansas**, hereafter City, and Cox Communications Kansas, LLC, hereafter Company.

Whereas, City owns the following described real estate:

The East 100 feet of Lot 5, Block 10, Original City of Independence,
Montgomery County, Kansas (commonly known as 401 North 10th
Street, Independence, Kansas)

And Whereas, Company desires to construct a communications structure on City's property in conjunction with Company's providing of certain communication services to the residents of the City of Independence.

Now Therefore, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree to the following:

1. **Company's Use of City Owned Property:** Company shall have permission to use City's above-described property for the purpose of constructing a structure approximately 25 feet x 25 feet on a concrete slab within the confines of the above-described property. The structure shall be used by Company for the purpose of providing communications services to the residents of the City of Independence.

2. **Conditions:** Company shall comply with the following conditions:

- a. Company must obtain approval from the City as to its site plan and building specifications.
- b. All improvements requested in the preceding paragraph shall be at the sole expense of Company.
- c. Company shall construct and maintain four (4) parking spaces along Chestnut Street in a manner approved by City.
- d. Company shall reimburse City for any taxes or assessments levied against the property as a result of Company's use and occupancy thereof.
- e. Company shall be in compliance with all requirements of any franchise or right-of-way agreement entered into with City and all applicable City ordinances including the obtaining of a conditional use permit for the use intended.

3. **Term:** This agreement shall be for a term of one year and shall thereafter automatically renew on an annual basis until notice of termination is given as hereinafter provided.

4. **Termination:** Either party may terminate this agreement for any reason upon one hundred eighty (180) days' written notice to the other. In the event Company violates the terms and conditions of this agreement, the City may terminate this agreement upon ten (10) days' written notice to Company.

5. **Duty Upon Termination:** Upon termination of this agreement for any reason, City, at its sole option, may notify and require Company to restore the property to its original condition. Upon receiving such notice, Company shall have thirty (30) days within which to restore the property to its original condition. Any improvements remaining after expiration of such period shall become the property of City without compensation to Company or, at City's sole option, the City may restore the property to its original condition and Company shall reimburse the City for the cost of restoration.

6. **Maintenance:** Company shall maintain the property in good condition, free of accumulation of trash and debris including the mowing of grass. In the event it is necessary for the City to repair or maintain utilities that cross the property, the City shall have the authority to make such repairs or maintenance as may be required. The City's maintenance shall be deemed to include repairs or improvements to utilities performed either by the City or an independent utility company. In the event of such repairs or improvements, regardless of the entity making the repairs or improvements, neither the City nor the party making the repairs or improvements shall have any obligation to Company to restore the property to its prior condition or to compensate Company for damage to improvements made by Company on the property.

7. **Indemnification:** Company shall indemnify and hold harmless the City from any and all claims arising in any way from the use of the above-described property by Company, its agents and employees, or its customers and invitees. Included in Company's indemnification requirement is that Company indemnify City for any ad valorem taxes assessed against the property due to Company's use of the property.

8. **Insurance:** Company shall secure and maintain continuously in force a policy of comprehensive general liability insurance with policy limits of at least \$500,000 per occurrence and shall name the City as an additional insured.

9. **Binding Effect:** This agreement shall constitute a covenant running with the land and shall be binding upon the heirs, successors and assigns of the parties hereto.

CITY OF INDEPENDENCE, KANSAS

By: Louis Ysusi
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker
David W. Schwenker, City Clerk

COX COMMUNICATIONS KANSAS, LLC

By: Coleen Jennison
Name: COLEEN JENNISON
Title: MARKET VICE PRESIDENT

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED, That on this 25th day of MAY, 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared **Louis Ysusi**, Mayor, and **David W. Schwenker**, City Clerk, of the **City of Independence, Kansas**, who are personally known to me to be the same persons who executed the above and foregoing instrument of writing on behalf of the **City of Independence**, and such persons acknowledged the execution of the same to be the act and deed of said **City of Independence, Kansas**.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Michael S. Wallis
NOTARY PUBLIC

My commission expires: 7/29/25

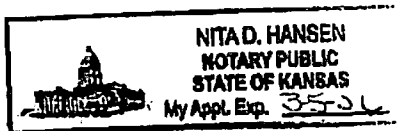
STATE OF KANSAS)
Sedgwick) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED, That on this 23rd day of May, 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Coleen Jennison, as Market Vice Pres of **Cox Communications Kansas, LLC**, who is personally known to me to be the same person who executed, as such officer, the above and foregoing instrument of writing on behalf of the **Cox Communications Kansas, LLC**, and such person acknowledged the execution of the same to be the act and deed of said **Cox Communications, LLC**.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Nita D. Hansen
NOTARY PUBLIC

My commission expires: 3-5-26



Print Page

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[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)

The Parcel Number for this Property is 063-087-25-0-40-28-007.00-0

Quick Ref ID: 3411

Owner Information

Owner Name	INDEPENDENCE CITY OF
Address	811 W LAUREL ST INDEPENDENCE, KS 67301

Property Situs Address

Address	401 N 10TH ST, Independence, KS 67301
---------	---------------------------------------

Land Based Classification System

Function	Residential highest and best use
Activity	Residential activities
Ownership	City
Site	Developed site - no buildings and no improvements

General Property Information

Prop Class	Exempt - E
Living Units	
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Exempt - E	10,030	0	10,030
Total	10,030	0	10,030

Tract Description

ORIG PLAT, S25, T32, R15, 4972 SQUARE FEET, E 100' LT 5 BLK 10; Lot Width: 100.0 Lot Depth: 060.0 Plat Book/Page 1 /6&7 Deed Book/Page 460 /457 457 /189 456 /382 443 /076 440 /267 439 /111 438 /128 388 /469 240 /055

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
460	457						

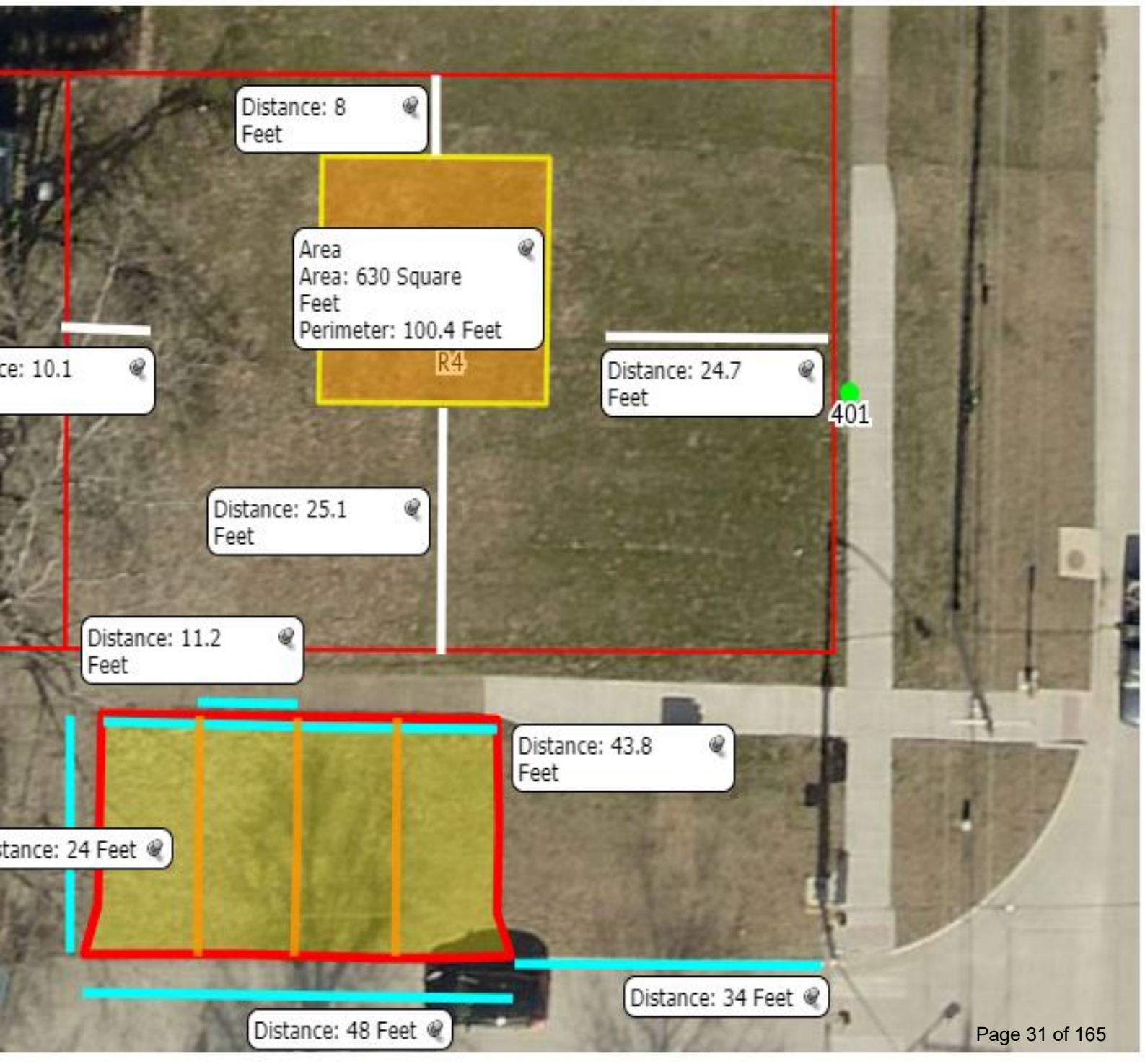
Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	4792										10,030

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Parcel Search powered by  **Aumentum™**
TECHNOLOGIES



Distance: 8 Feet

Area
Area: 630 Square Feet
Perimeter: 100.4 Feet

R4

Distance: 24.7 Feet

401

Distance: 25.1 Feet

Distance: 11.2 Feet

Distance: 43.8 Feet

Distance: 24 Feet

Distance: 34 Feet

Distance: 48 Feet

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Michael Clingan LUC Agent 901 S George Washington Blvd Wichita, KS 67211

Cox Communications Kansas L.L.C c/o Cox Enterprises Inc. 6205 Peachtree Dunwoody Road Atlanta, Georgia 30328

LEGAL DESCRIPTION OF LAND INVOLVED:

The East 100 feet of Lot 5, Block 10, Original City of Independence, Montgomery County, Kansas

Parcel ID : 0630872504028007000

COMMON ADDRESS OF SAID LAND:

401 North 10th Street, Independence, Kansas 67301

PRESENT ZONING CLASSIFICATION: R-4 C

STATEMENT OF INTENDED USE OF PROPERTY:

Cox Communications plans to construct a utility substation

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

25X25 625 square foot concrete slab with screened chainlink fencing around the perimeter. As required four parking spots will be added along Chestnut St

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

5/31/2023

Date

Michael Clingan

Signature of Applicant

Digitally signed by Michael Clingan
Date: 2023.05.31 15:57:14 -0500

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

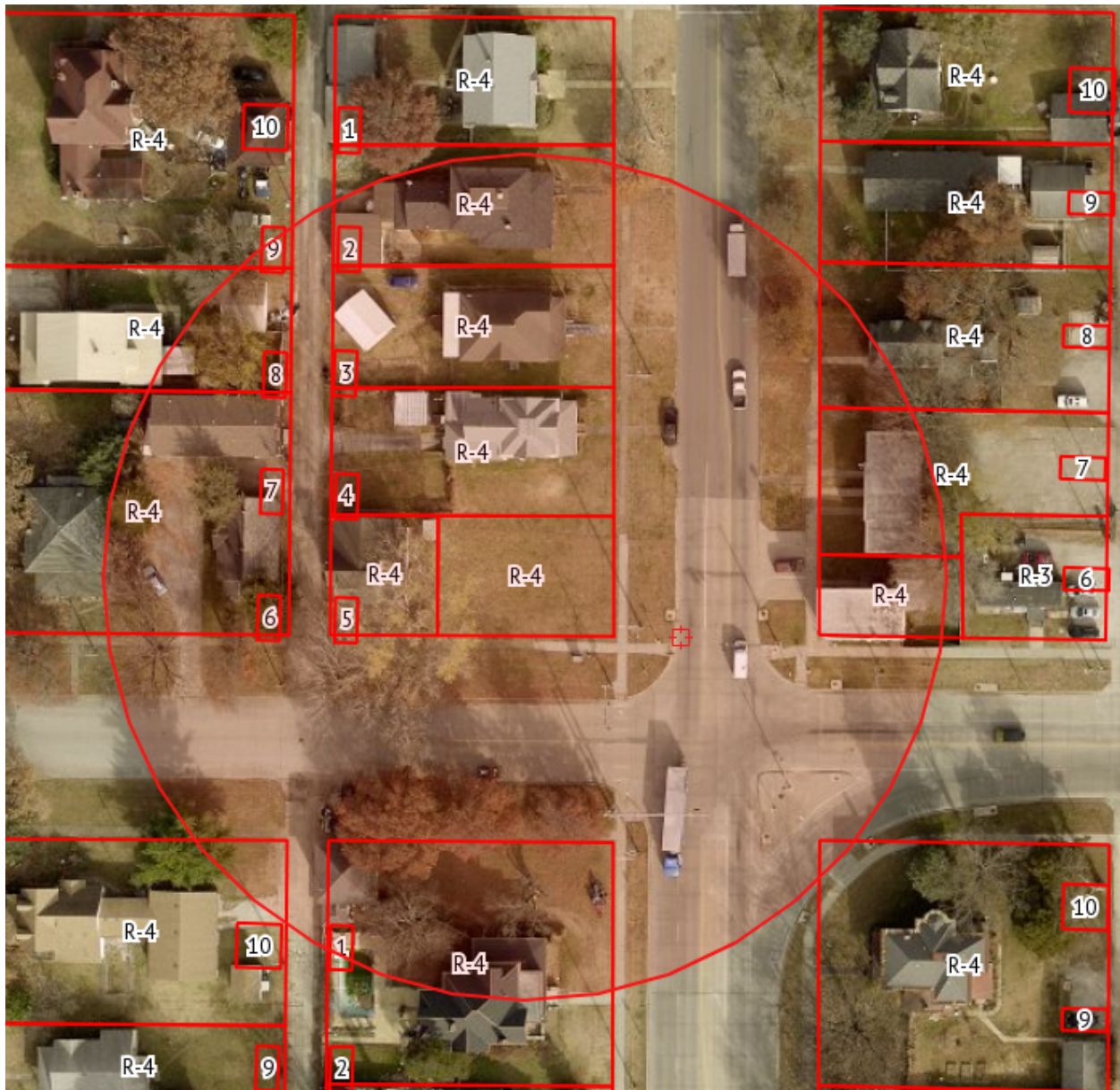
Chairman

Vice Chairman

Secretary

Owner	Situs Address	Quick Ref #	Mailing Address	
BRUCE, BILLIE JO	418 W CHESTNUT ST, Independence, KS 673	R3409	FARLOW, CLAYTON W & CLARA M FARLOW LIV TRST 11/2/94	533 N PENNSYLVANIA AVE, INDEPENDENCE KS 67301
GOODSON, PHILLIP DEAN	405 N 10TH ST, Independence, KS 67301	R3412	GOODSON, PHILLIP DEAN	405 N 10TH ST, Independence, KS 67301
SMITH, BARTON E & NANCY I	316 N 11TH ST, Independence, KS 67301	R3532	SMITH, BARTON E & NANCY I	316 N 11TH ST, Independence, KS 67301
HARRIS, LEE E & STEPHANIE	317 N 10TH ST, Independence, KS 67301	R3531	HARRIS, LEE E & STEPHANIE	317 N 10TH ST, Independence, KS 67301
HANN, IRVIN M & MARION D REV LIV TRST 11/7/03	408 W CHESTNUT ST, Independence, KS 673	R3410	HANN, IRVIN M & MARION D REV LIV TRST 11/7/03	205 S CHAUTAUQUA, SEDAN KS 67361
GREEN, REGINAL J	410 N 11TH ST, Independence, KS 67301	R3408	GREEN, REGINAL J	410 N 11TH ST, Independence, KS 67301
HINDLE, PHILIP A & STEPHANIE A	411 N 10TH ST, Independence, KS 67301	R3413	HINDLE, DONALD & JANIS	411 N 10TH ST, INDEPENDENCE KS 67301
GRAY, ELIZABETH A & ROBERT & CHAILLE E	415 N 10TH ST, Independence, KS 67301	R3414	GRAY, ELIZABETH A & ROBERT & CHAILLE E	3868 CR 3900, INDEPENDENCE KS 67301
SHIPLEY, FREDIE C	419 W LOCUST ST, Independence, KS 67301	R3407	SHIPLEY, FREDIE C	950 WOODROW RD, MCALESTER OK 74501
CHICKADONZ, ELIZABETH J	316 N 10TH ST, Independence, KS 67301	R6340	LOPEZ, ROMAN M & KEELY	316 N 10TH ST, INDEPENDENCE KS 67301
YOUNIQUE LLC	400 N 10TH ST, Independence, KS 67301	R6334	YOUNIQUE LLC	PO BOX 222, INDEPENDENCE KS 67301
CLUBINE, JIM L	402 N 10TH ST, Independence, KS 67301	R6333	ELSHABASSY, OMAR	PO BOX 222, INDEPENDENCE KS 67301
SHIPLEY, FREDIE C	410 N 10TH ST, Independence, KS 67301	R6332	SHIPLEY, FREDIE C	950 WOODROW RD, MCALESTER OK 74501

200 Foot Notification Area for 401 N. 10th Street





Your payment was successfully processed.

Confirmation number

6FV7RYMYK4

Payer Contact Info

jesse.lazzers@cox.com

Payment Method

*****6377

Conditional Use

Name

Jesse Lazzers

Property Address

401 N 10th St, Independence, KS 67301

Phone

316-833-6681

Base price \$200.00

Convenience Fee \$1.25

Municipal Online Payments Fee \$1.25

Total \$202.50



**REQUEST FOR PLANNING COMMISSION ACTION
CONSIDER A TEXT AMENDMENT.
CITY OF INDEPENDENCE
SEPTEMBER 5, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Public hearing to consider a text amendment to the zoning code regarding storage sheds.

SUMMARY RECOMMENDATION Consider approving a text amendment to the zoning code regarding accessory uses, including storage sheds.

BACKGROUND At your August 8, 2023 meeting the Planning Commission initiated a public hearing to consider a text amendment to the zoning code regarding storage sheds. This action was due to a request from a couple requesting that storage sheds be allowed on a vacant lot for maintenance purposes. This couple purchased a large lot and maintains a garden on the lot. They purchased a shed to house their lawn mower and other items to maintain the lot. City staff recently received a complaint because storage sheds are only allowed in residential zones as an accessory use, and there is no primary structure on the lot. In addition, the permitted and conditional use table only allows storage and warehousing in certain zones, which excludes residential. The couple is requesting the Planning Commission consider modifying the code to allow a maintenance shed as a conditional use permit.

POLICY EXPLANATION

1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION If the Planning Commission wishes to modify the zoning code to accommodate this request, then the attachments show the recommended modifications or additions highlighted in Sections 607 and a new section 1015. The questions above in Section 1604 must be reviewed by the Planning Commission as part of your deliberations, with a statement as to the nature and effect of such proposed amendment.

SUGGESTED MOTIONS (Select One)

1. I move to recommend the City Commission adopt an ordinance for a text amendment to the zoning code related to accessory uses as prepared by City staff. Such change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change include all zoning districts as it would allow accessory uses to be on a noncontiguous lot as the principal building or principal use served with special conditions; and the proposed amendment is made necessary because of a new planning concept.
2. I move to recommend the City Commission adopt an ordinance for a text amendment to the zoning code related to accessory uses as prepared by City staff, but with the following additional modifications
_____. Such change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change include all zoning districts as it would allow accessory uses to be on a noncontiguous lot as the principal building or principal use served with special conditions; and the proposed amendment is made necessary because of a new planning concept.
3. I move to recommend not making a text amendment to the zoning code regarding storage sheds.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment 06 Storage Sheds
2. Proposed modified Section 607.0. Accessory uses
3. ARTICLE X. SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS
CONDITIONAL USES - New Proposed Section1015

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, September 5, 2023 at 5:30 p.m.

To consider a text amendment to modify Appendix B - Zoning of the City Code relating to storage sheds and any additional modifications.

Case Number:

2023/ZA/06

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

607.0. Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;
- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or contiguous lot as the principal building or principal use served, **unless a special conditional use permit is granted in compliance with section 1015.**

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 1. For single-family residence: Four cars.
 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 **300** square feet in gross floor area.
Exception: Parking garages.
- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.
- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.

-
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
 - n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
 - o. The storage of retail merchandise when located within the same building as the principal retail business.
 - p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
 - q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
 - r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
 - s. A tiny house for use by the property owner's family.

607.3. [Storage of trucks, trailers or buses:] Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.

607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).
- c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).
- d. A tiny house for *short term rentals not elsewhere listed*.
- e. Accessory use that is not on the same lot or contiguous lot as the principal building or principal use served.

607.5. Height, yard and area requirements for accessory uses: See sections 601, 602 and 603.

(Ord. No. 4383 , § 3, 3-24-22)

ARTICLE X. SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS CONDITIONAL USES

1001.0. Purpose.

1001.1. Purpose: In granting a conditional use, the city may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any lessening or subverting of those limitations and requirements constitutes a variance and must be treated accordingly. The following additional conditions shall be a requirement for the approval of the following conditional uses.

1002.0. Churches.

1002.1. Special conditions:

- a. *Entrances:* Churches designed to accommodate a total seating of 150 persons or more in the main assembly room (including auxiliary rooms which adjoin and open into the main assembly room and would increase to [the] total seating capacity thereof) shall provide main entrances on thoroughfares or collector streets only with ingress and egress so designed as to minimize traffic congestion.
- b. *Bus parking:* Any parking area used for the overnight parking of buses and vehicles used for the transportation of church members shall not be less than 100 feet from a residential building.

1003.0. Day care facilities for more than four children.

1003.1. Special conditions: Day care facilities for more than four children shall meet the following provisions when authorized as a conditional use in any residential district:

- a. *City, county and state standards:* All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
- b. *Loading zone:* A loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
- c. *Operation:* Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- d. *Screening required:* Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.

