

INDEPENDENCE CITY COMMISSION

SPECIAL SESSION AGENDA

September 20, 2023

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 995 148 903#

The Agenda shall be as follows:

- I. SPECIAL SESSION
 - A. Call to Order
- II. PUBLIC HEARING
 - A. Revenue Neutral Rate Hearing
 - B. Budget Hearing
- III. ITEMS FOR COMMISSION ACTION
 - A. Consider approval of Internal Revenue Bonds for Trident Partnership LLC.
 - B. Consider a lease agreement with VSE.
 - C. Consider authorizing a USDA Grant for public safety equipment.
 - D. Consider awarding a Downtown Independence Building Grant for improvements to 212 N. Penn Ave.
 - E. Consider adopting an ordinance for a text amendment to the zoning code relating to Conex Containers.
- IV. ADJOURNMENT



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Revenue Neutral Rate Hearing

SUMMARY RECOMMENDATION Pass a Resolution to exceed the Revenue Neutral Rate.

BACKGROUND KSA 79-2988 - Revenue Neutral Rate

In March 2021, the Kansas Legislature passed Senate Bill (SB) 13 to establish limitations on ad valorem property tax levies by taxing subdivisions without an additional notice and hearing prior to budget adoption. Subsequently, Senate Substitute for House Bill 2104 was passed to amend the timelines in SB 13. SB 13 is retroactively effective January 1, 2021.

The bill repeals the tax lid law and computed tax limits imposed by KSA 79-2925b and KSA 79-2925c. Alternatively, the bill introduces the use of a “revenue neutral rate”(RNR), defined as the amount of ad valorem tax revenue levied in the prior year over the current year's assessed valuation estimates, expressed as a mill. County clerks are responsible for computing and providing the estimated rates for taxing subdivisions with the budget information estimates by June 15th.

Valuations for properties participating in incentive and/or abatement programs such as Neighborhood Revitalization Districts and Industrial Revenue bonds are still included in the RNR calculation although they will not be realized by the taxing entity, therefore artificially lowering the stated RNR.

Taxing subdivisions cannot levy above the RNR without holding a Revenue Neutral Rate Hearing for taxpayers to attend and provide feedback. At the end of the RNR hearing, the governing body of the taxing subdivision will publicly vote to pass a resolution to exceed the RNR for the upcoming budget year.

If the taxing subdivision adopts a budget that does not exceed the RNR, the subdivision should contact the county clerk to prepare for valuation decreases from the June 15th property valuation estimates to the November 1st property valuations certified by the county clerk. If property valuations decrease from June 15th to November 1st, the taxing subdivision would realize fewer dollars than budgeted.

The City's Revenue Neutral Rate for 2024, as calculated by the County Clerk, is 44.535.

FINANCIAL INFORMATION The City intends to assess a rate of 54.515 mills (same as the prior year), which exceeds the stated revenue neutral rate of 44.535.

SUGGESTED MOTION I move to adopt Resolution No. 2023-040 authorizing the City to

levy a property tax exceeding the Revenue Neutral Rate.

SUPPORTING DOCUMENTS

1. Resolution 2023-040 Exceeding the RNR
2. 2024 RNR Hearing_Roll Call Vote
3. Notice of Combined RNR Hearing and Budget Hearing_9.20.23

A RESOLUTION OF THE CITY OF INDEPENDENCE, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;

WHEREAS, the Revenue Neutral Rate for the City of Independence was calculated as 44.535 mills by the Montgomery County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the City of Independence will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on September 20, 2023 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the City of Independence, having heard testimony, finds it necessary to exceed the Revenue Neutral Rate.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE;

The City of Independence shall levy a property tax rate exceeding the Revenue Neutral Rate of 44.535 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED this 20 day of September 2023 and **SIGNED** by the Mayor.

Louis Ysusi, Mayor

Attested:

David Schwenker, City Clerk

Roll Call Vote

A Roll Call Vote of the City of Independence To Levy a Property Tax Exceeding the Revenue Neutral Rate
Hearing to Exceed Revenue Neutral Rate held on September 20, 2023.

Resolution No. 2023-040

Governing Body Member	Yes	No	No Vote
Louis Ysusi			
Dean Hayse			
Tim Emert			
TOTAL			

Certified:

2024

NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARINGThe governing body of
City of Independence

will meet on September 20, 2023 at 5:30 pm at Memorial Hall and Civic Center, 410 N. Penn Ave for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds, the amount of ad valorem tax, and the Revenue Neutral Rate. Detailed budget information is available at <http://www.independenceks.gov/165/Finance-Records> and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2024 Expenditures and Amount of 2023 Ad Valorem Tax establish the maximum limits of the 2024 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2022		Current Year Estimate for 2023		Proposed Budget for 2024		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	Proposed Estimated Tax Rate*
General	9,045,546	34.980	9,098,756	34.673	9,375,662	2,198,938	35.047
Debt Service	15,825,645		12,370,257		1,793,066		
Library	217,946	4.006	239,989	3.992	239,144	212,377	3.385
Industrial	27,500	0.551	27,500	0.499	27,500	22,559	0.360
General Fund Employee Bene	891,689	13.540	922,341	14.154	1,036,040	986,500	15.723
Liability Insurance	78,985	1.552	89,736	1.197	100,000		
Special Highway			466,194		465,630		
Eco Dev & Transportation	399,999		600,000		750,000		
Special Alcohol	30,000		30,000		30,000		
Education Sales Tax	2,718,788		2,342,281		2,400,000		
Special Use Sales Tax (Old)	3,111,868		538,689				
Special Park & Recreation	22,000		34,000		134,000		
Fight Addiction Fund					41,116		
Special Use Sales Tax (New)			2,250,000		2,400,000		
Airport	1,067,163		955,347		879,806		
Water & Sewer	5,635,425		7,003,208		6,904,974		
Sanitation	1,358,362		1,390,282		1,581,952		
Totals	40,430,916	54.629	38,358,580	54.515	28,158,890	3,420,374	54.515
Revenue Neutral Rate**							44.535
Less: Transfers	20,622,675		18,770,833		6,476,821		
Net Expenditure	19,808,241		19,587,747		21,682,069		
Total Tax Levied	2,794,272		2,794,272		xxxxxxxxxxxxxxxxxxxx		
Assessed							
Valuation	47,593,555		51,256,662		62,741,889		
Outstanding Indebtedness,							
January 1,	2021		2022		2023		
G.O. Bonds	5,310,000		4,400,000		17,115,000		
Revenue Bonds	18,455,000		24