1004.0. Drugs, retail and pharmacies.

1004.1. Special conditions: A pharmacy wherein retail sale only of prescription medicines, drugs, pharmaceuticals or orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building located within an O&P district provided not less than five physicians occupy

offices within the building. No direct exterior entrance to the pharmacy and no exterior sign or advertising relative to the pharmacy shall be permitted.

1005.0. Farm animals.

1005.1 Special conditions: The raising of farm animals and livestock may be permitted as a conditional use, subject to the following requirements:

- a. The residential lot or tract shall contain a minimum of three acres. However, said minimum lot size may be reduced by the governing body if it can be shown that the use shall not constitute a nuisance or a hazard to adjoining property or uses.
- b. Any building or structure for the raising, feeding or housing of livestock or any enclosure or yard used to confine or feed poultry shall be located at least 100 feet from any property line abutting a residential zone.
- c. County and state health code standards shall be complied with.

Cross reference(s)—Restrictions on keeping livestock in the city, § 10-102.

1006.0. Golf driving ranges.

1006.1 Special conditions:

- a. *Location:* All golf driving ranges shall be located on major thoroughfares or nonresidential streets. The golf driving platform shall be not less than 200 feet from any adjacent "R" district or existing dwelling.
- b. *Lighting:* Floodlights used to illuminate the premises shall be so directed and shielded to minimize glare to motorists on public streets and residents of residential property.
- c. *Screening required:* Along all property lines abutting any "R" district there shall be provided a visual screen.

1007.0. Hospitals.

1007.1. Special conditions:

- a. *Entrances:* Hospitals and charitable institutions shall provide main entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion.
- b. *Screening required:* A visual screen shall be provided along all property lines abutting any residential district. Loading facilities shall be screened from adjoining properties, and insofar as practical, from the view of patients from their rooms.

1008.0. Kennels—breeding and boarding.

1008.1. Special conditions:

- a. *Minimum lot size:* Two acres.
- b. *Setback:* No kennel buildings or runs shall be located nearer than 75 feet to any property line.
- c. *Screening required:* All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs.
- d. *[County and state health code standards:]* County and state health code standards shall be complied with.

1009.0. Mobile homes and mobile home parks.

1009.1. Where permitted: Except as provided in the city Code as a "temporary use," a mobile home may be permitted in the jurisdictional area of these regulations only in an approved mobile home park as defined in section 403.0.

1009.2. Minimum standards relating to mobile home parks design: Mobile home parks shall comply with the below minimum standards:

- a. *Intensity of use regulations:*
 1. *Minimum lot area:* Four acres.
 2. *Maximum mobile home park average density:* Eight mobile homes per gross acre (including roads and parking areas).
- b. *Perimeter setback requirements:*
 1. All mobile homes, parking and building structures shall be set back at least 20 feet from the perimeter property line.
Exception: When abutting a residential district, the minimum property line setback shall be increased to 30 feet.
 2. Minimum setback from any public street right-of-way shall be the same as that required in the district [in which] the mobile home park is located.
- c. *Street and parking requirements:*
 1. *Private streets:* On-site driveways or undedicated streets may be developed when approved by the governing body [and] shall meet the below requirements:
 - (a) *Design standards:* Undedicated streets shall meet the design standards for pavement width, design and construction contained in the subdivision ordinance of Independence.
 - (b) *Street signs:* Street signs shall be provided on all undedicated streets and shall include street name and traffic signs. Such street signs shall meet city standards and shall be approved by the city engineer prior to installation.
 2. *Parking:* Two parking spaces shall be provided for each mobile home dwelling unit. At least one of the two required parking spaces shall be located on or adjacent to each mobile home space.

Head-in parking bays may be permitted on private streets but shall be limited to cul-de-sac bays or other minor streets where fast moving traffic will not be a hazard.

All common parking areas shall be paved in accordance with city standards, including parking spaces located on individual mobile home spaces.
- d. *Recreation space required:* A recreation space of at least 300 square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than 100 feet in its smallest dimension and its boundary no further than 500 feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.

A minimum of 50 percent of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75 percent developed.

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- e. *Storage facilities:* Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park; such storage space should not be less than 150 cubic feet for each mobile home site or in common structure with individual lockers.
 - f. *Walkways:* Walkways shall be required on one side of all interior streets and shall provide connections between mobile home units and common areas such as recreational areas and laundry facilities. Walkways shall meet the design and construction requirements of the subdivision regulations of Independence.
 - g. *Water supply:*
 - 1. All mobile home parks shall be connected to a public water supply.
 - 2. The individual water service connections shall be provided at each mobile home space and the size, location and installation of water lines shall be in accordance with the requirements of the city plumbing code.
 - h. *Sewage disposal:* Individual sewer connections shall be provided for each mobile home space and shall be installed in accordance with the city plumbing code. All mobile home parks shall be connected to a public sewer system.
 - i. *Storm drainage facilities:* Shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such facilities shall be of such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park and shall meet the requirements of the subdivision ordinance and other pertinent ordinances.
 - j. *Fire extinguishing equipment:* Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park to satisfy regulations of the state fire marshall and the city fire chief.
 - k. *Flammable liquid storage:* The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited. Any fuel oil and/or gas storage shall be centrally located in underground tanks, at a safe distance from any mobile home site. All fuel lines leading to [the] park and to mobile home sites shall be underground and so designed as to conform to the city building code and any state code that is applicable. When separate meters are installed, each shall be located in a uniform manner.
 - l. *Disposal of garbage and trash:* All garbage and trash containers should be placed in a conveniently located, similarly designed, enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited.
 - m. *Perimeter screening and landscaping requirements:* A buffer of trees and shrubs shall be provided and maintained along all boundaries of each park except at established entrances and exits serving such park. When deemed necessary by the planning commission and governing body a fence may also be required to separate the park from adjacent property.

1009.3. Minimum standards for mobile homes and mobile home spaces: Mobile homes and spaces, when located within a mobile home park shall comply with the below standards.

- a. *Intensity of use regulations:*
 - 1. *Minimum mobile home space area:* 3,000 square feet per unit.
 - 2. *Minimum mobile home space width:* 40 feet.
- b. *Access:* Each space shall have access to a paved interior roadway. In no case shall access to mobile home spaces be provided from abutting property.

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- c. *Clearance:* Each space shall be designed so that at least ten feet of clearance will be maintained between mobile home units and other structures located in the park.
 - d. *Street setbacks:* Mobile home units shall be located so that a 50-foot setback is maintained from the centerline of any private interior roadway. Zoning district setback requirements shall be maintained on all public street frontages for mobile homes as well as buildings.
 - e. *Skirting:* Uniform skirting of each mobile home base shall be required, within 30 days after initial placement, such skirting shall be of 26-gauge solid sheetmetal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.
 - f. *Stands:* Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four inches thick, and not more or less than the length and width of the mobile home that will use this site. This pad shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
 - g. *Outdoor patio:* An all-weather, hard-surfaced outdoor patio area of not less than 180 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
 - h. *Canopies and awnings:* Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the chief building official, before such enclosure can be used for living purposes.
 - i. *Utility hookup:* Each space shall have hookup facilities for water, sewer, electricity. All occupied mobile homes shall have and use sanitary facilities contained wholly within the mobile home.
 - j. *FEMA Requirements.* Each space located within a flood zone must meet FEMA requirements.

1009.4. Minimum standards for recreational vehicles located within a mobile home park. Recreational vehicles located within a mobile home park shall comply with the following standards:

- a. *Recreational Vehicles Allowed:* Any owner occupied vehicular-type unit built on, or for use on, a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by, another vehicle such as motor homes, travel trailers, camper trailers, house trailers, pickup truck campers, hauling trailers and camper buses which shall have and use sanitary facilities contained wholly within the recreational vehicle.
- b. *Location:* Must be located on a space meeting the space requirements for mobile homes set forth in Section 1009.3.
- c. *Utility Hookups:* Each space shall have hookup facilities for water, sewer and electricity and each recreational vehicle shall be hooked up to all such utilities. All recreational vehicles shall have and use sanitary facilities contained wholly within the recreational vehicle. All spaces located within a flood zone shall have hookups that comply with FEMA requirements.
- d. *Prohibited Uses:* Nothing contained herein shall be construed to permit the owner or operator of a mobile home park to use or place recreational vehicles as rental units in a mobile home park. The provisions of the zoning code allowing recreational vehicles to be used, placed or located within a mobile home park shall apply only to owner occupied recreational vehicles.

(Ord. No. 3682, § 5, 4-6-95; Ord. No. 4410 , §§ 2, 3, 8-25-22)

Cross reference(s)—Mobile homes and mobile home parks, ch. 66.

1010.0. Salvage yards, scrap and waste material yards, auto wrecking and junkyards.

1010.1. Special conditions:

- a. *Setback:* All such uses shall be located on a tract of land at least 300 feet from a residential district zone.
- b. *Screening required:* The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.
- c. *Loading/unloading:* No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

Cross reference(s)—Screening of junked, wrecked and abandoned vehicles, § 42-131; junk and secondhand dealers, § 62-141 et seq.

1011.0. Theaters, outdoor motion picture.

1011.1. Special conditions:

- a. *Location:* All drive-in theaters shall be located on major thoroughfares with ingress and egress so designed to minimize traffic congestion. Drive-in theaters shall be located not less than 300 feet from any "R" district or existing dwelling.
- b. *Picture screen orientation:* Outdoor motion picture theater screens shall be so located or screened that the view of projected images is not visible from the road.
- c. *Screening required:* A visual screen shall be provided along all property lines abutting any "R" district.
- d. *Lighting:* Lighted signs and floodlights used to illuminate the premises shall be so directed and shielded to minimize glare to motorists or public streets and residents or residential property.

1012.0. Quarries and sand and gravel pits.

1012.1. Special conditions: The removal of soil, including topsoil, sand, gravel, stone and other earth materials shall be subject to the following conditions:

- a. *Entrances:* There shall be not more than one entranceway from a public road to said lot for each 660 feet of front lot line.
- b. *Time of operation:* Such removal shall not take place before sunrise or after sunset.
- c. *Setback:* No digging or excavating on said lot shall take place closer than 100 feet to any lot line.
- d. *Paved surfaces required:* On said lot all roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
- e. *Air pollution:* Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of

said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

- f. *Water pollution:* Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located.
- g. *Soil erosion:* Such removal shall not cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines, and that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- h. *Vibration:* No vibration shall be permitted which is discernible without instruments on any adjoining lots or property.
- i. *Equipment location:* All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential use subsequent to the operation of such equipment or machinery [it] may continue henceforth but in no case less than 100 feet from any lot line.
- j. *Fences:* There shall be erected a fence of not less than six feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass and shall contain warning signs adequately spaced to be visible along the entire length of said fence.

[1013.0. Supplementary parking.]

[1013.1. Conditional use of off-street parking:] Off-street parking for buildings and facilities used for public assembly, commercial, industrial or institutional purposes may be permitted in any zone as a conditional use. The purpose of providing such off-street parking may be to comply with Ordinance No. 3525 [this appendix], article VII, or to meet supplemental off-street parking needs.

[1013.2. Minimum standards:] All off-street parking lots permitted under the provisions of this ordinance must meet the following minimum standards, unless the city commission deems it in the public good to waive such requirements:

- A. All requests for off-street parking to comply with the provisions of article VII of the zoning ordinance shall meet all provisions of article VII.
- B. All requests for supplemental off-street parking not required by article VII of the city zoning ordinance shall comply with the following minimum design criteria:
 - 1. *Surface material:* Areas used for standing and maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-seal surfaces maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.
 - 2. *Screening and buffer setback required:*
 - a. Parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required, in lieu of such sight-obscuring fence, shrubs, trees or hedges may be substituted as approved by the conditional use

permit.

- b. No off-street parking will be permitted within less than four feet of the property line under separate ownership.
3. *Lighting:* Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district, on any adjacent dwelling, or create glare for oncoming traffic on city streets.
4. *Service drives:*
 - a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width, nor less than 25 feet for two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.
 - b. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.
 - c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.
5. *[Facilities overlapping zones:]* All off-street parking facilities permitted to be located in a zone other than the zone required for the building or facility it serves shall be immediately adjacent or touching such lots on which such building or facility is located, excluding public rights-of-way.

[1013.3. Approval process for conditional use permit; application:] The approval process for a conditional use permit allowed for under this section will be processed following the procedures enumerated in article II [IX], sections 901.0—901.2, 902.2—902.7. The application for a conditional use permit shall be filed with the zoning administrator at least 20 days prior to the regular city planning and zoning commission meeting. The application shall include but not be limited to the below information:

- a. A diagram of surrounding land uses, including location of buildings or structures.
- b. A plan drawn to scale showing the following:
 1. Delineation of individual parking and loading spaces by adequate striping.
 2. Circulation area necessary to serve spaces.
 3. Access to streets and property to be served.
 4. Curb cuts.
 5. Dimensions, continuity, and substance of required screening.
 6. Grading, drainage, surfacing and subgrading details.
 7. Delineation of obstacles to parking and circulation in finished parking area.

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8. Specification as to signs and bumper guards.
 9. The nature and extent of landscaping and screening on the site.
 - c. Name of the landowner, and firm preparing the plan.
 - d. Legal description of the tract.
 - e. Zone in which the parking will be located.

(Ord. No. 3546, §§ 1—3, 6-8-88)

1014.0. Communication antenna or communication towers.

(a) Conditional use application-submission requirements.

1. The following items shall be submitted in support of an application for a conditional use permit request pursuant to article IX of appendix B of the Code of the City of Independence.
 - a. Legal description of the property that is covered by the application for a conditional use permit.
 - b. Written authorization from the property owner of the host tower site unless the site is owned by the applicant.
 - c. A statement of the reasons why the conditional use permit is being requested.
 - d. A site plan or preliminary development plan, whichever is in the opinion of the zoning administrator necessary in order for the city staff, planning commission and governing body to properly evaluate the application. If a preliminary development plan is not required the zoning administrator shall specify in writing the information to be included in the required site plan. notwithstanding a determination by the zoning administrator that only a site plan is required, the planning commission or governing body may require the submission of a preliminary development plan prior to taking action on the application. If required the development plan shall include, but not limited to, the following:
 - i. A site plan drawn to a scale of one inch equals 30' or larger and identifying the site boundary, tower location, guide wire anchors, existing and proposed structures, existing vegetation and proposed landscaping and use, structures and land use designations on the site and the abutting parcels.
 - ii. Location of access roads, fencing and type, parking area.
 - iii. Proposed lighting and exterior lighting specifications.
 - iv. Land elevation contours.
 - v. Details of any proposed building, its elevations and proposed use of the building.
 - e. A statement that alternate sites or communication towers within ½ mile radius of the subject site are not available for one or more of the following reasons when such reasons are applicable.
 - i. Unwillingness of the owners of the alternate sites or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.
 - ii. Topographic limitation of alternate sites.
 - iii. Impediments adjacent to existing or approved communication towers that would obstruct adequate communication tower transmission.

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- iv. Physical site constraints that would preclude the construction of a communication tower.
 - v. Technical limitation of the communication transmission system.
 - vi. The applicant's planned equipment would exceed the structural capacity of existing and approved towers, facilities and structures, generally capable of accommodating a communication transmission system, considering existing and planned use of such communication towers and facilities and structures.
 - vii. The applicant's planned equipment would cause radio or frequency interference with other existing or planned communication towers or facilities, which cannot be reasonably prevented.
 - viii. Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.
 - ix. That the applicant demonstrates that there are other limiting factors that render existing communication towers, facilities and structures unsuitable.
 - x. The owner's facilities and transmission demands on structures.
- f. Assurance of adequate public facilities.
2. Each application for a conditional use permit for a communication tower shall be accompanied by the following information:
- a. A preliminary development plan as required above in section 1.d.i.
 - b. A report from a licensed professional engineer that describes the communication tower's proposed capacity, including the number and type of communication antennas it can accommodate.
 - c. A study comparing all potential host sites within an approximate ½ mile radius of the subject site. Potential sites shall include existing structures and communication towers in excess of 100' and properties on which communication towers are permitted by right or by conditional use permit. The zoning administrator, the planning commission or the governing body may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site to host a communication facility and the reason why the site was excluded from consideration.
 - d. A photo simulation of the proposed facility of a type and quality as determined by the city to be appropriate.
 - e. A map identifying the service area of the proposed tower and an explanation of the need for the tower to maintain the integrity of the system.
 - f. A signed statement from the applicant indicating its intention to share space on the communication tower with other providers at reasonable cost and its acknowledgment that the conditional use permit shall be issued subject to the condition that the applicant make good faith efforts to offer space on the communication tower at reasonable cost and that the governing body shall have the right to revoke the conditional use permit if it determines at a public hearing that offers to share space at a reasonable cost are not made.
 - g. An engineer certification that anticipated levels of electromagnetic radiation to be generated by the communication facilities on the site including the effective radiated power (ERP) or the communication's antenna shall be within the guidelines established by the Federal Communications Commission.

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3. The following performance standards shall apply to all communication towers allowed by a conditional use permit:
- a. The maximum communication tower height that may be approved is 175'. A lightening rod, not to exceed ten feet shall not be included within the height limitations. All new communication towers in excess of 100' shall be designed to accommodate at least two additional providers. The location of additional communication antennas on a legally existing communication tower shall not require additional approval from the planning commission or governing body.
 - b. All communication towers shall maintain a galvanized finish to be painted gray or light blue unless otherwise required by the governing body or if other standards are required by the Federal Aviation Administration. All communication towers and facilities shall be sited to have the least practical adverse affect on the surrounding environment. In addition, communication towers should be designed to avoid whenever possible, the application of the Federal Aviation Administration lighting and painting requirements.
 - c. Site location development should preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact on the site on the surrounding area.
 - d. The area covered by the application for a communication tower special use permit shall be sufficient to accommodate all communication facilities that can be accommodated on the proposed communication tower.
 - e. Communication towers and accessory buildings shall meet the setback requirements of the zoning district in which they are located, unless greater setbacks are required by the governing body. The setback requirements for communication towers locating on or adjoining residentially zoned property shall be determined at the time at the consideration of the conditional use permit. All communication towers, except those designed as an architecturally compatible elements in terms of material design and height of the existing or proposed use of the property shall be set back a minimum of 200' from any surrounding property that is zoned for single family residences, duplex residences or multifamily residences. Provided however that the distance may be reduced or waived by the governing body.
 - f. All communication towers except those designed as an architecturally compatible element in terms of material, design and height of the existing or proposed use of the property shall comply with the following separation requirements:

Towers in Excess of 100'	1,500'
Towers 100' or Less	750'

- g. The governing body may grant a deviation from the height, setback and/or separation requirements. In support of a request for a deviation from the separation requirements the applicant shall submit a technical study acceptable to the city which confirms that there are no other suitable sites available within the separation requirements. A deviation shall only be granted if the governing body determines that the deviation will not undermine the spirit and intent of this ordinance.
- h. All parking areas and drives associated with the communication facility shall comply with article VII of the zoning ordinance and shall meet all provisions of article VII of the zoning ordinance.

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- i. Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site unless repairs to the communication facility are being made.
 - j. Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas or other similar uses not necessary for the transmission function. All accessory buildings shall be constructed of building materials consistent with the primary use of the site, if the site has a primary use other than a communication tower and shall be subject to site plan approval. The site plan requirements shall contain the information as required in this ordinance.
 - k. Communication towers shall only be illuminated as required by the Federal Communication Commission and/or the Federal Aviation Administration. Security lighting around the base of the communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way.
 - l. All communication towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal government with the authority to regulate communication towers and antennas. As such standards and regulations change the owners of such towers and antennas governed by this ordinance shall bring such towers and communication antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of such tower or antennas at the owner's expense.
 - m. In areas of the city where the cables, wires and other facilities of public utilities exist underground or are required by the city to be placed underground, the applicant shall also place all cables, wires and other facilities associated with the communication facility underground.
 - n. The base of the communication tower shall be screened from view with a solid screening fence a minimum of six inches in height. The materials of the fence, including any proposed razor wire or other security wire, shall be subject to the review of the planning commission and approval of the governing body. The governing body may waive the required screening if the design of the accessory building is architecturally compatible with the primary use of the property.
 - o. A landscape plan shall be required which will provide a continuous landscaped area around the perimeter of the accessory building or screening wall. All plant materials shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. The visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived by the governing body.
 - p. Any communication antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such communication antenna or tower shall remove the same within 90 days of receipt of notice notifying the owner of such abandonment. If such communication antenna or tower is not removed within 90 days the city may remove such communication antenna or tower at the owner's expense. If there are two or more users on a single communication tower then this provision shall not become effective until all users cease using the communication tower.
 - q. To ensure the structural integrity of communication towers, the owners of the communication tower shall ensure that it is constructed and maintained in compliance with the standards contained in applicable and local building codes and the applicable standards for towers that are imposed by the Electronics Industries Association as amended from time to time. If, upon

inspection, the building inspector concludes that the communication tower fails to comply with such codes and standards and constitute a danger to persons or property, then upon notice being provided to the owner of the communication tower, the owner shall have 30 days to bring such communication tower into compliance with such standards. If the owner fails to bring such communication tower into compliance within the 30 days the city may cause removal of such communication tower at the owner's expense.

- r. At least every 12 months the communication tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers as approved by the city. At a minimum this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronic Industries Association (EIA) Standard 222; "Structural Standards for Steel Antennas Towers and Antenna Support Structures". A copy of such inspection record shall be provided to the city.
 - s. In the case of any disturbance to a street or other public property, caused by an applicant during the course of constructing or maintaining this communication facility the applicant shall at its own expense, replace or restore all paving, sidewalk, driveway, landscaping, or surface of any street or other public property damaged to as good or better condition as before the disturbance and in accordance with applicable federal, state and local laws, rules, regulations or administrative decisions. The duty to restore the street or public property shall include the repair of any area identified by the city as being weakened or damaged as a result of cutting or other invasion of the pavement of a street or other public property.
4. Every communication tower shall be subject to administrative review by the city after three years regardless of the approved term (if any) of the conditional use permit or the date such communication tower was installed. Reviews will subsequently be required every three years or thereafter. At the time of this review the holder of the conditional use permit shall demonstrate to the satisfaction of the city that:
- a. The general appearance of the communication tower has been adequately maintained. This shall include landscaping, fencing, surfacing, communication tower appearance, etc.
 - b. The structural integrity of the communication tower is uncompromised. A report from a licensed professional engineer shall be submitted by the holder of the conditional use permit certifying such structural integrity.
 - c. A good faith effort has been made to cooperate with other providers to establish co-location at the tower site. A good faith effort shall include, but is not limited to, a timely response to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location.
 - d. The city may request that the holder of the conditional use permit hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.
5. A tower permit may not be sold, transferred, leased nor assigned by any other person without the prior notification of the governing body.
6. In addition to the factors for consideration of a conditional use permit application under section 902.2 of the zoning ordinance, the planning commission may recommend approval of the conditional use permit, and the governing body may approve such permit for a communications tower, utilizing, but not limited to, the following factors as guidelines:
- a. Whether approval of the conditional use would be consistent with the intent and purpose of, and meets the requirements of, these regulations.

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- b. The aesthetic impact of the proposed communication tower on the surrounding neighborhood.
 - c. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed upon the applicant by not granting the permit.
 - d. Whether the positions of the applicant and/or the opponents are substantiated by substantial competent evidence or rather generalized concerns or unsubstantiated claims are made to the planning and zoning commission and/or city commission.
 - e. Whether an F.C.C. license has been granted to the applicant authorizing provision of wireless services to the community and whether radio frequency emissions will comply with F.C.C. regulations.
 - f. Whether there is an existing tower upon which the applicant can co-locate and if so, what substantiated efforts have been made by applicant for co-location and upon what basis were any such towers deemed unacceptable by the applicant.
 - g. Will the tower adversely impact adjoining property values, present a hazard to air space, negatively impact the environment, traffic or in any other manner create negative impacts upon the neighborhood or community.
 - h. The recommendation of professional planning staff.
 - i. The expert testimony presented on behalf of and in opposition to the application.
 - j. Such other factors as may be relevant to the facts and evidence presented in the application.

Failure to adequately demonstrate adequate compliance on any one of these items shall subject the holder of the permit to revocation of the conditional use permit. The determination of whether or not to revoke the conditional use permit shall be made by the governing body after a public hearing requiring 30 days notice unless an emergency situation exists.

(Ord. No. 3919, § 2, 4-8-04)

1015.0. Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d.

1015.1. Special conditions: Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d shall meet the following provisions when authorized as a conditional use in any district:

- a. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights-of-way.
- b. Must be located in the same zone as required for the principal building or principal use it serves.
- c. Must be under the same ownership as the principal building or principal use served.
- d. Must be located at the rear of the adjacent lot if there is access thereto.

1015.2. Revocation: Accessory uses granted by conditional use permit per Section 1015 will be required to continue to meet all special conditions per 1015.1. If the accessory uses no longer comply with one or more of the special conditions contained in 1015.1, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
SEPTEMBER 5, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

SUMMARY RECOMMENDATION Approve a text amendment to the zoning code regarding shipping containers.

BACKGROUND City Attorney, Jeff Chubb, drafted a shipping container ordinance, that is included in the packet, which contains the new language.

From August 8, 2023 meeting. The City's college intern, Jude Stafford, has worked on proposed changes to the code and would like to review them with the Planning Commission for feedback. The changes are highlighted in the attached document. Once feedback is received, we will ask the City Attorney to review further and provide the final recommended amendment back to the Planning Commission. After reviewing this agenda item and providing feedback, it is recommended to adjourn this hearing until September 5, 2023 at 5:30 PM.

POLICY EXPLANATION 1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION City staff recommends approving the text amendment to Article B - Zoning concerning shipping containers to be sent to the City Commission for their approval and adoption.

SUGGESTED MOTION I move to recommend the City Commission adopt an ordinance for a text amendment to Article B - Zoning concerning shipping containers. Such change is consistent with the intent and purpose of these regulations; the areas which are most likely to

be directly affected by such change will be all zoning districts by allowing shipping containers with certain conditions in specific uses and zones; and the proposed amendment is made necessary because of new planning concepts and social economic conditions that encourage the use of shipping containers as a more affordable option for storage or dwellings.

SUPPORTING DOCUMENTS

1. 2023.08-22 Shipping Containers Ordinance
2. Shipping Containers Updated Draft
3. Shipping Containers Draft Amendment
4. 06062023-PZ Staff Report Conex Containers
5. June 6, 2023 Planning Commission Board of Zoning Appeals Minutes

ORDINANCE NO. _____

**AN ORDINANCE PERTAINING TO SHIPPING CONTAINERS AMENDING CITY
CODE SECTIONS 403.0, 607.2 AND 607.4, AND ADOPTING NEW CITY CODE
SECTION 613.0.**

Be it ordained by the governing body of the City of Independence, Kansas:

SECTION 1: Existing Section 403.0 of the Zoning Code is hereby amended to add the following definitions to be inserted alphabetically:

403.0. – Definitions.

For the purpose of this zoning ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Shipping container: A “shipping container” (also, “cargo container,” “MOD,” “POD,” “Conex box,” etc.) is a movable and enclosed structure typically made of durable materials like metal. It is designed for temporary storage of personal, commercial, or industrial goods and possessions. These containers come in standard sizes: 10 feet, 20 feet, or 40 feet in length, and 8 feet in width, and 8.5 feet in height. They are secure and weather-resistant, making them versatile for various applications, including relocation, construction sites, and retail storage.

Shipping container, industrial: An “industrial shipping container” is a movable and enclosed structure typically made of durable materials like metal. It is designed for temporary storage of industrial goods and possessions. This definition encapsulates any containers larger than the standard 10, 20, and 40 foot in length containers.

SECTION 2. Existing Section 607.2 of the Zoning Code is hereby amended to add the following additional permitted accessory uses:

- t. Shipping containers for use as storage in M-1 and M-2 industrial districts. In these districts, shipping containers are not authorized to be used as dwellings.
- u. Industrial shipping containers for use as storage in M-1 and M-2 industrial districts. Industrial shipping containers are not authorized to be used as dwellings.

SECTION 3. Existing Section 607.4 of the Zone Code is hereby amended to add the following additional accessory uses permitted by conditional use:

- e. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; and shipping containers as storage in A-1 agricultural districts.

- f. Shipping containers for temporary storage/office on construction sites in all districts.

SECTION 4. There is hereby added to the Zoning Code a new Section 613.0 titled Shipping Containers as follows:

613.0. – Shipping containers.

613.1. Context: A "shipping container" (also, "cargo container," "MOD," "POD," "Conex box," etc.) is a movable and enclosed structure typically made of durable materials like metal. These containers have become a more common addition to cities as homeowners and businesses acquire those containers as accessory buildings and dwellings. These containers have a useful and valid purpose when properly used and situated. The improper use and location of these containers is dangerous and inappropriate.

613.2. Shipping containers as dwellings: Shipping containers may be permitted as dwellings in the R-1, R-2, R-3, R-4, R-5, and A-1 districts with a conditional use permit. All shipping container dwellings shall have:

- a. Minimum area of 400 square feet (if this qualification is not met, see Section 612.0 on tiny homes). Multiple units may be combined to form a larger dwelling.
- b. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.
- c. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
- c. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.
- d. The dwelling shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- e. All other interior *and* exterior conditions must be in compliance with dwelling requirements and the Independence Building Code.
- f. In a construction site, shipping containers may be used as temporary offices, but they must be removed within 30 days after a certificate of occupancy is issued.
- g. Industrial shipping containers are not permitted as dwellings in any district.

613.3. Shipping containers as storage: Shipping containers are permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted in C-1, C-2, C-3,

O&P, and A-1 districts with a conditional use permit. Shipping containers can be used as permanent *or* temporary storage. All shipping container storage shall have:

- a. Must be used as accessory building to dwelling in A-1 district.
- b. Complies with Section 607.0 regarding accessory buildings.
- c. Must be in compliance with all of Independence City Code regarding storage and storage structures, both permanent *and* temporary.
- d. In a construction site, shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.
- e. In a construction site, industrial shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.

613.4. Shipping containers in general: Shipping containers are not permitted for use as dwellings or storage in general commercial and industrial districts or floodplain districts. Shipping containers, whether a permitted or conditional use under these regulations, must be installed and renovated in accordance with the then-current version of all applicable codes as adopted by the City, including those more general codes not mentioned in Section 613.0. The Code provided in Section 613.0 *does not* apply to the use of shipping containers in industrial or operational instances; it applies to using shipping containers as structures.

SECTION 5. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the governing body of the City of Independence, Kansas on the _____ day of _____, 2023.

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk

CITY OF INDEPENDENCE, KS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE PERTAINING TO REGULATIONS FOR SHIPPING CONTAINERS; AMENDING AND REPEALING EXISTING SECTIONS 403.0 AND 607.0 AND ADOPTING NEW SECTION 613.0 OF THE INDEPENDENCE ZONING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

SECTION 1: Existing Section 403.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

403.0. – Definitions.

For the purpose of this zoning ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory building: A subordinate building which serves a function customarily incidental to that of the main building, which is located on the same lot as the main building. Customary accessory buildings include garages, carports, and small storage sheds.

Accessory use: A subordinate use which serves an incidental function to that of the main use of the premises, which is located on the same lot as the main use. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

Accessory use/Communication Tower: A subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use. An accessory use/communication tower shall be limited to a communication antenna installed, maintained and used by governmental units, public schools and public colleges on property owned by such entities and for purpose of supporting related uses and/or the principal activity of such entities. The placement of the communication tower or communication antenna shall comply with the submission requirements and performance standards otherwise applicable to such use as set forth in Section 1014.0 of the Code.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feedlots or pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Apartment house: See *Dwelling, multifamily*.

Alley: A dedicated public right-of-way, other than a street, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered an alteration.

Area, project:

1. *Gross project area:* Total project area.
2. *Net project area:* Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the "net residential project area" to be used as a basis for calculating the number of permitted dwelling units for a planned unit development.

Area of shallow flooding: Means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel [does not exist, where the path of flooding] is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: Is the land in the floodplain within a community subject to one percent or great chance of flooding in any given year.

Attention-attracting device: Any flasher, blinker, animation, banner, or other object designed or intended to attract the attention of the public to an establishment or to a sign, except that any sign whereon the primary use is current time, temperature, and/or community service information is indicated by intermittent lighting shall not be deemed as an attention-attracting device.

Awning: A structure made of cloth, metal, or other material affixed to a building in such manner that the structure may be raised or retracted to a position against the building.

Banner: A sign intended to be hung with or without a frame, possessing characters, letters or illustrations applied to paper, plastic or fabric of any kind, excluding flags, emblems and insignia of political, professional, religious, educational, or corporate organizations with the exception of logos for the city or organizations endorsed by the city, and which are displayed for noncommercial purposes, excluding community celebrations that are officially endorsed by the city.

Base flood: Means the flood having one-percent change of being equaled or exceeded in any given year.

Basement: A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story for the purpose of height regulations.

Beer means a beverage containing more than 3.2 percent alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water and includes beer, ale, stout, lager beer, porter, and similar beverages having such alcoholic content.

Bed and breakfast: An owner-occupied residence furnishing accommodations to overnight guests, including a breakfast meal.

Billboard: See *Sign*.

Board of zoning appeals: The board that has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions, and variances to the zoning regulations.

Buffer strip: A strip of land located between incompatible land uses, which is subject to private use restrictions, or a negative easement, or is dedicated to public use as open space, for the purpose of protecting the built environment of a subdivision or to enhance a street right-of-way, or both.

Building, accessory: See *Accessory building*.

Canopy: A structure other than an awning, made of cloth, metal, or other material with frames affixed to a building and carried by a frame (which may be supported by the ground).

Children's home: Any place, home or institution providing 24-hour nonsecure care licensed by the state for five or more children under the age of 18 years for compensation in which such children are under the custody of a state agency; provided, however, this definition shall not include children placed in family care in a family foster home, public and private schools organized, operated or approved under the laws of the state, children related by blood or marriage to the provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

City or community: The City of Independence, Kansas.

Common open space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways, private roads, off-street parking, or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

Communication antenna: An antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communications system such as

cellular telephone systems, pager systems, or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

Communication facility: A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communication facilities shall include structures or communication towers, antennas, associated structures, and accessory buildings.

Communication tower: A ground mounted or self-supported, guyed, lattice or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, constructed to support one or more antennas; provided that, for purposes of this ordinance, the term "communication tower" shall not include any tower that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

1. *Guyed tower:* A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
2. *Lattice tower:* A guyed or self-supporting three or four sided, open, steel frame communication tower.
3. *Monopole tower:* A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Communication tower height: The vertical distance measured from the base of the communication tower at grade to the highest point of the communication tower. If the communication tower is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the communication tower height.

Comprehensive plan: The official adopted comprehensive plan for future growth of Independence, Kansas and any amendments relating thereto.

Conditional use: A use that is permitted, but only by application to the building inspector as designated in each specific instance, and after a determination by the planning commission and city commission that all regulations and standards of this ordinance applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the city commission may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses, the neighborhood, and/or in order to improve the public health.

Condominium dwelling house: A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the State of Kansas.

Day care facility: Any place, home or institution which receives four or more children under the age of 18 years for any part of the 24-hour day for compensation; provided,

however, this definition shall not include public and private schools organized, operated or approved under the laws of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage, to the day care provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

Dedication: Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of the State of Kansas.

District: A section or section of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards, and the intensity of use are uniform.

Dog: Any canine species over six months of age.

Drive-in establishment: Any restaurant, financial institution, or product-vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments, where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling: A building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes.

Dwelling, condominium: See *Condominium dwelling house*.

Dwelling, single-family: A residential building having accommodations for and occupied exclusively by one family.

Dwelling, two-family: A residential building having accommodations for and occupied exclusively by two families independently.

Dwelling, three-family: A residential building having accommodations for and occupied exclusively by three families independently.

Dwelling, multiple: A residential building having accommodations for and occupied exclusively by more than one family, independently.

Dwelling, elderly: A residential building having accommodations for and occupied exclusively by residents who are at least 62 years old.

Dwelling unit: A separate, independent living quarter consisting of one or more connected rooms with permanently installed bathroom and kitchen facilities, occupied by a family group or single person (or vacant quarters normally so occupied).

Employees: All persons, including proprietors, working on the premises during the largest shift at peak season.

Engineer: A professional engineer registered in the State of Kansas.

Family: One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus, in either case, usual domestic servants. A family shall under no circumstances be construed as a boardinghouse, fraternity or sorority house, club, lodging house, motel, or commune.

Family foster home: A childcare facility that is a private residence, including any adjacent grounds, in which the resident(s) provide family care for 24 hours a day for one or more children in foster care and for which a license is required by the state.

Feedlot: See *Agriculture*.

Fence, sight-obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Flood insurance rate map (FIRM): Means an official map of a community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study: Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway or regulatory floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe: Is that area of the floodplain, outside of the floodway, that on average is likely to be flooded once every 100 years (i.e., that has a one-percent chance of flood occurrence in any one year).

Floor area: For commercial business and industrial building or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, but not including:

1. Attic space providing headroom of less than seven feet;
2. Easement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings, the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

Freestanding building: A single building not sharing a common wall.

Freestanding sign: A sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts on similar uprights with or without braces.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Garage, private: An accessory building or portion of a main building used for the parking or temporary storage of vehicles or used by occupants of the main building.

Garage, public: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Gas pressure control station: A facility commonly known as a "town border station." This term shall not include isolated regulator valves.

Gasoline service station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul. For the purposes of this definition any business that sells or dispenses retail motor vehicle fuels shall be considered a service station.

Governing body: The mayor and city commission of Independence, Kansas.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Height of buildings and structures: The height of a building or structure shall be the vertical distance measured from a ground reference point (as described below) to the highest point of any permanent part of the structure. The ground reference point for said measurement shall be the highest of any of the following levels:

1. The street curb level.
2. The established or mean street grade in case the curb has not been constructed.
3. The average finished ground elevation across the front of the building (measured at the front building wall) where the building or structure sets back from the street.

The height of buildings shall be measured to the level of the highest point of the roof beams of flat roofs or roofs including not more than one inch to the foot and to the highest point of the roof of a building for other roofs, excluding chimneys, antennas and other appurtenances.

The height of buildings when measured by stories shall include:

1. That part of a building included between [the surface of a floor and] the surface of the floor next above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above.
2. An attic shall be considered as a story when the main line of the eaves is above the middle of the interior height of such story.
3. The first story shall be considered as a half story when 50 percent or more of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air and, in the case of multiple-family dwellings, may be occupied by a resident.
4. When less than 50 percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multiple-family dwellings may not be occupied as a resident by other than a caretaker or manager.

Home occupation: An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Homes association: An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot or homeowner in a planned district or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals regardless of whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Indoor firing range: An indoor area or facility designated or operated primarily for the use of firearms.

Kennel: A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

Loading space: A space within the main building or on the same lot, providing for the loading or unloading of trucks, with a minimum of 14 by 50 feet and a vertical clearance of 18 feet.

Lot: A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more plated lots, or tract or tracts as conveyed, or parts thereof.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percentage of lot coverage shall be computed as follows:

Percent of lot coverage	=	Square feet of ground coverage of all ground coverage of all principal and accessory buildings divided by total square feet of lot area
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Lot, depth of: The mean horizontal distance between the front and the rear lot lines.

Lot, double frontage: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior: A lot whose sidelines do not abut upon any street.

Lot lines: The line bounding a lot as defined herein.

Lot line, front: The boundary between a lot and the street on which it fronts.

Lot line, rear: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or a side street line.

Lot of record: A lot, which is a part of a subdivision, the plat of which has been recorded in the office of the register of deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds prior to the original adoption of subdivision regulations by the city.

Lot width: The horizontal distance between sidelines measured at the front building line.

Lot, zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots or record, one or more portions of a lot or lots of record, or any combination thereof.

Machine shop: A workshop, including tool and die shops, that turns, shapes, planes, mills, or otherwise reduces or finishes by machine-operated tools.

Marquee: A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal, glass, or other fire-retardant material.

Medical clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

Microbrewery means a brewery licensed by the director to manufacture, store, and sell domestic beer.

Mobile home: A detached single-family dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like and needing no further installation of a heating system or materials. Provided further that this ordinance shall not apply to those prefabricated or "modular units" transported over highway only for location at a permanent construction site. In no instance shall a "travel trailer," as defined in this ordinance, be considered as a mobile home.

Mobile home park: Any plot of ground containing four acres or more which is equipped as required for support of mobile homes and used or intended to be used by four or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

Mobile home space: A plot of ground within a mobile home park, which can accommodate one mobile home and provides the necessary utility services for water, sewerage, and electricity.

Motel: A building or group of buildings on the same parcel of ground containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connection [sic] rooms, with or without cooking facilities, for rental to transients.

Nightclub: See *Tavern*.

Nonconforming use, building or yard: A use, building or yard existing legally at the time of the passage of this ordinance or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

Nursery school: A prekindergarten school for children primarily between the ages of three and five.

Nursing homes or convalescent homes: An institution or agency licensed by the state for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Overlay district: Is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum “off-street parking standards” contained in Article VII of this ordinance. (See also *Vehicle storage lot*.)

Planned development: A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established by the zoning district map.

Planning commission: The Independence, Kansas, planning commission.

Private club: A profit or nonprofit association of persons who are bona fide members paying annual dues. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

Public utility: Any firm or organization duly authorized to furnish to the public, under state or municipal regulations, electricity, gas, steam, communications, telegraph, transportation or water.

Residential design manufactured homes: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403, and which has a minimum dimension of 22 feet of body width, a pitched roof and siding and roofing materials which are customarily used on site-built homes. Residential design manufactured homes are subject to the standards set forth in Section 611.0 of these zoning regulations.

Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.

Restaurant, drive-in: An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

Right-of-way: The land opened, reserved, or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

Roominghouse: A roominghouse is a building other than a hotel where lodging is provided for three or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

Screening: See *Fence, sight-obscuring*.

Setback: Farthest projection of a structure from the property line.

Shipping container: A “shipping container” (also, “cargo container,” “MOD,” “POD,” “Conex box,” etc.) is a movable and enclosed structure typically made of durable materials like metal. It is designed for temporary storage of personal, commercial, or industrial goods and possessions. These containers come in standard sizes: 10 feet, 20 feet, or 40 feet in length, and 8 feet in width, and 8.5 feet in height. They are secure and weather-resistant, making them versatile for various applications, including relocation, construction sites, and retail storage.

Shipping container, industrial: An “industrial shipping container” is a movable and enclosed structure typically made of durable materials like metal. It is designed for temporary storage of industrial goods and possessions. This definition encapsulates any containers larger than the standard 10, 20, and 40 foot in length containers.

Shopping center: A group of retail stores, planned and developed for the site upon which they are built and owned and managed as a unit with off-street parking provided on the property.

Short term rentals not elsewhere listed: A property or space offered for rent to a transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel.

Sign: Any words, numerals, figures, devices, designs, or trademarks by which information is made known to the public outside a building and including, but not limited to, the following:

1. *Detached sign:* Any sign located on the ground or on a structure located on the ground and not attached to a building. Multiple signs on one detached structure not attached to a building shall be considered one sign.
2. *Electronic sign:*

- a. *LED/Reader Board (Electronic Changeable Copy) Sign*: A sign in which the copy is changed electronically, uses changing lights to form the message or text form wherein the sequence of messages and rate of change is electronically programmed and modified.
- b. *Electronic Display Center (Video Display Sign)*: A sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.
3. *Illuminated sign*: Any sign which has characters, letters, figures, designs, or outlines illuminated directly, such as spotlights, or by electric lights or luminous tubes as a part of the sign proper.
4. *Nonilluminated sign*: Any sign which is lighted by natural sunlight only.
5. *Marquee sign*: Any sign attached flat against a marquee.
6. *Portable sign*: A sign not permanently affixed to the ground or to a building or structure, such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or to the ground.
7. *Poster panel or billboard*: An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof mounted on a semipermanent structure and depicting information not directly related to the property upon which it is placed.
8. *Projecting sign*: Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of the building shall be included in the definition.
9. *Roof sign*: Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
10. *Temporary sign*: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.
11. *Wall sign*: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Sign area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included as a part of the sign area.

Storefront beam: The structural beam that supports the upper facade.

Story: See *Height*.

Street: A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.

Street network:

1. *Principal arterial:* A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
2. *Minor arterial:* A street which provides for through traffic movement between and around areas, with restricted access to abutting property and subject to necessary control of entrances and exits.
3. *Collector:* A street which provides for traffic movement between thoroughfares and residential streets, with direct access to abutting property.
4. *Local:* A street which provides access to abutting land and local traffic movement in residential areas.

Street right-of-way line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of nonstructural members.

Structures: Anything constructed or erected on the ground, or which is attached to something on the ground. Structures include buildings, radio and TV towers and receiving disks, sheds and permanent signs. Excluded are wing walls attached to and extending from the building where use of such wing walls is for decorative or landscaping purpose and provided said wing walls are not used to support roof structures. Also excluded are sidewalks, pavement, fences and public improvements such as utility poles, streetlight fixtures and street signs.

Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs.

Tiny House: A dwelling that is 400 square feet in floor area or less, excluding lofts, and anchored to a permanent foundation.

Townhouse: A single-family dwelling unit attached by common walls (usually sidewalls) to other dwelling units to form a "row house" arrangement with no other dwelling units located above or below. Townhouses usually have at least one walkup floor above grade.

Trailer: See *Travel trailers* or *Mobile home*.

Transom: The opening above the doors or windows of the storefront. Normally, the upper portion of the ground floor.

Travel trailers: Including automobile tent trailers, recreational vehicles, or house cars, designed to provide temporary mobile housing for highway and recreational travelers. Such use shall be considered equivalent to a hotel, tourist court, or motel for zoning purposes.

Variance: The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

Vehicle storage lot: An area for the overnight storage or long-term warehousing of vehicles under one ownership. Vehicle storage lots shall be exempt from the minimum off-street parking regulations and landscaping requirements contained in this ordinance as they apply to the interior of said lot. However, vehicle storage lots shall meet all exterior setback and screening requirements of the district in which they are located.

Yard: A space on the same lot as a main building, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the street right-of-way and the main building or structure.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the rear lot line and the main building or structure.

Yard, side: A yard extending from the front yard, or front lines where no front yard is required, to the rear yard, the width of which shall be the minimum distance allowed between the side property line and the main building or structure.

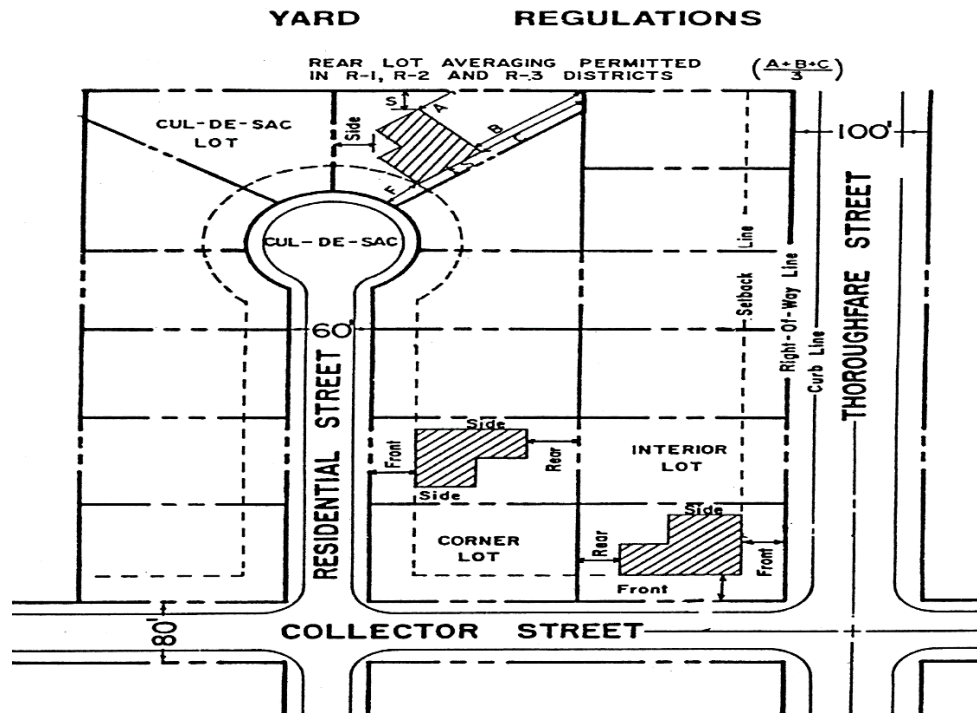
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero-lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing the zero-lot line side and are internally oriented to an enclosed, private courtyard or patio.

Zone or district: A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space herein established.

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdictions to administer the requirements of these zoning regulations.

Zoning area: The area to be zoned as set out on the official zoning map filed of record.

Zoning regulations: The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.



SECTION 2. Existing Section 607.0 of the Independence Zoning Ordinance is hereby amended to read as follow:

607.0. - Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;
- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or contiguous lot as the principal building or principal use served.

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 - 1. For single-family residence: Four cars.
 - 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area.

Exception: Parking garages.

- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises,

then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.

- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- o. The storage of retail merchandise when located within the same building as the principal retail business.
- p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
- s. A tiny house for use by the property owner's family.
- t. Shipping containers for use as storage in M-1 and M-2 industrial districts. In these districts, shipping containers are not authorized to be used as dwellings.
- u. Industrial shipping containers for use as storage in M-1 and M-2 industrial districts. Industrial shipping containers are not authorized to be used as dwellings.

607.3. *[Storage of trucks, trailers or buses:]* Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.

607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).
- c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).
- d. A tiny house for *short term rentals not elsewhere listed*.
- e. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; and shipping containers as storage in A-1 agricultural districts.
- f. Shipping containers for temporary storage/office on construction sites in all districts.

607.5. Height, yard and area requirements for accessory uses: See sections 601, 602 and 603.

SECTION 3. New Section 613.0 is hereby added to the Independence Zoning Ordinance to read as follows:

613.0. – Shipping containers.

613.1. Context: A "shipping container" (also, "cargo container," "MOD," "POD," "Conex box," etc.) is a movable and enclosed structure typically made of durable materials like metal. These containers have become a more common addition to cities as homeowners and businesses acquire those containers as accessory buildings and dwellings. These containers have a useful and valid purpose when properly used and situated. The improper use and location of these containers is dangerous and inappropriate.

613.2. Shipping containers as dwellings: Shipping containers may be permitted as dwellings in the R-1, R-2, R-3, R-4, R-5, and A-1 districts with a conditional use permit. All shipping container dwellings shall have:

- a. Minimum area of 400 square feet (if this qualification is not met, see Section 612.0 on tiny homes). Multiple units may be combined to form a larger dwelling.
- b. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.

- c. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
- c. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.
- d. The dwelling shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- e. All other interior *and* exterior conditions must be in compliance with dwelling requirements and the Independence Building Code.
- f. In a construction site, shipping containers may be used as temporary offices, but they must be removed within 30 days after a certificate of occupancy is issued.
- g. Industrial shipping containers are not permitted as dwellings in any district.

613.3. Shipping containers as storage: Shipping containers are permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted in C-1, C-2, C-3, O&P, and A-1 districts with a conditional use permit. Shipping containers can be used as permanent *or* temporary storage. All shipping container storage shall have:

- a. Must be used as accessory building to dwelling in A-1 district.
- b. Complies with Section 607.0 regarding accessory buildings.
- c. Must be in compliance with all of Independence City Code regarding storage and storage structures, both permanent *and* temporary.
- d. In a construction site, shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.
- e. In a construction site, industrial shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.

613.4. Shipping containers in general: Shipping containers are not permitted for use as dwellings or storage in general commercial and industrial districts or floodplain districts. Shipping containers, whether a permitted or conditional use under these regulations, must be installed and renovated in accordance with the then-current version of all applicable codes as adopted by the City, including those more general codes not mentioned in Section 613.0. The Code provided in Section 613.0 *does not* apply to the use of shipping containers in industrial or operational instances; it applies to using shipping containers as structures.

SECTION 4. Existing Sections 403.0 and 607.0 of the Independence Zoning Ordinance are hereby repealed.

SECTION 5. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

[Remainder of page intentionally left blank; signature page follows.]

PASSED by the Commission on the ___th day of _____, _____. **APPROVED** by the Mayor.

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk

CITY OF INDEPENDENCE, KS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE PERTAINING TO REGULATIONS FOR SHIPPING CONTAINERS; AMENDING AND REPEALING EXISTING SECTIONS 403.0 AND 607.0 AND ADOPTING NEW SECTION 613.0 OF THE INDEPENDENCE ZONING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

SECTION 1: Existing Section 403.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

403.0. – Definitions.

For the purpose of this zoning ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory building: A subordinate building which serves a function customarily incidental to that of the main building, which is located on the same lot as the main building. Customary accessory buildings include garages, carports, and small storage sheds.

Accessory use: A subordinate use which serves an incidental function to that of the main use of the premises, which is located on the same lot as the main use. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

Accessory use/Communication Tower: A subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use. An accessory use/communication tower shall be limited to a communication antenna installed, maintained and used by governmental units, public schools and public colleges on property owned by such entities and for purpose of supporting related uses and/or the principal activity of such entities. The placement of the communication tower or communication antenna shall comply with the submission requirements and performance standards otherwise applicable to such use as set forth in Section 1014.0 of the Code.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feedlots or pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Apartment house: See *Dwelling, multifamily*.

Alley: A dedicated public right-of-way, other than a street, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered an alteration.

Area, project:

1. *Gross project area:* Total project area.
2. *Net project area:* Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the "net residential project area" to be used as a basis for calculating the number of permitted dwelling units for a planned unit development.

Area of shallow flooding: Means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel [does not exist, where the path of flooding] is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: Is the land in the floodplain within a community subject to one percent or great chance of flooding in any given year.

Attention-attracting device: Any flasher, blinker, animation, banner, or other object designed or intended to attract the attention of the public to an establishment or to a sign, except that any sign whereon the primary use is current time, temperature, and/or community service information is indicated by intermittent lighting shall not be deemed as an attention-attracting device.

Awning: A structure made of cloth, metal, or other material affixed to a building in such manner that the structure may be raised or retracted to a position against the building.

Banner: A sign intended to be hung with or without a frame, possessing characters, letters or illustrations applied to paper, plastic or fabric of any kind, excluding flags, emblems and insignia of political, professional, religious, educational, or corporate organizations with the exception of logos for the city or organizations endorsed by the city, and which are displayed for noncommercial purposes, excluding community celebrations that are officially endorsed by the city.

Base flood: Means the flood having one-percent change of being equaled or exceeded in any given year.

Basement: A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story for the purpose of height regulations.

Beer means a beverage containing more than 3.2 percent alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water and includes beer, ale, stout, lager beer, porter, and similar beverages having such alcoholic content.

Bed and breakfast: An owner-occupied residence furnishing accommodations to overnight guests, including a breakfast meal.

Billboard: See *Sign*.

Board of zoning appeals: The board that has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions, and variances to the zoning regulations.

Buffer strip: A strip of land located between incompatible land uses, which is subject to private use restrictions, or a negative easement, or is dedicated to public use as open space, for the purpose of protecting the built environment of a subdivision or to enhance a street right-of-way, or both.

Building, accessory: See *Accessory building*.

Canopy: A structure other than an awning, made of cloth, metal, or other material with frames affixed to a building and carried by a frame (which may be supported by the ground).

Children's home: Any place, home or institution providing 24-hour nonsecure care licensed by the state for five or more children under the age of 18 years for compensation in which such children are under the custody of a state agency; provided, however, this definition shall not include children placed in family care in a family foster home, public and private schools organized, operated or approved under the laws of the state, children related by blood or marriage to the provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

City or community: The City of Independence, Kansas.

Common open space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways, private roads, off-street parking, or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

Communication antenna: An antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communications system such as

cellular telephone systems, pager systems, or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

Communication facility: A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communication facilities shall include structures or communication towers, antennas, associated structures, and accessory buildings.

Communication tower: A ground mounted or self-supported, guyed, lattice or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, constructed to support one or more antennas; provided that, for purposes of this ordinance, the term "communication tower" shall not include any tower that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

1. *Guyed tower:* A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
2. *Lattice tower:* A guyed or self-supporting three or four sided, open, steel frame communication tower.
3. *Monopole tower:* A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Communication tower height: The vertical distance measured from the base of the communication tower at grade to the highest point of the communication tower. If the communication tower is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the communication tower height.

Comprehensive plan: The official adopted comprehensive plan for future growth of Independence, Kansas and any amendments relating thereto.

Conditional use: A use that is permitted, but only by application to the building inspector as designated in each specific instance, and after a determination by the planning commission and city commission that all regulations and standards of this ordinance applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the city commission may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses, the neighborhood, and/or in order to improve the public health.

Condominium dwelling house: A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the State of Kansas.

Day care facility: Any place, home or institution which receives four or more children under the age of 18 years for any part of the 24-hour day for compensation; provided,

however, this definition shall not include public and private schools organized, operated or approved under the laws of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage, to the day care provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

Dedication: Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of the State of Kansas.

District: A section or section of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards, and the intensity of use are uniform.

Dog: Any canine species over six months of age.

Drive-in establishment: Any restaurant, financial institution, or product-vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments, where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling: A building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes.

Dwelling, condominium: See *Condominium dwelling house*.

Dwelling, single-family: A residential building having accommodations for and occupied exclusively by one family.

Dwelling, two-family: A residential building having accommodations for and occupied exclusively by two families independently.

Dwelling, three-family: A residential building having accommodations for and occupied exclusively by three families independently.

Dwelling, multiple: A residential building having accommodations for and occupied exclusively by more than one family, independently.

Dwelling, elderly: A residential building having accommodations for and occupied exclusively by residents who are at least 62 years old.

Dwelling unit: A separate, independent living quarter consisting of one or more connected rooms with permanently installed bathroom and kitchen facilities, occupied by a family group or single person (or vacant quarters normally so occupied).

Employees: All persons, including proprietors, working on the premises during the largest shift at peak season.

Engineer: A professional engineer registered in the State of Kansas.

Family: One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus, in either case, usual domestic servants. A family shall under no circumstances be construed as a boardinghouse, fraternity or sorority house, club, lodging house, motel, or commune.

Family foster home: A childcare facility that is a private residence, including any adjacent grounds, in which the resident(s) provide family care for 24 hours a day for one or more children in foster care and for which a license is required by the state.

Feedlot: See *Agriculture*.

Fence, sight-obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Flood insurance rate map (FIRM): Means an official map of a community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study: Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway or regulatory floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe: Is that area of the floodplain, outside of the floodway, that on average is likely to be flooded once every 100 years (i.e., that has a one-percent chance of flood occurrence in any one year).

Floor area: For commercial business and industrial building or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, but not including:

1. Attic space providing headroom of less than seven feet;
2. Easement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings, the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

Freestanding building: A single building not sharing a common wall.

Freestanding sign: A sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts on similar uprights with or without braces.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Garage, private: An accessory building or portion of a main building used for the parking or temporary storage of vehicles or used by occupants of the main building.

Garage, public: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Gas pressure control station: A facility commonly known as a "town border station." This term shall not include isolated regulator valves.

Gasoline service station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul. For the purposes of this definition any business that sells or dispenses retail motor vehicle fuels shall be considered a service station.

Governing body: The mayor and city commission of Independence, Kansas.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Height of buildings and structures: The height of a building or structure shall be the vertical distance measured from a ground reference point (as described below) to the highest point of any permanent part of the structure. The ground reference point for said measurement shall be the highest of any of the following levels:

1. The street curb level.
2. The established or mean street grade in case the curb has not been constructed.
3. The average finished ground elevation across the front of the building (measured at the front building wall) where the building or structure sets back from the street.

The height of buildings shall be measured to the level of the highest point of the roof beams of flat roofs or roofs including not more than one inch to the foot and to the highest point of the roof of a building for other roofs, excluding chimneys, antennas and other appurtenances.

The height of buildings when measured by stories shall include:

1. That part of a building included between [the surface of a floor and] the surface of the floor next above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above.
2. An attic shall be considered as a story when the main line of the eaves is above the middle of the interior height of such story.
3. The first story shall be considered as a half story when 50 percent or more of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air and, in the case of multiple-family dwellings, may be occupied by a resident.
4. When less than 50 percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multiple-family dwellings may not be occupied as a resident by other than a caretaker or manager.

Home occupation: An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Homes association: An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot or homeowner in a planned district or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals regardless of whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Indoor firing range: An indoor area or facility designated or operated primarily for the use of firearms.

Kennel: A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

Loading space: A space within the main building or on the same lot, providing for the loading or unloading of trucks, with a minimum of 14 by 50 feet and a vertical clearance of 18 feet.

Lot: A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more plated lots, or tract or tracts as conveyed, or parts thereof.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percentage of lot coverage shall be computed as follows:

Percent of lot coverage	=	Square feet of ground coverage of all ground coverage of all principal and accessory buildings divided by total square feet of lot area
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Lot, depth of: The mean horizontal distance between the front and the rear lot lines.

Lot, double frontage: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior: A lot whose sidelines do not abut upon any street.

Lot lines: The line bounding a lot as defined herein.

Lot line, front: The boundary between a lot and the street on which it fronts.

Lot line, rear: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or a side street line.

Lot of record: A lot, which is a part of a subdivision, the plat of which has been recorded in the office of the register of deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds prior to the original adoption of subdivision regulations by the city.

Lot width: The horizontal distance between sidelines measured at the front building line.

Lot, zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots or record, one or more portions of a lot or lots of record, or any combination thereof.

Machine shop: A workshop, including tool and die shops, that turns, shapes, planes, mills, or otherwise reduces or finishes by machine-operated tools.

Marquee: A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal, glass, or other fire-retardant material.

Medical clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

Microbrewery means a brewery licensed by the director to manufacture, store, and sell domestic beer.

Mobile home: A detached single-family dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like and needing no further installation of a heating system or materials. Provided further that this ordinance shall not apply to those prefabricated or "modular units" transported over highway only for location at a permanent construction site. In no instance shall a "travel trailer," as defined in this ordinance, be considered as a mobile home.

Mobile home park: Any plot of ground containing four acres or more which is equipped as required for support of mobile homes and used or intended to be used by four or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

Mobile home space: A plot of ground within a mobile home park, which can accommodate one mobile home and provides the necessary utility services for water, sewerage, and electricity.

Motel: A building or group of buildings on the same parcel of ground containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connection [sic] rooms, with or without cooking facilities, for rental to transients.

Nightclub: See *Tavern*.

Nonconforming use, building or yard: A use, building or yard existing legally at the time of the passage of this ordinance or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

Nursery school: A prekindergarten school for children primarily between the ages of three and five.

Nursing homes or convalescent homes: An institution or agency licensed by the state for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Overlay district: Is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum “off-street parking standards” contained in Article VII of this ordinance. (See also *Vehicle storage lot*.)

Planned development: A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established by the zoning district map.

Planning commission: The Independence, Kansas, planning commission.

Private club: A profit or nonprofit association of persons who are bona fide members paying annual dues. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

Public utility: Any firm or organization duly authorized to furnish to the public, under state or municipal regulations, electricity, gas, steam, communications, telegraph, transportation or water.

Residential design manufactured homes: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403, and which has a minimum dimension of 22 feet of body width, a pitched roof and siding and roofing materials which are customarily used on site-built homes. Residential design manufactured homes are subject to the standards set forth in Section 611.0 of these zoning regulations.

Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.

Restaurant, drive-in: An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

Right-of-way: The land opened, reserved, or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

Roominghouse: A roominghouse is a building other than a hotel where lodging is provided for three or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

Screening: See *Fence, sight-obscuring*.

Setback: Farthest projection of a structure from the property line.

Shipping Container: A “shipping container” (also, “cargo container,” “MOD,” “POD,” “Conex box,” etc.) is a movable and enclosed structure typically made of durable materials like metal. It is designed for temporary storage of personal, commercial, or industrial goods and possessions. These containers come in standard sizes: 10 feet, 20 feet, or 40 feet in length, and 8 feet in width, and 8.5 feet in height. They are secure and weather-resistant, making them versatile for various applications, including relocation, construction sites, and retail storage.

Shopping center: A group of retail stores, planned and developed for the site upon which they are built and owned and managed as a unit with off-street parking provided on the property.

Short term rentals not elsewhere listed: A property or space offered for rent to a transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel.

Sign: Any words, numerals, figures, devices, designs, or trademarks by which information is made known to the public outside a building and including, but not limited to, the following:

1. *Detached sign:* Any sign located on the ground or on a structure located on the ground and not attached to a building. Multiple signs on one detached structure not attached to a building shall be considered one sign.
2. *Electronic sign:*
 - a. *LED/Reader Board (Electronic Changeable Copy) Sign:* A sign in which the copy is changed electronically, uses changing lights to form the message or text form wherein the sequence of messages and rate of change is electronically programmed and modified.

- b. *Electronic Display Center (Video Display Sign)*: A sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.
- 3. *Illuminated sign*: Any sign which has characters, letters, figures, designs, or outlines illuminated directly, such as spotlights, or by electric lights or luminous tubes as a part of the sign proper.
- 4. *Nonilluminated sign*: Any sign which is lighted by natural sunlight only.
- 5. *Marquee sign*: Any sign attached flat against a marquee.
- 6. *Portable sign*: A sign not permanently affixed to the ground or to a building or structure, such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or to the ground.
- 7. *Poster panel or billboard*: An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof mounted on a semipermanent structure and depicting information not directly related to the property upon which it is placed.
- 8. *Projecting sign*: Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of the building shall be included in the definition.
- 9. *Roof sign*: Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
- 10. *Temporary sign*: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.
- 11. *Wall sign*: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Sign area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included as a part of the sign area.

Storefront beam: The structural beam that supports the upper facade.

Story: See *Height*.

Street: A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.

Street network:

1. *Principal arterial:* A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
2. *Minor arterial:* A street which provides for through traffic movement between and around areas, with restricted access to abutting property and subject to necessary control of entrances and exits.
3. *Collector:* A street which provides for traffic movement between thoroughfares and residential streets, with direct access to abutting property.
4. *Local:* A street which provides access to abutting land and local traffic movement in residential areas.

Street right-of-way line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of nonstructural members.

Structures: Anything constructed or erected on the ground, or which is attached to something on the ground. Structures include buildings, radio and TV towers and receiving disks, sheds and permanent signs. Excluded are wing walls attached to and extending from the building where use of such wing walls is for decorative or landscaping purpose and provided said wing walls are not used to support roof structures. Also excluded are sidewalks, pavement, fences and public improvements such as utility poles, streetlight fixtures and street signs.

Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs.

Tiny House: A dwelling that is 400 square feet in floor area or less, excluding lofts, and anchored to a permanent foundation.

Townhouse: A single-family dwelling unit attached by common walls (usually sidewalls) to other dwelling units to form a "row house" arrangement with no other dwelling units located above or below. Townhouses usually have at least one walkup floor above grade.

Trailer: See *Travel trailers* or *Mobile home*.

Transom: The opening above the doors or windows of the storefront. Normally, the upper portion of the ground floor.

Travel trailers: Including automobile tent trailers, recreational vehicles, or house cars, designed to provide temporary mobile housing for highway and recreational travelers. Such use shall be considered equivalent to a hotel, tourist court, or motel for zoning purposes.

Variance: The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

Vehicle storage lot: An area for the overnight storage or long-term warehousing of vehicles under one ownership. Vehicle storage lots shall be exempt from the minimum off-street parking regulations and landscaping requirements contained in this ordinance as they apply to the interior of said lot. However, vehicle storage lots shall meet all exterior setback and screening requirements of the district in which they are located.

Yard: A space on the same lot as a main building, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the street right-of-way and the main building or structure.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the rear lot line and the main building or structure.

Yard, side: A yard extending from the front yard, or front lines where no front yard is required, to the rear yard, the width of which shall be the minimum distance allowed between the side property line and the main building or structure.

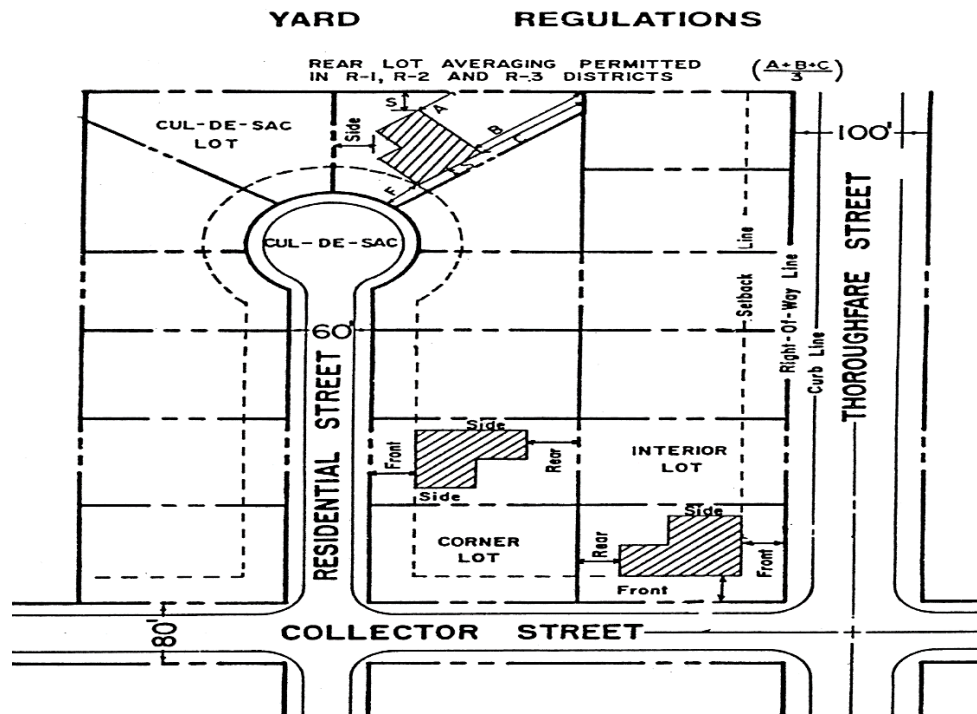
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero-lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing the zero-lot line side and are internally oriented to an enclosed, private courtyard or patio.

Zone or district: A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space herein established.

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdictions to administer the requirements of these zoning regulations.

Zoning area: The area to be zoned as set out on the official zoning map filed of record.

Zoning regulations: The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.



SECTION 2. Existing Section 607.0 of the Independence Zoning Ordinance is hereby amended to read as follow:

607.0. - Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;

- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or contiguous lot as the principal building or principal use served.

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 - 1. For single-family residence: Four cars.
 - 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area.

Exception: Parking garages.

- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.

- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- o. The storage of retail merchandise when located within the same building as the principal retail business.
- p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
- s. A tiny house for use by the property owner's family.
- t. Shipping containers for use as storage in M-1 and M-2 industrial districts. In these districts, shipping containers are not authorized to be used as dwellings.

607.3. [Storage of trucks, trailers or buses:] Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.

607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).

- c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).
- d. A tiny house for *short term rentals not elsewhere listed*.
- e. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; and shipping containers as storage in A-1 agricultural districts.
- f. Shipping containers for temporary storage/office on construction sites in all districts.

607.5. *Height, yard and area requirements for accessory uses:* See sections 601, 602 and 603.

SECTION 3. New Section 613.0 is hereby added to the Independence Zoning Ordinance to read as follows:

613.0. – Shipping containers.

613.1. Context: A "shipping container" (also, "cargo container," "MOD," "POD," "Conex box," etc.) is a movable and enclosed structure typically made of durable materials like metal. These containers have become a more common addition to cities as homeowners and businesses acquire those containers as accessory buildings and dwellings. These containers have a useful and valid purpose when properly used and situated. The improper use and location of these containers is dangerous and inappropriate.

613.2. Shipping containers as dwellings: Shipping containers may be permitted as dwellings in the R-1, R-2, R-3, R-4, R-5, and A-1 districts with a conditional use permit. All shipping container dwellings shall have:

- a. Minimum area of 400 square feet (if this qualification is not met, see Section 612.0 on tiny homes). Multiple units may be combined to form a larger dwelling.
- b. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.
- c. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
- c. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.

- d. The dwelling shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- e. All other interior *and* exterior conditions must be in compliance with dwelling requirements and the Independence Building Code.
- f. In a construction site, shipping containers may be used as temporary offices, but they must be removed within 30 days after a certificate of occupancy is issued.

613.3. Shipping containers as storage: Shipping containers are permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted in C-1, C-2, C-3, O&P, and A-1 districts with a conditional use permit. Shipping containers can be used as permanent *or* temporary storage. All shipping container storage shall have:

- a. Must be used as accessory building to dwelling in A-1 district.
- b. Complies with Section 607.0 regarding accessory buildings.
- c. Must be in compliance with all of Independence City Code regarding storage and storage structures, both permanent *and* temporary.
- d. In a construction site, shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.

613.4. Shipping containers in general: Shipping containers are not permitted for use as dwellings or storage in general commercial and industrial districts or floodplain districts. Shipping containers, whether a permitted or conditional use under these regulations, must be installed and renovated in accordance with the then-current version of all applicable codes as adopted by the City, including those more general codes not mentioned in Section 613.0. The Code provided in Section 613.0 *does not* apply to the use of shipping containers in industrial or operational instances; it applies to using shipping containers as structures.

SECTION 4. Existing Sections 403.0 and 607.0 of the Independence Zoning Ordinance are hereby repealed.

SECTION 5. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

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PASSED by the Commission on the __th day of _____, _____. **APPROVED** by the Mayor.

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

SUMMARY RECOMMENDATION Public hearing to consider a text amendment regarding portable steel storage containers.

BACKGROUND Steel storage containers are becoming popular around the United States for accessory storage uses and to create dwellings or commercial structures. While the building code addresses the structural integrity and safety of the structures, it does not address where the structures can be located. If the Planning Commission is concerned about this, then they may wish to consider a text amendment relating to these structures. Such text amendment could limit these structures as accessory uses or allow them to be used for housing or commercial purposes, determine what zones they can or cannot be located in, and whether or not a conditional use permit would be required. A conditional use permit would provide an opportunity to require additional conditions, including any aesthetic concerns.

Staff did participate in a session at the National Planning Conference regarding "Shipping Containers for Housing," which is included in your packet; however, the presentation seemed to be geared more toward investors than planners.

Below are the current permitted accessory uses:

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 1. For single-family residence: Four cars.
 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area.
Exception: Parking garages.
- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.

- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.
- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- o. The storage of retail merchandise when located within the same building as the principal retail business.
- p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
- s. A tiny house for use by the property owner's family.

St. Charles, MO had a request for a shipping container used as a home and did not have any zoning regulations in place. They have since put regulations in place, permitting shipping container homes in a mobile home park (where a manufactured/modular home would be allowed) and as a conditional use in a single-family residential district, provided: the structure complies with all applicable provisions of the International Building Code; the structure is completely enclosed with vinyl, wood, cement board or brick siding and the structure has a pitched roof constructed of wood or metal.

The City of Independence code allows residential design manufactured homes in the agricultural and single-family residential districts that could be applied to shipping container homes.

611.0. - Residential design manufactured homes.

Residential design manufactured homes are permitted in the agricultural and single-family residential districts subject to the following architectural and aesthetic standards so as to ensure their compatibility with site-built housing in those districts:

[611.1.] R-1 Large lot single-family dwelling districts lying in the unincorporated area of Montgomery within three miles of the city limits of the City of Independence, and A-1 Agricultural districts and R-2 Single-family dwelling districts: All residential design manufactured homes shall have:

- (A) Minimum dimensions of 22 feet of body width.
- (B) A minimum roof pitch of 2.5 inches in height to 12 running inches.
- (C) Siding material shall be wood, masonry, composition board or finished aluminum lap siding, or other materials normally found on site-built homes.

- (D) Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile or slate.
- (E) The home shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- [611.2.] R-1 Large lot single-family dwelling districts lying within the city limits of the City of Independence:* All residential design manufactured homes shall have:
- (A) Minimum dimensions of 26 feet in body width.
- (B) A minimum roof pitch of three inches in height to 12 running inches.
- (C) Siding material shall be wood, masonry, composition board, finished aluminum lap siding or other material normally found on site-built homes. Not less than 40 percent of the front facade of the home shall be faced with brick or stone.
- (D) Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile or slate.
- (E) The home shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- (F) On level sites the main floor shall be no greater than 20 inches above finished grade at the foundation. On sloping or irregular sites the side nearest the grade level shall not be greater than 20 inches above finished grade at the foundation.
- (G) A garage constructed in compliance with the Independence Building Code shall [be] attached to the residential design manufactured home.
- (Ord. No. 3693, § 2, 5-4-95)

POLICY EXPLANATION 1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION Staff recommends providing direction to City staff, who will prepare a text amendment to be considered at a future meeting. Some questions that would assist staff include:

1. Do you want to regulate the location of cargo containers within the City?
2. Do you want to differentiate cargo containers when used for storage from other accessory storage buildings?
3. Do you want different regulations for cargo containers used for storage verses housing?
4. Do you wish to restrict the location of cargo containers to certain zones?
 - a. If so, which zones and what level of restriction; i.e. permitted, not permitted, permitted with a conditional use permit?
 - i. Residential

- ii. Commercial
 - iii. Office and Professional
 - iv. Industrial
 - v. Agricultural
5. If you wish to require a conditional use permit in any of the above zones, do you want to include any additional conditions that would apply to all conditional use permits for cargo containers? For example, in St. Charles Missouri shipping containers are allowed in residential zones with a conditional use permit which must meet the following:
- a. It complies with the building code.
 - b. The structure will be completely enclosed with siding.
 - c. It will have a pitched wood or metal roof.

The exception was that they allowed shipping container homes within mobile home parks as a permitted use with no conditions.

SUGGESTED MOTION: I move to adjourn the public hearing to consider a text amendment to Article B. -- Zoning regarding cargo shipping containers to July 11, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment 03 Cargo Shipping Containers
2. Shipping Containers Article
3. Portable Steel Storage Containers Photo
4. Using Cargo Shipping Containers to Create Housing
5. City of St Charles Shipping Containers
6. Sample ordinance regarding shipping containers -- Canton Texas
7. Sample Ordinance for Storage Containers - Orange City Iowa

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, June 6, 2023 at 5:30 p.m.

To consider a text amendment to modify Appendix B - Zoning of the City Code relating to cargo shipping containers and any additional modifications.

Case Number:

2023/ZA/03

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

Shipping-Container Homes Pose Zoning Challenges for Municipalities



Zach Smithey's shipping container home may still be a work in progress, but it sparked the city council of St. Charles, Missouri, to rule definitively on how future structures will be zoned. Photo by Kristin Baird Rattini.

Shipping-container homes are frequently touted as low-cost and eco-friendly alternatives to traditional construction. But as the concept has slowly expanded beyond novelty use — for remote beach homes and art installations, for example — and into housing, municipalities are grappling with where this new form of construction should fall within building and zoning regulations.

St. Charles, Missouri — a St. Louis suburb of about 69,000 residents — faced just such a challenge last summer. When resident Zack Smithey, an artist, applied for a building permit for a 3,100-squarefoot home to be made of eight 40-foot shipping containers, neighbors objected and city council members expressed deep reservations.

"We have an obligation to existing home owners to make sure that buildings in the area are consistent and don't hurt property values," says council member Dave Beckering.

Planning May 2017

But the St. Charles planning and zoning commission found itself at a loss. "We didn't have anything in our building code to prevent it, so we had to [grant] a permit," says Bruce Evans, AICP, the director of community development. "It caused us to take a hard look at our zoning."

Covering new ground

Following the issuing of the permit, the St. Charles city council considered a bill that would have restricted all future shipping-container homes to areas zoned for modular and mobile homes. The bill was unanimously rejected by the planning and zoning commission, who said the restriction would limit architectural creativity and was an unnecessary regulation against a construction method that had not yet been deemed inappropriate. The city council subsequently voted down the bill.

In researching alternatives, Evans enlisted the American Planning Association's Planning Advisory Service for help finding existing ordinances. "There's not much out there," Evans says, "so we came up with what works for St. Charles."

In December, the city council passed an ordinance requiring shipping container homes planned for residential areas to meet three conditions to receive a conditional use permit: 1) It complies with the building code; 2) the structure will be completely enclosed with siding; and 3) it will have a pitched wood or metal roof. In areas zoned for mobile or modular homes, shipping container homes will be a permitted use, with no conditions.

"I think it's a good compromise," Evans says. "The conditional-use process gives the planning and zoning commission and city council more options to place appropriate conditions on a project. It notifies neighbors and gives them a say in the process. We recognize this is a trend in the country; we may well have more individuals who want this kind of home. This ordinance allows us to say, 'Before you go forward, we want you to do a few things to protect city aesthetics.'"

— *Kristin Baird Rattini*

Baird Rattini is a St. Louis-based freelance writer who has contributed to such national publications as National Geographic, People, and American Way.

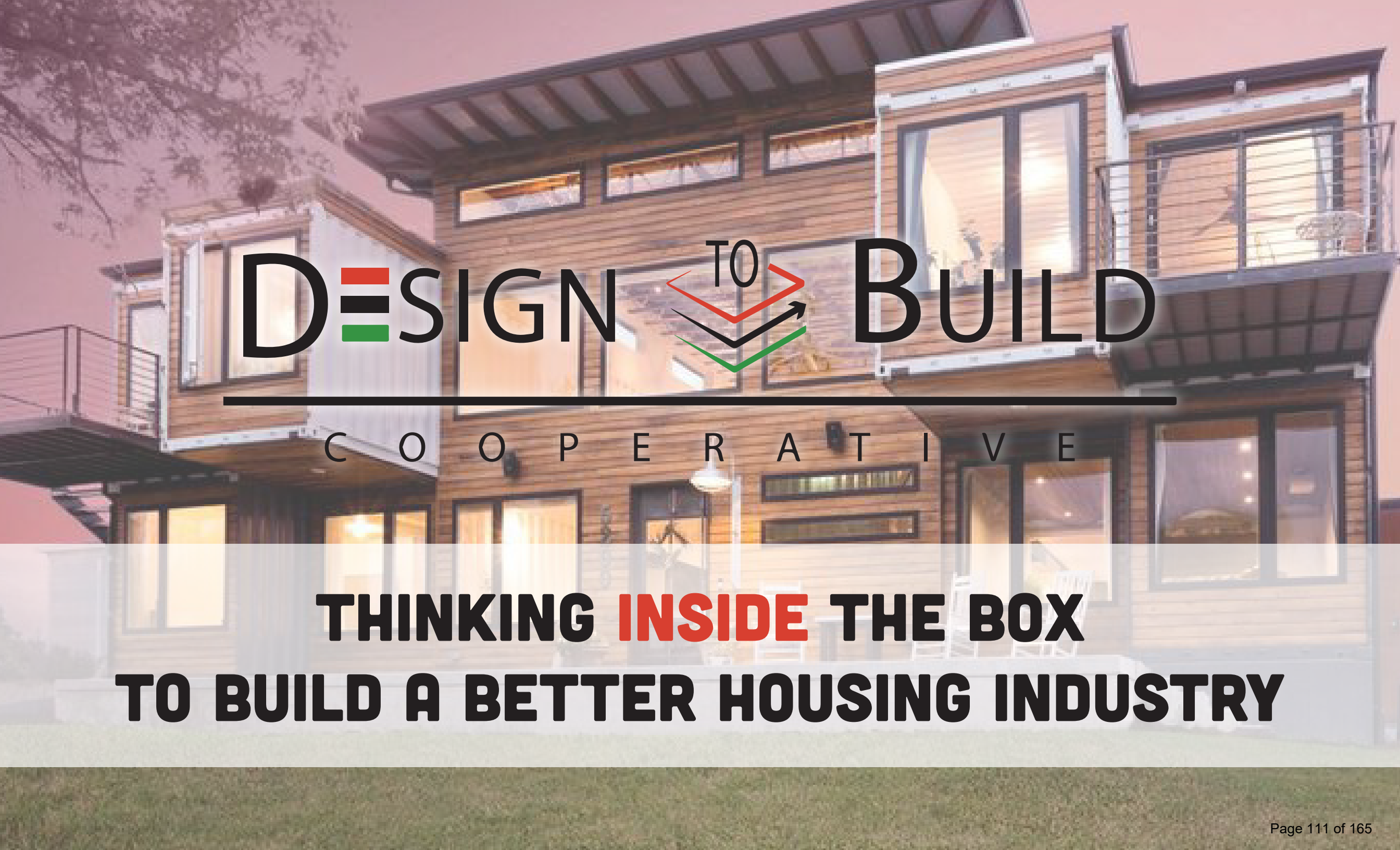


YMLU 490320

ZCSU 251391 2

YMLU 498236 3

YMLU 494380 8

A modern, multi-story house with large windows and balconies, illuminated from within, set against a twilight sky. The house has a mix of wood siding and dark trim.

DESIGN ^{TO} BUILD

C O O P E R A T I V E

**THINKING INSIDE THE BOX
TO BUILD A BETTER HOUSING INDUSTRY**

HOME OWNER PROBLEM

MORE THAN 50% OF AMERICANS CAN NOT AFFORD TO BUY A HOME



LESS THAN 10% OF NEW HOMES BEING BROUGHT INTO THE INVENTORY ARE STARTER HOMES



IF ALL EXISTING HOMES IN AMERICA WERE REDEVELOPED AND READY TO MOVE INTO, WE WOULD BE SHORT 3.8M HOMES FOR FAMILIES.



CONSTRUCTION INDUSTRY PROBLEM



CONSTRUCTION INEFFICIENCY ACCOUNTS FOR 3% OF THE GLOBAL GDP



AMOUNT OF TIME TO BUILD A HOME IS 6.8 MONTHS. **THIS HAS BEEN THE SAME FOR 50 YEARS**



BANKS AND MUNICIPALITIES HAVE SLOWED THE PROCESS WITH **RED TAPE** OVER THE YEARS

OPPORTUNITY



ALIGNMENT WITH PRESIDENTIAL AND FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENTS (HUD) GOVERNMENTAL STRATEGY FOR REVITALIZING THE HOUSING INDUSTRY

NEW LOAN PRODUCTS NOT BASED ON STANDARD FICO SCORE MAKE IT EASIER FOR PEOPLE TO BUY STARTER HOMES

POLICY CHANGES HAVE MADE **ACCESSORY DWELLING UNITS** (ADUS) MORE ACCESSIBLE

CONSUMER INTEREST IN SHIPPING CONTAINER HOMES IS AT AN ALL TIME HIGH



1. SPEED & AGILITY



MANUFACTURING SPEED



ECONOMY OF SCALE



INDIFFERENT TO THE WEATHER CONDITIONS



AGILE MANUFACTURING

2. DURABILITY

10X MORE NATURAL DISASTERS SINCE 1960



SHIPPING CONTAINER BUILDINGS WITHSTAND ALMOST ALL DISASTERS

3. INDUSTRY VERSATILITY & MODULARITY



ALL BUILDINGS CAN EVOLVE AND ARE EASILY UPGRADABLE

COMPETITIVE ANALYSIS

	OFFSITE CARGOTECTURE™	ONSITE STICK BUILD	MOBILE HOMES	STRUCTURALLY INSULATED PANELS
COST/SQ FT	B	B	A	A
SPEED	A	D	B	B
DURABILITY	A	C	F	C
GOVERNMENT BACKING	B	A	F	C
TRENDING	A	B	D	C
SUSTAINABILITY	A	C	D	C
OVERALL	A-	C+	D+	C+

GO TO MARKET STRATEGY



THE GLOBAL CONTAINER HOMES MARKET SIZE IS PROJECTED TO REACH \$73.07 BILLION BY 2025

UP FROM \$44.76 BILLION IN 2017.



FLAGSHIP MODEL – 80%

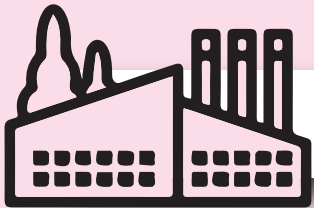
**3BR 2BATH – \$150K
EFFICIENCY – SIMILAR TO TESLA**



CUSTOM DEVELOPMENT – 20%

**PRIVATE DEVELOPERS, GOVERNMENT CONTRACTS
AND SMALL BUSINESS OWNERS**

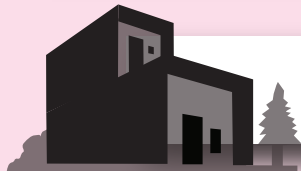
TRACTION



ACQUIRED 50K SQUARE FEET MANUFACTURING FACILITY ON 5.5 ACRES



CONTRACT WITH CLIENT IN NORTH CAROLINA TO BE EXCLUSIVE BUILDER FOR 10 YEARS



DESIGNS FROM CARGO-TECTURE THOUGHT LEADER/AUTHORITY IN THE SPACE



COMMUNITY REINVESTMENT ACT (CRA) BANK INTEREST IN OUR SOLUTIONS



ROAD MAP

HIRING

UPDATE
BRAND

3 UNITS/
MONTH
CAPACITY

11 UNITS/
MONTH
CAPACITY

NOW

JANUARY
2023

FEBRUARY
2023

MARCH
2023

JUNE
2023

SEPTEMBER
2023

DECEMBER
2023

MARCH
2024

ACQUIRE
EQUIPMENT

**1ST UNIT
MODEL HOME CREATED
GRAND OPENING**

7 UNITS/
MONTH
CAPACITY

17 UNITS/
MONTH
CAPACITY

UNIT ECONOMICS

1 UNIT

MATERIALS /
LABOR

\$75K

SALE
PRICE

\$150K

GROSS
PROFIT

\$75K

\$117K / MONTHLY EXPENSES (MARKETING + OPERATIONS)

YEAR 1 UNIT ECONOMICS

10
UNITS
PER
MONTH

X

\$75K
GROSS
PROFIT

=

\$750K

GROSS
PROFIT
PER
MONTH

—

\$117K
MONTHLY
OPERATING
EXPENSES

=

\$633K
NET PROFIT
PER MONTH

YEAR 2 UNIT ECONOMICS

20
UNITS
PER
MONTH

X

\$75K
GROSS
PROFIT

=

\$1.5M

GROSS
PROFIT
PER
MONTH

—

\$117K
MONTHLY
OPERATING
EXPENSES

=

\$1.38M
NET PROFIT
PER MONTH

Revenue



Revenue	2023	2024	2025	2026	2027
ISBU Residential / Commercial / Industrial	\$16.1M	\$35.5M	\$45M	\$75M	\$150M
Unit Sales	107	237	300	500	1,000
Unit Prices	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Totals	\$16.1M	\$35.5M	\$45M	\$75M	\$150M

Direct Costs



Direct Costs	2023	2024	2025	2026	2027
Material (Raw Containers + Build-Out)	\$8M	\$17.8M	\$22.5M	\$37.5M	\$75M
Direct Labor	\$560,030	\$811,440	\$852,012	\$894,627	\$939,338
Salaries and Wages	\$466,692	\$676,200	\$710,010	\$745,522	\$782,782
Skilled Laborers (9.17)	\$163,350	\$294,000	\$308,700	\$324,140	\$340,340
CDL Operators (Drivers + Heavy Equipment) (12.57)	\$303,342	\$382,200	\$401,310	\$421,382	\$442,442
Employee-Related Expenses	\$93,338	\$135,240	\$142,002	\$149,105	\$156,556
Totals	\$8.6M	\$18.6M	\$23.4M	\$38.4M	\$75.9M

PROJECTIONS

INVESTMENT THESIS

**WORKER OWNED COOP
CURRENT ROUND: DEBT FINANCING**

**\$250K
RAISE**

**YEAR LEASE
EQUIPMENT
DEMO MODEL**

**\$16M REVENUE
YEAR 1**

PAYOUT

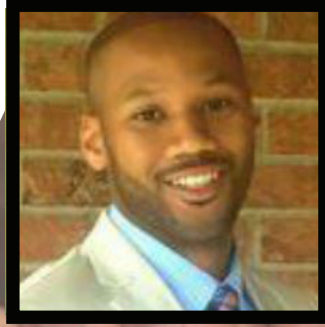
**7% OF REVENUE YEARLY UNTIL
YOU RECEIVE 1.25X YOUR CONTRIBUTION**

TEAM



KEMO A'AKHUTERA
CEO/BIZ DEV MANAGER

SERIAL ENTREPRENEUR
REAL ESTATE INVESTOR
COMMUNITY LEADER



GREGORY WIMBERLY
COO/PROJECT MANAGER

CONSTRUCTION MANAGEMENT
HOSPITAL CONSTRUCTION
SPRINGFIELD REGIONAL MEDICAL



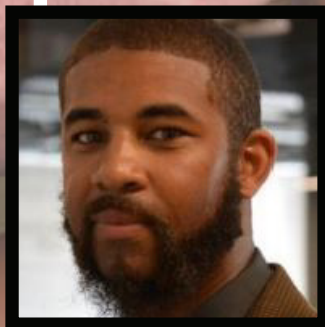
JOEL EGAN
CDO/DIR. OF FABRICATION

ARCHITECT
SPECIALIZATION IN MODULAR
SHIPPING CONTAINER HOMES



JOMO FAULKS
CIO/MILLWORK ENGINEER

URBAN DESIGN
SPATIAL PLANNER
SANDS/PALACE HOTEL AND CASINO



SHAWN THOMAS
CSO/ARCH DESIGNER

PERMITTING/ZONING
HISTORIC HOME DESIGN &
RENOVATIONS



JUNIOR IVENSO
CTO/MECH ENGINEER

SOFTWARE ENGINEER
WEB DEVELOPMENT
MECHANICAL ENGINEER



DESIGN  BUILD

C O O P E R A T I V E

CONTACT US:

DESIGN TO BUILD FIRM

KEMO@DTBFIRM.COM

937.414.6649

@DESIGN.TO.BUILD.FIRM

PUBLIC HEARING: Text Amendment: 9. Case No. TA-2016-7. (City of St. Charles) An application to amend Chapter 400 of the Code of Ordinances by amending §400.050, §400.150, §400.180, §400.240 and §400.530 of the Code of Ordinances to add: Definitions of “Shipping Container”, “Shipping Container Home” and “Shipping Container Structure”; Shipping Container Home as a Conditional Use in the R-1C, R1D, R-1E Single-Family Residential District; Shipping Container Homes as a Permitted Use in the R-M Manufactured/Modular Residential District; Shipping Container Structures as a Permitted Use in I-1 Light Industrial District; Shipping Container Structure as a Permitted Accessory Building.

Bill 12074 An Ordinance Amending Sections 400.050, 400.150, 400.180, 400.240 and 400.530 of the Code of Ordinances to Add: Definitions of “Shipping Container” “Shipping Container Home” and “Shipping Container Structure”; Shipping Container Home as a Conditional Use in the R-1C, R-1D, R-1E Single Family Residential Districts; Shipping Container Homes as a Permitted Use in the R-M Manufactured/Modular Residential District; Shipping Container Structures as a Permitted Use in the I-1 Light Industrial District; Shipping Container Structure as a Permitted Accessory Building (Sponsor: Dave Beckering)

Definitions:

SHIPPING CONTAINER

A portable storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, rail car or ship, used primarily for shipping goods.

[Ord. No. 16-266 § 1, 12-20-2016]

SHIPPING CONTAINER HOME

A dwelling constructed of one (1) or more shipping containers that have been modified for residential use.

[Ord. No. 16-266 § 1, 12-20-2016]

SHIPPING CONTAINER STRUCTURE

A structure constructed of one (1) or more shipping containers.

[Ord. No. 16-266 § 1, 12-20-2016]

As a conditional use

Shipping container homes, provided:

(1) The structure complies with all applicable provisions of the International Building Code;

(2) The structure is completely enclosed with vinyl, wood, cement board or brick siding; and

(3) The structure has a pitched roof constructed of wood or metal.

Section 400.180 "**R-M" Manufactured/Modular Residential District. [1]**

[R.O. 2011 § 400.180; R.O. 2009 § 156.029; CC 1981 § 30-31; Ord. No. 77-31, 7-5-1977; Ord. No. 92-302, 12-16-1992; Ord. No. 98-209, 5-15-1998; Ord. No. 10-74 § 1, 4-22-2010; Ord. No. 10-244 § 1, 11-18-2010]

A. Purpose. The purpose of the "R-M" Manufactured/Modular Residential District is to provide for well designed mobile home parks in areas where public utilities are available and to establish basic standards which will determine the character of this land use and its effect on surrounding properties.

B. Permitted Uses. A building or land in the "R-M" District shall be used only for the following purposes:

- 1.** Mobile home parks.
- 2.** Public buildings, parks and open space.
- 3.** Places of worship.
- 4.** Public and private schools.
- 5.** Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.
- 6.** Shipping container homes.

[Ord. No. 16-266 § 3, 12-20-2016]

Section 400.530 **Accessory Buildings. [1]**

[R.O. 2011 § 400.530; R.O. 2009 § 156.100; CC 1981 § 30-51; Ord. No. 77-31, 7-5-1977; Ord. No. 98-209, 5-15-1998; Ord. No. 10-143 § 2, 7-8-2010; Ord. No. 10-244 § 1, 11-18-2010; Ord. No. 16-266 § 5, 12-20-2016; Ord. No. 17-151 § 4, 7-28-2017; Ord. No. 18-231, 10-16-2018]

A. Residential Accessory buildings, where permitted, shall be subject to the following regulations. See Figure 1 following Section **400.050**.

- 1.** Use. No accessory building shall be used for a dwelling.
- 2.** A detached accessory building shall not be erected in a required front yard, except on a double frontage lot. Accessory buildings located on double frontage lots may be placed in the yard space at the rear of the building, provided no portion of the frontage along the same street where the accessory building is proposed to be located is utilized as the principal entrance for the main building of any lot in the block.

7. Maximum size shall not be equal to or greater than the base area of the principal building.

8. The total square footage of all accessory buildings shall not exceed the square footage of the ground floor of the principal building.

9. Shipping container structures may be used as accessory buildings, provided all other requirements of this Section are met and, provided further, that the conditions enumerated in Section **400.150(D)(1)(q)** are met.

10. The accessory building shall comply with the maximum lot coverage requirement of the zoning district.

B. There shall be no limit to the number of accessory buildings within non-residential zoning districts, provided the district's minimum design standards are met.

ORDINANCE NO. 2018-08

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, ESTABLISHING REGULATIONS FOR THE USE OF CARGO, SHIPPING CONTAINERS OR STORAGE CONTAINERS AND ACCESSORY BUILDINGS WITHIN THE CITY OF CANTON; REQUIRING A PERMIT FOR THE PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, cargo containers, shipping containers, MODS/PODS, Conex boxes and similar containers are becoming more common additions to cities as homeowners and businesses acquire those containers as temporary or permanent accessory buildings; and

WHEREAS, these types of containers have a useful and valid purpose when properly used and situated; and,

WHEREAS, the improper use and location of these types of containers, including their uses as accessory storage structures can be unsightly, dangerous and inappropriate so as to negatively affect municipal aesthetics and impact property values and the overall health, safety and welfare of the City of Canton; and

WHEREAS, the City Council desires proper and appropriate regulations for these types of containers, with the goals of both allowing a unified standard for these types of containers and allowing for ease of compliance for its citizens; and,

WHEREAS, the City of Canton desires to regulate and accommodate the proper use of these types of containers in order to protect the health, safety and welfare of the City of Canton; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:

SECTION 1. SCOPE

The purpose of this Ordinance is to regulate the use of cargo, shipping or storage containers and accessory structures on real property in the City of Canton.

The provisions of this Ordinance shall apply to all shipping/storage/cargo containers and accessory buildings, as those terms are defined herein, within the corporate limits of the City of Canton.

SECTION 2. DEFINITIONS

- A. **Accessory Storage Building**: a building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. For purposes of this Ordinance, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar

prefabricated items and structures originally built for purposes other than primary use as a dedicated accessory storage building are not accessory storage buildings.

- B. Cargo / Shipping/ Storage Container (hereinafter referred to as "Cargo Container"): Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.
- C. Temporary or Portable Storage Container (hereinafter referred to as "Temporary Storage Container"): A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.

SECTION 3.

I. Accessory Storage Buildings

Accessory Storage Buildings may be installed in all zoning districts and shall adhere to the following restrictions and requirements:

- A. No person shall store, maintain or otherwise keep an Accessory Storage Building on any lot or parcel of property within the City of Canton without first having obtained and possessing an active permit issued by the City of Canton.
- B. Electricity is not required but may be added, if permissible under applicable codes and ordinances. A City of Canton permit must be obtained prior to the addition of any electricity to the Accessory Storage Building.
- C. Any Accessory Storage Building shall meet the setback requirements of the underlying zone.
- D. No Accessory Storage Building shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
- E. All Accessory Storage Buildings must conform to the current Minimum Exterior Standards for the City of Canton.
- F. No Accessory Storage Building shall be used as living quarters.

II. Cargo / Storage / Shipping Containers

- A. Cargo Containers are not permitted to be used on property zoned residential or on property the primary use of which is residential. The placement of Cargo Containers as an accessory storage use is limited to the following zoning districts:

1. Local Business District (B-1)
2. General Business District (B-2)
3. General Industrial (GI-1)

B. Cargo Containers for Permanent Storage

When allowed by zoning, Cargo Containers may be permanently placed on the property if all applicable building regulations are followed and the property owner first obtains an active permit from the City of Canton. The following rules shall also apply.

1. Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
2. Cargo Containers shall be painted in solid neutral colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
3. A solid foundation (road base material or better) is required for permanent accessory storage uses.
4. Cargo Containers shall meet the setback requirements of the underlying zone.
5. Cargo Containers shall not be stacked above the height of a single container device.
6. No electricity or plumbing may be run or connected to a Cargo Container.
7. Cargo Containers must be placed toward the rear half of the property unless screened so as to not be visible from the street and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
8. Cargo Containers shall not be used to store hazardous materials.
9. Cargo Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.
10. Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
11. Materials stored within Cargo Containers are subject to review and approval by the fire department and code enforcement.
12. No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

13. All Cargo Containers shall be secured from entry by children and the general public when not attended.
14. No Cargo Container may be used as living quarters.
15. Ventilation is not required.
16. Cargo Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the project's final building inspection or the expiration of the master building permits' expiration date (180 days), if less.

C. Cargo Containers for Temporary Storage

Businesses with multiple containers for temporary storage must be able to produce for inspection upon request by the City any documentation related to shipping dates for each container on site. No Cargo Container shall be kept on the premises for longer than one year. The following rules shall also apply:

1. Cargo Containers shall meet the setback requirements of the underlying zone.
2. Cargo Containers shall not be stacked above the height of a single container device.
3. No electricity or plumbing may be run or connected to a Cargo Container.
4. Cargo Containers must be placed toward the rear half of the property unless screened so as to not be visible from the street and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
5. Cargo Containers shall not be used to store hazardous materials.
6. Cargo Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.
7. Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
8. Materials stored within Cargo Containers are subject to review and approval by the fire department and code enforcement.
9. No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
10. All Cargo Containers shall be secured from entry by children and the general public when not attended.

11. No Cargo Container may be used as living quarters.
13. Ventilation is not required.
14. Cargo Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the project's final building inspection or the expiration of the master building permits' expiration date (180 days), if less.

III. Temporary or Portable Storage Containers

A. Placement

Temporary Storage Containers may be installed in all zoning districts and shall adhere to the following restrictions and requirements:

1. No Temporary Storage Container may be stacked on top of another or on top of any other object.
2. Temporary Storage Containers shall not be used to store hazardous materials.
3. Temporary Storage Containers shall meet the setback requirements of the underlying zone.
4. No electricity or plumbing may be run or connected to a Temporary Storage Container.
5. Temporary Storage Containers must be placed toward the rear half of the property.
6. Temporary Storage Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
7. Temporary Storage Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.
8. Temporary Storage Containers shall not occupy required off-street parking, loading or landscaping areas.
9. Materials stored within Temporary Storage Containers are subject to review and approval by the fire department and code enforcement.
10. No Temporary Storage Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
11. All Temporary Storage Containers shall be secured from entry by children and the general public when not attended.

12. No Temporary Storage Container may be used for living quarters.

C. Time Limit

1. Temporary Storage Containers shall be removed from the property within thirty (30) calendar days from the date of initial installation, delivery and/or construction. Upon request, one extension, not to exceed thirty (30) days, may be approved by the City Building Official. The temporary placement of Temporary or Portable Storage Containers on residentially-zoned properties, or on properties the primary use of which is residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) total days in any one (1) calendar year.
2. In no event shall the continuous or intermittent use of a Temporary Storage Container exceed sixty (60) cumulative days during any twelve-month period.
3. Temporary Storage Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the project's final building inspection or the expiration of the master building permits' expiration date (180 days), if less.

SECTION 4. Current Violations – Time to Comply

All owners of property within the city shall have 120 days from the effective date of this ordinance to bring the properties which currently contain Cargo Containers, Temporary Storage Containers, or non-compliant Accessory Storage Buildings that are in violation of the terms of this ordinance into full compliance.

SECTION 5. General Provisions

This ordinance shall include all future annexations.

SECTION 6. Violations and Penalties

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense, together with the costs of such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 7. Effective Date

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

SECTION 8. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

SECTION 9. Severability Clause

That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED, ADOPTED AND APPROVED by a majority of the Canton City Council on this the 15^h day of May, 2018.


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary



ORDINANCE NO. 809

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY THE ADDITION OF ARTICLE 14B, STORAGE CONTAINERS, TO TITLE 11, ZONING ORDINANCES, ARTICLE 14, ADDITIONAL USE REGULATIONS

BE IT ENACTED by the City Council of the City of Orange City, Iowa:

SECTION 1. ADD ARTICLE #14B – STORAGE CONTAINERS. The Code of Ordinances of the City of Orange City, Iowa, is amended by the addition of TITLE 11, ZONING ORDINANCES, ARTICLE #14B, STORAGE CONTAINERS, by adopting the following wording:

Section 1: PURPOSE. The purpose of this chapter is to regulate the use of accessory storage containers in the City, which regulations are adopted to protect the public health, safety, welfare and promote public aesthetics in the City.

Section 2: DEFINITIONS.

- A. An “accessory storage container” is an accessory storage building and, in limited circumstances as set out in Section 2 (C) below, a cargo container.
- B. An “accessory storage building” is:
 - 1. A building originally constructed for use as an accessory building for the storage of material and equipment accessory to a primary use located on the property.
 - 2. For purposes of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
- C. “Cargo Containers” include standardized reusable vessels that were:
 - 1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and/or
 - 2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

Section 3. STORAGE ON RESIDENTIAL USE PROPERTIES.

- A. A zoning permit is required prior to construction of an accessory storage building or the temporary placement of cargo container. The application shall show that the construction of an accessory storage building or the temporary placement of a proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.
- B. Only accessory storage buildings defined in Section 2 (B) above shall be permitted as accessory storage containers on property in any residential zone of the city, or on any property within the city the primary use of which is residential. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage building on property zoned residential or on property the primary use of which is residential.
- C. Notwithstanding the provisions set forth in subsection B of this section, the temporary placement of cargo containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 90 days in any one calendar year without approval for a limited extension from the City's Code Enforcement Officer. Original permit holder is allowed two (2) placements of the-container within the 90 day period when listed on the original permit. Denial of any extension from code enforcement office can be appealed to the Planning and Zoning Board for an extension.
- D. Notwithstanding the provisions set forth in subsection B of this section, All contractors may use cargo containers for the temporary location of an office, equipment and/or materials storage structure during construction which is taking place on the property where the cargo container is located, if the use of the cargo container is authorized pursuant to a city zoning permit. **(Exception: With written approval from Adjacent lot owner at the time of permit application container may be placed on adjacent property during construction).**
- E. Cargo containers shall not occupy required off-street parking or City right-of-ways.
- F. As a condition of placement, cargo container sites shall be required to meet all zoning regulations listed in Title 6, Chapter 2: Nuisances, Article 4 General Provisions.
- G. Material stored within cargo containers are subject to review by fire chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary as authorized by Chapter 4: Administrative code – Administration, Article 17 – Fire Chief, Paragraphs 17.02(7) and (8). Failure to timely eliminate any fire hazards as recommended by the Fire Chief shall constitute a municipal infraction.

Section 4. CARGO CONTAINERS – PERMITTED LOCATIONS.

- A. The use of a cargo container as an accessory storage container is limited to the following zoning districts:
 - 1. Highway Commercial (C-2)
 - 2. Light Industrial (I-1)
 - 3. Heavy Industrial (I-2)
 - 4. Agricultural (A-1)
 - 5. Suburban Residential (RS-1)
- B. A zoning permit is required prior to placement of an accessory storage cargo container. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone. **(Exception: Placement on lessors Property within a zoning district of the above Section 4, A, is permitted without permit).**
- C. The use of a cargo container as an accessory storage container is further limited to properties in the above-identified zones only if the property upon which the cargo container is proposed to be located is not primarily for residential purposes.
- D. Cargo containers shall not be stacked above the height of a single container device, except for placement within the Light Industrial District or Heavy Industrial District.
- E. Cargo Containers shall not be used for off-site advertising and properly maintained, **(Exception: owner/rental company advertising allowed).**
- F. As a condition of placement, cargo container sites shall be required to meet all zoning regulations listed in Title 6, Chapter 2: Nuisances, Article 4 General Provisions.
- G. Cargo containers shall meet the setback requirements of the underlying zone. **(Exception: For temporary placement in setback on construction sites with an approved Building Permit).**
- H. Cargo containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage. **(Exception: With written approval from adjacent lot owner at the time of building permit application container may be placed on adjacent property during construction).**
- I. Material stored within cargo containers are subject to review by fire chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary as authorized by Chapter 4: Administrative code – Administration, Article 17 – Fire Chief, Paragraphs 17.02(7) and (8). Failure to timely eliminate any fire hazards as recommended by the Fire Chief shall constitute a municipal infraction.

Section 5. CURRENT VIOLATIONS – TIME TO COMPLY.

All owners of property within the City shall have 120 days from the effective date of the ordinance codified in this chapter to bring the properties, which currently contain accessory storage containers that are in violation of the terms of this chapter, into full compliance with the provisions of this chapter.

Section 6. CONFLICTS.

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Orange City Municipal Code or other ordinances of the City, the terms and provisions of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Orange City Municipal Code or other ordinances of the City shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

Section 7. VIOLATIONS – PENALTIES.

Violation of this chapter shall be enforced pursuant to the procedures and penalties set forth in Title 11, Article #20 / Violation and Penalty as the same exists now or may hereafter be amended.

SECTION 2. REPEALER. All ordinance or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Orange City, Iowa this 18th day December of 2017.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

1st Reading – November 20, 2017

2nd Reading – December 4, 2017

3rd Reading – December 18, 2017

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 6, 2023 Meeting

I. Call to Order

Present: Scott Smith, Anthony (Tony) Royse, Tim Haynes, Michelle Anderson, Lisa Richard (By phone)

Absent: Rachel Lyon, Brent Littleton, Mary Jo Meier, Andy McLenon

Guest: Wayne R. Gudmonson

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the May 9, 2023 Planning Commission/Board of Zoning Appeals Meeting.

Motion:

On the motion of Scott Smith, seconded by Anthony (Tony) Royse the Commission approved the minutes of the May 9, 2023 meeting.

Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

IV. Planning Commission

- a. Public Hearing to consider a request for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.

Wayne R Gudmonson appeared for the Zion Lutheran Church who is wanting to put in a daycare. He stated that there is a pre-school but Independence needs another daycare.

Motion:

On the motion of Scott Smith, seconded by Anthony (Tony) Royse the Commission authorized a conditional use permit for "Daycare Center" at 301 South 11th Street, Zion Lutheran School, with the conditions as recommended by City Staff.

Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 6, 2023 Meeting

- b. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Kelly Passauer explained to the Commission about steel storage containers becoming popular for accessory storage uses and creating dwellings or commercial structures. She asked whether the Commission wanted to consider a text amendment regulating these structures.

Several questions were put before the board and after discussion board members directed City staff to prepare the text amendment relating to steel storage containers, both as accessory storage in commercial and industrial districts and dwellings in residential districts according to the City Codes and examples shown.

1. Do you want to regulate the location of cargo containers within the City? *Yes*
2. Do you want to differentiate cargo containers when used for storage from other accessory storage buildings? *Yes*
3. Do you want different regulations for cargo containers used for storage verses housing? *Yes, accessory storage in commercial and industrial districts and as dwellings in residential districts.*
4. Do you wish to restrict the location of cargo containers to certain zones? *Yes*

a. If so, which zones and what level of restriction: i.e. permitted, not permitted, permitted with a conditional use permit?

- i. Residential – *as housing – with a conditional use permit*
- ii. Commercial – *as storage - with a conditional use permit*
- iii. Office and Professional – *as storage - with a conditional use permit*
- iv. Industrial – *permitted as storage*
- v. Agricultural – *housing and storage - with a conditional use permit*

5. If you wish to require a conditional use permit in any of the above zones, do you want to include any additional conditions that would apply to all conditional use permits for cargo containers? For example, in St. Charles, Missouri shipping containers are allowed in residential zones with a conditional use permit which must meet the following:

- a. It complies with the building code.
- b. The structure will be completely enclosed with siding.
- c. It will have a pitched wood or metal roof.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 6, 2023 Meeting

Yes, there need to be conditions that fit with building codes, interior and exterior. Not for use as storage units in residential districts and not for use as housing in commercial and industrial districts.

Kelly Passauer suggested that the public hearing be adjourned to the July 11, 2023 meeting, 5:30 pm in order to give City staff time to write the text amendment.

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission adjourned the public hearing to consider a text amendment to Article B. -- Zoning regarding cargo shipping containers to July 11, 2023 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

- c. Consider initiating a public hearing before the Planning Commission regarding off-street parking in residential areas.**

Kelly Passauer explained that the Beautification Committee, at their last meeting, had suggested the Planning Commission review the off-street parking regulations in residential zones and consider allowing gravel parking in the rear of residences to provide an affordable option to address the issue of vehicles parking in the grass.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Scott Smith the Commission initiated a public hearing for July 11, 2023 at 5:30 pm to consider a text amendment to off-street parking in residential areas.

Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

V. Discussion

- a. A reminder of meeting date changes for July and August.**

At the January 3, 2023 meeting, the Planning Commission/Board of Zoning Appeals board moved the August 1, 2023 meeting to August 8, 2023 due to the primary election. City staff had learned this week that there will not be a primary election based on the number of candidates that filed.

The Planning Commission/Board of Zoning Appeals board decided to keep

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 6, 2023
Meeting**

the August meeting date.

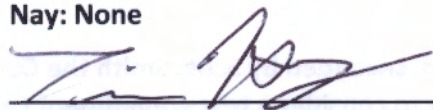
VI. Adjournment

Motion:

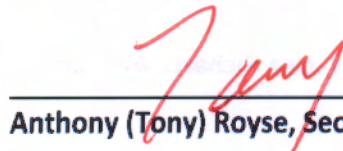
**On the motion of Tim Haynes, seconded by Scott Smith the Commission
adjourned the meeting.**

**Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse,
Scott Smith**

Nay: None



Tim Haynes, Chairperson



Anthony (Tony) Royse, Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
SEPTEMBER 5, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Public Hearing to consider a text amendment to off-street parking in residential areas.

SUMMARY RECOMMENDATION Consider the text amendment recommended by staff.

BACKGROUND From the July 11, 2023 meeting: There is not an ordinance prohibiting parking in the backyard of a residence off the alley. However, Section 705.1 states that "Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks." An exception would need to be made to the surface material used to allow gravel parking only in the rear of a residence off of an alley. The Planning Commission would also need to determine if the Planning Commission would prefer gravel driveways (if allowed) to be screened from the street view and the adjoining property. In addition, staff is working on a specification for ribbon driveways as a lower cost and more environmentally friendly solution to solid hard surface driveways that are off the street in residential areas.

From the August 8, 2023 meeting: The board agreed that gravel drives can be allowed directly off the alley and that screening is not needed. The ordinance should include specifications that the area be kept up with clean gravel and weed control. A maximum width should be established, guidelines followed in slope and a plan for keeping the gravel contained on the property. The board also agreed that a hard-surface ribbon driveway for the front of the property could be considered as a less expensive alternative to the hard-surface drive.

The recommended text amendment addresses the direction of the Planning Commission by allowing an additional exception to the design requirements in 705.1 for parking in the rear off an alley of a one- or two-family dwelling. The additional requirements for exceptions already state the areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so drained as to avoid flow of water across sidewalks. This would cover the concern about the slope and a plan to keep the gravel contained on the property. The text amendment did not address weed control, as the current nuisance ordinance requires addressing grass or weeds over 8" in height. The text amendment also did not address the maximum width as the code already states in section 705.4 that residential service drives connecting from the street to private garages, carports or parking spaces shall not exceed 24 feet unless approved by the city engineer.

In addition, another exception was added to the design requirements in 705.1 for parking in the front, side, or rear yard off a street for one- and two-family dwelling units may utilize a solid or ribbon driveway consisting of concrete, asphalt, mortar-set stone or brick, or solid or turf pavers. If turf pavers are used, they must be installed and maintained per the manufacturer's

specifications. The dimensions for a ribbon driveway are provided. The space between the ribbons is allowed to be grass, other ground cover, or gravel. I did not include allowing gravel inside the turf pavers themselves, as I was concerned that the gravel would be hard to contain since it would be in direct contact with the tires. You may have a similar concern about allowing gravel in the space between the ribbons.

POLICY EXPLANATION 1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION Staff recommends approving the text amendment as prepared by staff; or adjourning the meeting to allow staff additional time to prepare an ordinance regarding this text amendment.

SUGGESTED MOTIONS

1. I move to recommend adoption of text amendment to off-street parking in residential areas as prepared by staff. This change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change are residential zones; and such change is made necessary because of new planning concepts and social economic conditions in the areas and zoning districts affected as it offers a more eco-friendly and cost effective solution to off-street parking.
2. I move to adjourn the public hearing to October 3, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS

1. Off-Street Parking in Residential Suggested Text Amendments
2. Sample Alternative Driveways
3. 05_Ribbon_driveways_20140102
4. InFocus – Grass Pavers
5. Turf Pavers fact sheet
6. August 8, 2023 Staff Report

ARTICLE IV. - RULES AND DEFINITIONS

403.0. - Definitions.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), located on property other than a public street, enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum "off-street parking standards" contained in article VII of this ordinance. (See also Exceptions to Section 705.1 of the Code, [Open parking spaces for one- and two-family dwelling units](#), Vehicle storage lots, and M-1 and M-2 districts).

Ribbon driveway: Two parallel strips of concrete, asphalt, mortar-set stone or brick, or solid or turf pavers with an open, unpaved space in between. The strips in a ribbon driveway must be at least two feet wide and located so they are separated five feet on center. The space between the ribbons may be planted with grass or another ground cover, or filled with landscaping rocks or gravel. Ribbon designs are best suited to shorter, straight driveways, and can become impractical where driveways are long or curved.

Turf pavers: Also known as turf stone, turf block, grass block or grow-through pavers are made of concrete or recycled plastic with open cells that allow grass to grow through them. They're a porous, eco-friendly option for driveways and parking areas for one- and two-family dwelling units, and must be installed and maintained per the manufacturer's specifications.

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

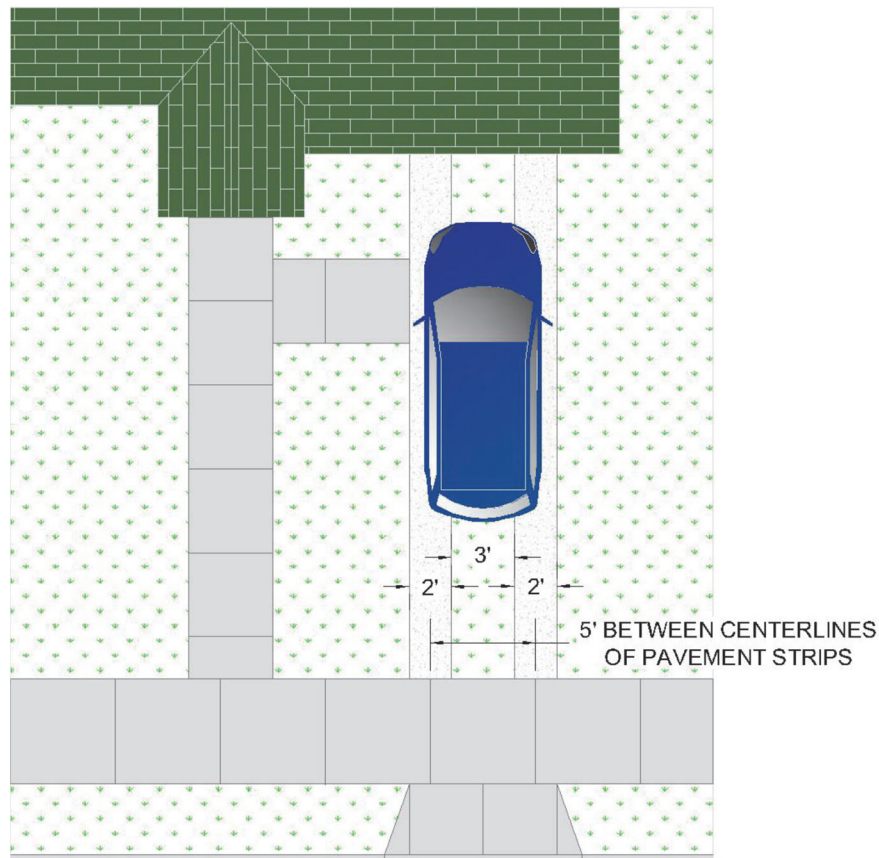
705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Exceptions:

Open parking spaces in the rear yard off an alley for one- and two-family dwelling units.

As an alternative to the surface material requirements in 705.1, open parking spaces in the front, side, or rear yard off a street for one- and two-family dwelling units may utilize a solid or ribbon driveway consisting of concrete, asphalt, mortar-set stone or brick, or solid or turf pavers. If using turf pavers, they must be installed and maintained per the manufacturer's specifications. If installing a ribbon driveway, the strips must be at least two feet wide and located so they are separated five feet on center (see schematic below). The space between the ribbons may be planted with grass or another ground cover, or filled with landscaping rocks or gravel.



Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

In M-1 and M-2 districts other material may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for non-ADA off-street parking spaces for new parking areas and expansion of non-hard surfaced parking areas that are grandfathered in. If a business currently has a hard-surfaced parking lot, and needs to expand that parking area, they can expand it using a non-hard surfaced parking material for up to 2 years, at which time they will need to hard surface the expanded parking area [meeting the surface material requirements of 705.1] or remove the expanded parking area.

The exceptions only apply to new or expanded parking areas and do not allow for the removal and replacement of existing concrete, asphalt concrete, or asphalt double-sealed surfaces with other material.

The exceptions shall meet the following requirements:

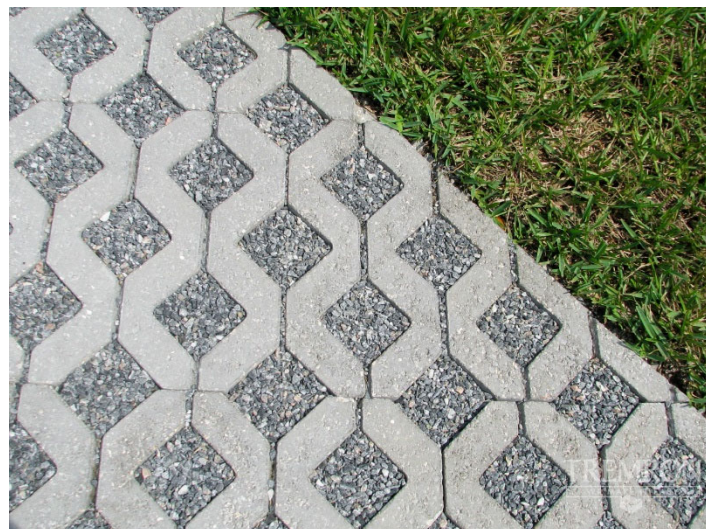
Non-ADA off-street parking areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so drained as to avoid flow of water across sidewalks.

ADA compliant parking and accessible paths to an entrance to the facility served by off-street parking shall be hard-surfaced.

Sample Alternative Driveways:



Turf pavers filled with gravel (Not included in text amendment as an alternative due to the concern that gravel would not be contained in such a manner as to not allow surface material to wash off during heavy rains.):



Stormwater Friendly Driveways: Ribbon Driveways

Ribbon or “Hollywood” driveways became popular in the 1920s and consist of two parallel strips of concrete, mortar-set stone or brick, or solid or turf pavers with an open, unpaved space in between. The strips in a ribbon driveway should be at least two feet wide and located so they are separated five feet on center (see schematic on the following page). The space between the ribbons may be planted with grass or another ground cover, or filled with landscaping rocks or gravel. Ribbon designs are best suited to shorter, straight driveways, and can become impractical where driveways are long or curved.

LOWER COST: Ribbon driveways require far less material and installation time than fully paved driveways. Ribbon driveways can be contoured and designed to fit most any space.

CURB APPEAL: Ribbon driveways provide great opportunities for landscaping, with many design and pattern options. Ribbon driveways can be combined with porous pavement, permeable pavers, bricks, or turf pavers. Ribbon driveways can be incorporated into historical restoration or used to add quaint charm and character to your home.

WATER QUALITY: Ribbon driveways typically contain 60-70% less impervious surface than a full width driveway, allowing more water to drain into the ground below and reducing runoff.

DURABILITY: Ribbon driveways are able to respond more dynamically to frost and thaw cycles than fully paved driveways and are less prone to cracking. If needed, replacement of ribbon driveways is easier, quicker, and less costly.

CONSIDERATIONS: Ensure that the ground doesn’t become compacted when tires miss the strips—consider placing small markers to avoid driving off the paved areas. The center open ribbon may need annual maintenance to top off gravel, or keep vegetation healthy after each winter snowplowing season. If ground cover or grass is selected for the open ribbon, parked vehicles must be moved periodically so that a single location is not continuously shaded. Snow-blowers work well with ribbon driveways.

As of December 2013, ribbon driveways are the only layout that receives coverage credit under the zoning regulations, as only the paved strip portion (beyond the required 38 feet of parking space) is counted in calculating lot coverage.

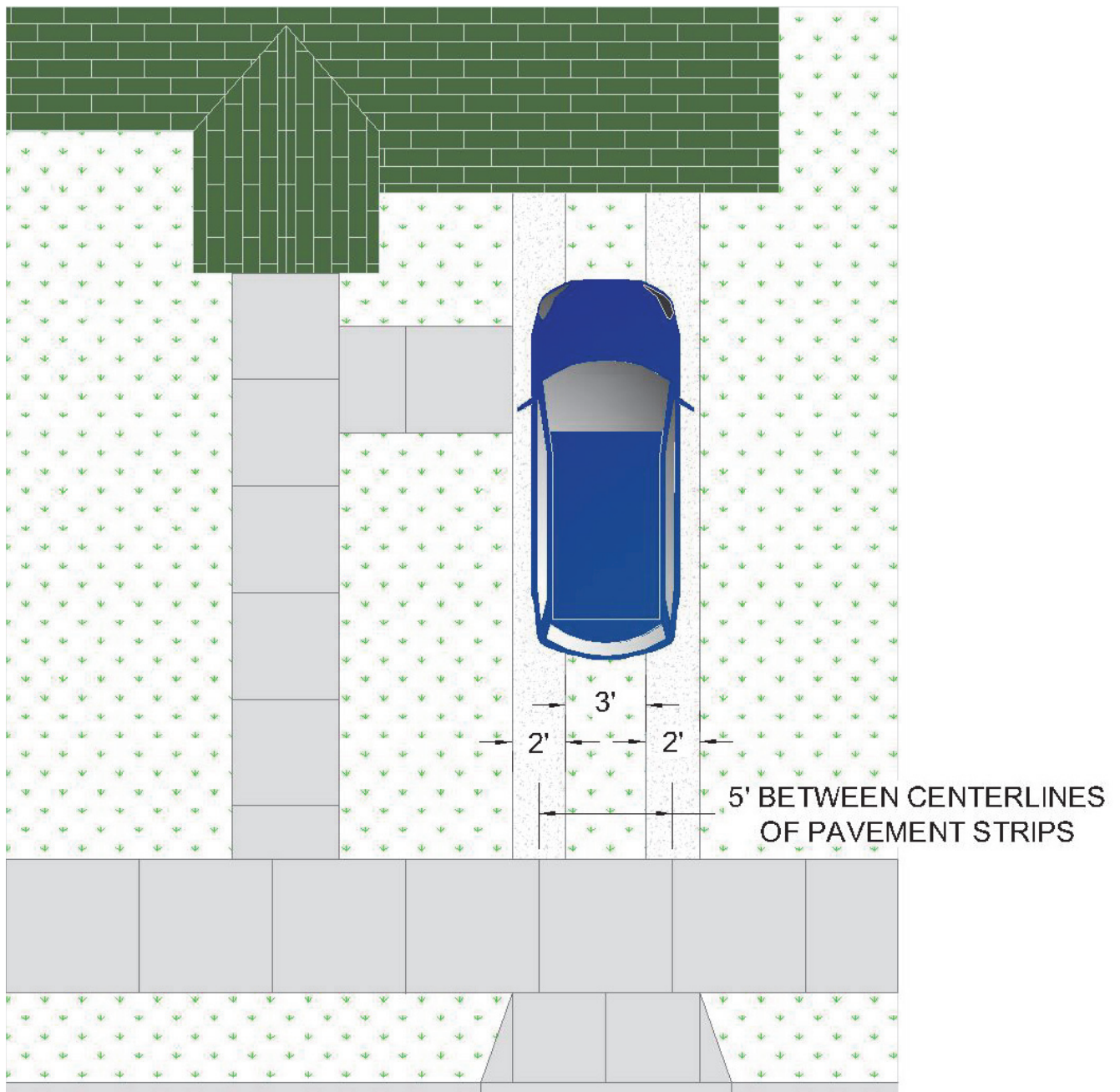


A concrete ribbon driveway in Burlington.



A concrete paver ribbon driveway in Burlington.

Ribbon Driveways: Schematic Drawing (not to scale)



NOTES:

- (1) Refer to the companion Local Vendors List for locally available products.

The typical cross sections provided herein are conceptual only and are not intended for use as construction documents. Refer to manufacturer for installation and maintenance requirements for all products. Modifications to the typical sections may be necessary based upon soil conditions and site suitability. Contact a qualified professional to verify suitability for each application.

What Are Grass Pavers?



Grass or block pavers, or grow-through pavers—are an alternative to traditional asphalt that can be made from concrete or recycled plastic. The open cells in the paver system allow grass to grow through them making them eco-friendly. Applications include driveways, walkways, crossovers on medians, boat launching ramps, fire lanes, and even RV and boat parking lots.

Creative Grass Paver Driveway

The example shown is the center strip of a fully functioning ribbon driveway which showcases a variety of succulents and thymes. Although a portion of the garden is necessarily hidden when the car is in residence and occasionally a flower will get decapitated when an auto pulls in, this complex assemblage of succulents provides a startling pop of beauty in a totally unexpected place!

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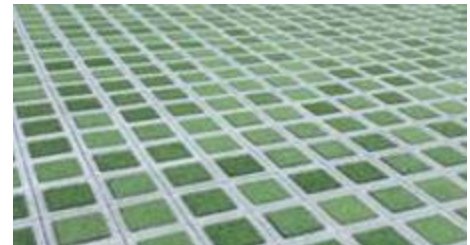
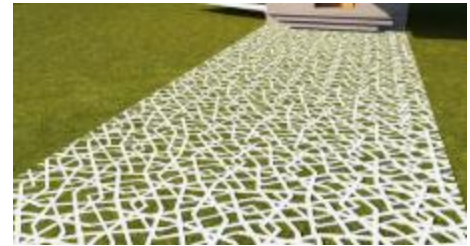
What Are The Benefits?

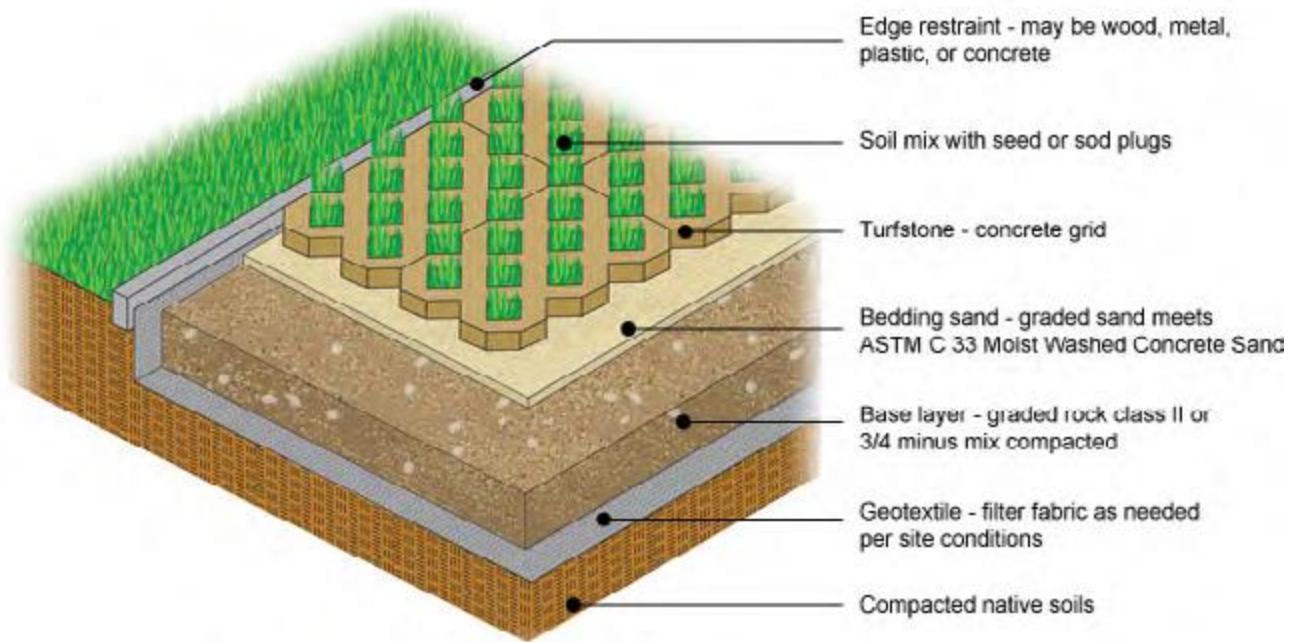
- Paver systems help to reduce stormwater runoff and filter out pollutants. Stormwater runoff on a regular pavement can pick up oil and other road pollutants and washes the toxic mess into rivers, bays, and streams.
- Pavers also absorb water, reducing or slowing down the water that races over the pavement in a rainstorm, preventing erosion.
- Grass pavers recharge groundwater. Those spots of grass allow rain to soak into the ground, putting it back into aquifers.
- Through the magic of transpiration, porous pavers will keep the air around your driveway cooler!

Many Shapes and Styles

Be creative. Paver designs come in many shapes and sizes. You can even create your own design.

How to Install





Journal of Civil & Environmental Engineering

- #1 Stake out the area for your paver system. Make a phone call to 811. Often time homeowners make risky assumptions about whether or not they should get their utility lines marked, but every digging job requires a call – even “small” projects like a paver project.
- #2 Clear the area of grass or other material and dig at least 6 inches or the height of the paver system. Make certain you allow at 2 inches or more for stone. This provides good drainage.
- #3 Level and compact the area. This can be accomplished with any of the remaining soil that was removed.
- #4 After the area is leveled add a layer of filter fabric and a 2” layer of pea gravel for drainage.
- #5 Install the grass paver system or any pattern design.
- #6 Plant grass, thyme or other low plant material. Sod plugs work best if available.

Turf Pavers

PURPOSE: Turf pavers used in place of traditional impervious paving materials reduce the total amount of impervious surface area, promote infiltration of runoff into the ground, and can aid with reducing peak runoff velocity and volume.

Turf pavers are an innovative alternative to conventional impervious paving, which contributes a significant amount of runoff to storm sewers and waterways, especially in urban areas. This type of paver is a matrix of polymer, concrete or cement blocks designed to form a void space that is filled with grass, sand, or gravel, which allows runoff to infiltrate into the soil. The material used for the paver itself is resistant to weathering and the effects of prolonged sunlight.

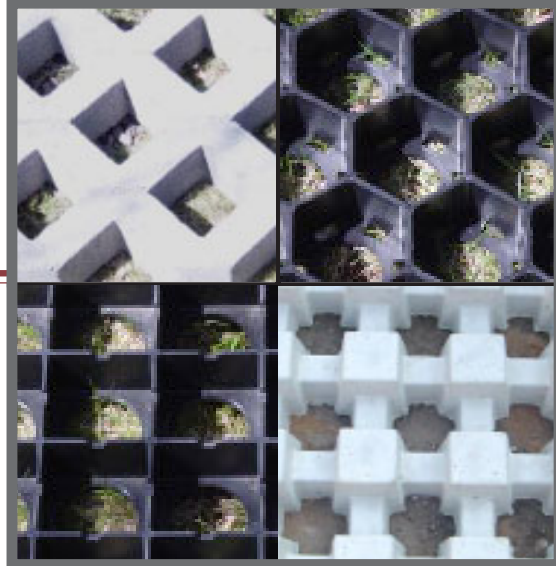
Turf pavers are well-suited for areas that receive pedestrian and light vehicular traffic, such as walkways, bike paths, overflow parking lots, fire lanes and golf cart paths. The paver grid provides extra support to prevent vegetated areas from being destroyed by tires.

Installation of pavers begins with a level base of existing soil. A layer of crushed gravel may be spread over the soil base to provide a reservoir for holding runoff prior to infiltration. Incorporating a gravel base will add the benefits of reducing peak runoff velocity and volume. Next, a layer of sand or sand/gravel mix is placed and compacted to the required depth. The pavers are laid in place, then filled with another layer of compacted concrete sand or sand/soil mix to the depth called for in the paver manufacturer's specifications. Finally, a cover of turf or grass seed is spread on top of the paver cells. *Manufacturer's specifications should be followed as to the materials used for the base and surface.*

NOTE: Sand-filled openings provide greater infiltration rates than grass openings. Some turf pavers are designed for use on sloped areas; consult the product specifications to determine the type of paver suitable for sloped site conditions.

General Design Considerations

- Use in areas with soil permeability between 0.5 and 3.0 inches per hour
- Existing soil and/or stone reservoir base must be graded flat
- Install at least two to five feet above seasonal high groundwater table to prevent contamination of groundwater
- Location should be at least 100 feet from drinking water wells to avoid contamination
- Thickness of gravel base may vary according to designated use of area (ex. a thicker base may be required to sustain weight of fire trucks)
- Design should include overflow drainage to remove excess stormwater
- Gravel used in sand/gravel mix should be no larger than 3/4 inch in diameter
- Follow manufacturer's specifications for depth of sand underneath pavers
- Pavers should be swept clean of fill prior to adding grass seed or turf
- Remove any invasive vegetation, including small tree seedlings, from paver grids
- Maintenance includes regular mowing
- Use snow plows, sand and salt with caution during snow removal
- Installation in areas of high traffic or heavy contamination not recommended (ex. service stations)



Benefits and Uses

- Reduces total amount of impervious cover
- Enhances aesthetics of local landscape
- Recharges groundwater supply
- Reduces peak velocity and volume of stormwater runoff delivered to storm sewer system
- Alleviates flooding and erosion downstream
- Prevents soil compaction by vehicle weight and promotes healthy root growth
- Applicable to all types of sites

Additional Resources

PA Department of Environmental Protection

- www.dep.state.pa.us

- Pennsylvania Stormwater Best Management Practices Manual

US Environmental Protection Agency

www.epa.gov

Cahill Associates

www.thcahill.com - click on "Technologies" for project examples and general information

Low Impact Development Center

www.lid-stormwater.net - click on Site Map and select Permeable Paving

Metropolitan Council Environmental Services

www.metrocouncil.org - click on "Environmental Services" to find the link to the *Urban Small Sites BMP Manual*

Stormwater Manager's Resource Center

www.stormwatercenter.net



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
AUGUST 8, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Public Hearing to consider a text amendment to off-street parking in residential areas.

SUMMARY RECOMMENDATION Adjourn the hearing.

BACKGROUND There is not an ordinance prohibiting parking in the backyard of a residence off the alley. However, Section 705.1 states that "Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks." An exception would need to be made to the surface material used to allow gravel parking only in the rear of a residence off of an alley. The Planning Commission would also need to determine if the Planning Commission would prefer gravel driveways (if allowed) to be screened from the street view and the adjoining property. In addition, staff is working on a specification for ribbon driveways as a lower cost and more environmentally friendly solution to solid hard surface driveways that are off the street in residential areas.

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

704.0. - General provisions.

704.1. Determination of required number of spaces:

- a. *Fractional spaces:* When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
- b. *Floor area:* Floor area, when used as a measurement for determining the number of parking spaces for office, merchandising or service uses, shall mean the gross floor area used or intended to be used for service to the public as patrons or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, processing or packaging of merchandise, show windows, or restrooms or utilities, dressing, fitting or alteration rooms.
- c. *Beds:* Bassinets shall not be counted as beds in determining the number of parking spaces based upon the number of beds.
- d. *Places of assembly:* In stadiums, sports areas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for determining the number of off-street parking spaces required.
- e. *Mixed uses:* When a building or development contains mixed uses, the off-street parking requirement shall be calculated for each individual use and the total parking requirement shall be the sum of the individual parking requirements.
- f. *Employees:* Employees, when used as a measurement for determining the number of parking spaces for a new or established expanding business, shall be estimated in a manner approved by the governing body.
- g. *Unlisted uses:* Requirements for types of buildings and uses not specifically listed herein

shall be determined by the governing body, after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.

704.2. Parking for multiple uses: In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

704.3. Joint parking: Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the zoning administrator, in the form of deeds, leases, or contracts, to establish the joint use.

704.4. Use of required parking spaces: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.

704.5. Location of parking and loading spaces:

a. Off-street parking spaces for dwellings shall be located on the same lot or lots with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building they are required to serve, measured in a straight line from the building's nearest point to the nearest point of the off-street parking area. Provided, any off-street parking spaces not located on the same lot, as permitted by this ordinance, must be located in the same zone as required for the building or facility it serves.

b. Unless otherwise provided, required parking and loading spaces shall be located in a required front yard, but may be located within a required side or rear yard provided that a four-foot setback be maintained from any property line under separate ownership. (See 705.2, Screening and Buffer Required.)

Exceptions: Parking in conventional residential driveways connecting from the street to private garages or carports may be permitted. Also, short-term parking may be permitted on loop driveway located in the front yard of any public school.

Parking in conventional residential areas shall not be permitted on unimproved areas of the front yard, and will only be permitted when meeting the requirements of this ordinance.

c. Parking space provided in an enclosure or semienclosed structure shall not project beyond any required building line, except as provided in section 602.6, "Accessory Buildings."

704.6. Plan required: A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- a. Delineation of individual parking and loading spaces by adequate striping.
- b. Circulation area necessary to serve spaces.
- c. Access to streets and property to be served.
- d. Curb cuts.
- e. Dimensions, continuity, and substance of required screening.
- f. Grading, drainage, surfacing, and subgrading details.
- g. Delineation of obstacles to parking and circulation in finished parking area.
- h. Specification as to signs and bumper guards.
- i. Other pertinent details.

704.7. Completion time for parking lots: Required parking spaces shall be improved as required, and made available for use before the final inspection is completed by the building inspector.

705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all

weather use, and so drained as to avoid flow of water across sidewalks.

Exception: Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

705.2. Screening and buffer setback required:

a. Except for parking to serve one- or two-family residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required.

b. No off-street parking will be permitted within less than four feet of a property line under separate ownership.

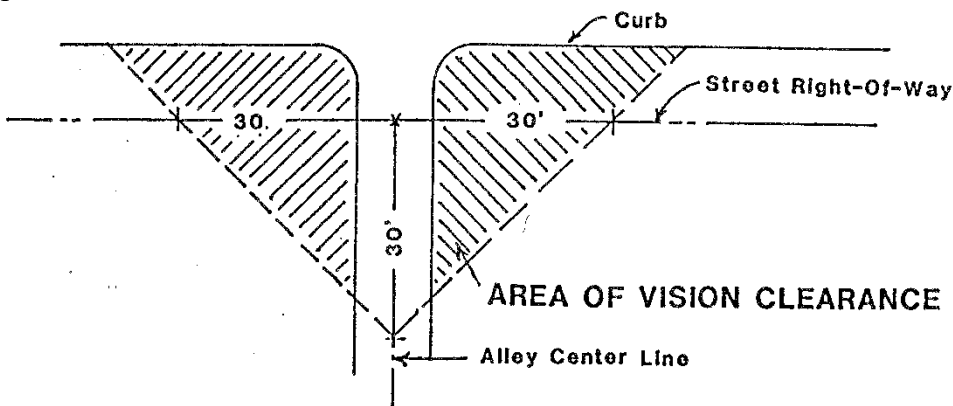
705.3. Lighting: Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.

705.4. Service drives:

a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width, nor less than 25 feet for two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.

Exception: Residential service drives connecting from the street to private garages, carports or parking spaces [shall not exceed 24 feet unless approved by the city engineer].

b. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.



c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.

705.5. Minimum parking space dimensions:

a. If 90-degree parking space,

stall depth—19' 0"

stall width—9' 0"

aisle width—25' 0"

b. If 60-degree parking space,

stall depth—19' 0"

stall width—9' 0"

aisle width—18' 6"

c. If 45-degree parking space,

stall depth—19' 6"

stall width—9' 0"

aisle width—13' 6"

d. If 30-degree parking space,

stall depth—19' 0"

stall width—9' 0"

aisle width—11' 0"

e. If parallel parking space,

stall depth—8' 0"

curb length—23' 0"

aisle width—12' 0", or if adjacent to angle parking, use largest width

705.6. Striping required: Open parking spaces for dwellings (containing three or more dwelling units) shall be delineated by pavement striping and must meet minimal parking stall sizes as described above in section 705.5.

(Ord. No. 4147, § 3, 5-23-13)

POLICY EXPLANATION 1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION The City has not had the opportunity to put together the text amendment concerning off-street parking in residential areas. Staff recommends adjourning the public hearing to September 5, 2023 at 5:30 pm.

SUGGESTED MOTION I move to adjourn the public hearing to consider a text amendment to Article B. -- Zoning regarding off-street parking in residential areas to September 5, 2023 at 5:30 pm.

SUPPORTING DOCUMENTS

1. 4430 - Text Amendments to Off Street Parking Requirements
2. Draft Sample Specification of a Ribbon Driveway
3. 06062023 - Off Street Parking



State of Kansas, Montgomery County
This instrument was filed for
Record on March 2, 2023 10:50 AM
Recorded in Book 723 Page 1258- 1261
Fee: \$0.00 202300662



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4430

An Ordinance Implementing Text Amendments to the Zoning Code Relating to Off Street Parking Requirements

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following portions of Article IV and Article VII of the Zoning Code are amended to read as set out hereafter. All remaining portions of Article IV and Article VII shall remain as currently stated.

ARTICLE IV. - RULES AND DEFINITIONS

403.0. - Definitions.

ADA: The Americans with Disabilities Act of 1990 and any subsequent revisions and updates as administered by the United States Department of Justice.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), located on property other than a public street, enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum "off-street parking standards" contained in article VII of this ordinance. (See also Exceptions to Section 705.1 of the Code, *Vehicle storage lots, and M-1 and M-2 districts*).

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-

sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Exceptions:

Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

In M-1 and M-2 districts other material may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for non-ADA off-street parking spaces for new parking areas and expansion of non-hard surfaced parking areas that are grandfathered in. If a business currently has a hard-surfaced parking lot, and needs to expand that parking area, they can expand it using a non-hard surfaced parking material for up to 2 years, at which time they will need to hard surface the expanded parking area [meeting the surface material requirements of 705.1] or remove the expanded parking area.

The exceptions only apply to new or expanded parking areas and do not allow for the removal and replacement of existing concrete, asphalt concrete, or asphalt double-sealed surfaces with other material.

The exceptions shall meet the following requirements:

Non-ADA off-street parking areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so drained as to avoid flow of water across sidewalks.

ADA compliant parking and accessible paths to an entrance to the facility served by off-street parking shall be hard-surfaced.

705.5. Minimum parking space dimensions:

f. If 90-degree ADA car accessible space,
stall depth-19' 0"
stall width -9' 0" with 5' 0" access aisle
aisle width-25' 0"

g. If 90-degree ADA van accessible parking space,

stall depth-19' 0"
stall width-11' 0" with 5' 0" access aisle
Vertical clearance - 8' 2"
aisle width-25' 0"

705.6. Striping required: Parking spaces for dwellings shall be delineated by pavement striping and must meet minimal parking stall sizes as described above in section 705.5.

Exceptions:

Open parking spaces for one- and two-family dwelling units.

Parking lots meeting an exception in 705.1, except for markings and identifying signage for any required ADA accessible stalls.

705.7. ADA Accessibility:

a. All off-street parking lots or garages shall meet the minimum number of accessible parking spaces as required by the ADA.

b. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance.

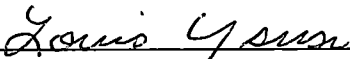
c. Accessible parking spaces shall have markings and identifying signage as required by the ADA.

Exception: Open parking spaces for one- and two-family dwelling units.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 23rd day of February, 2023.

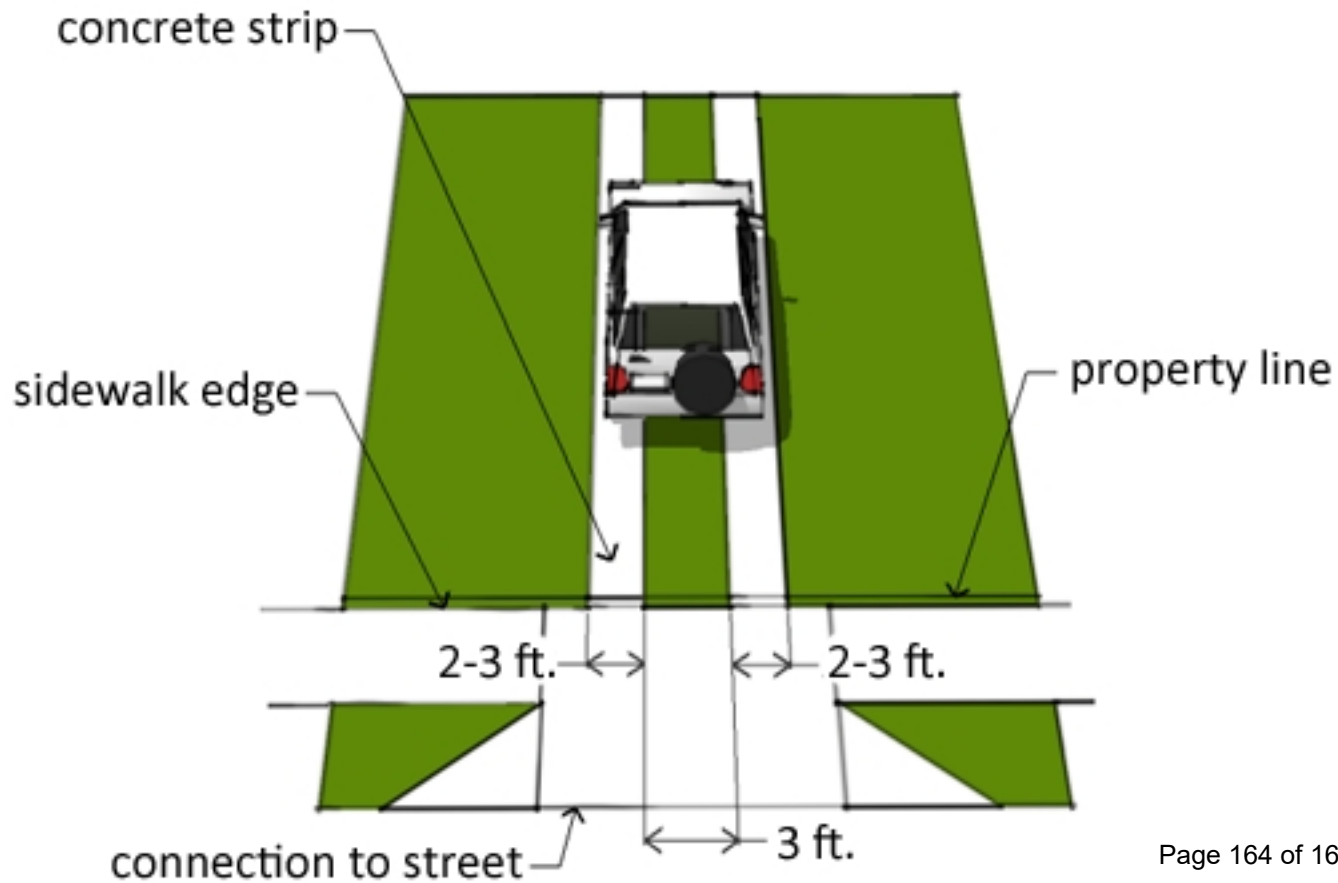



LOUIS YSUSI, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "David W. Schwenker", written over a horizontal line.

DAVID W. SCHWENKER, City Clerk





**REQUEST FOR PLANNING COMMISSION ACTION
INITIATE PUBLIC HEARING.
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Consider initiating a public hearing before the Planning Commission regarding off-street parking in residential areas.

SUMMARY RECOMMENDATION Initiate a public hearing before the Planning Commission regarding a text amendment regarding off-street parking in residential areas.

BACKGROUND On May 22, 2023 the Beautification Committee suggested that the Planning Commission review the current off-street parking regulations in residential zones. For the Planning Commission to hold a public hearing, it must be initiated by either the City Commission or the Planning Commission.

The Beautification Committee would like the Planning Commission to consider allowing gravel parking in the rear of residences. This is in response to providing an affordable option to address the issue of vehicles parking in the grass.

SUGGESTED MOTION: I move to initiate a public hearing for July 11, 2023 at 5:30 PM to consider a text amendment to off-street parking in residential areas.

SUPPORTING DOCUMENTS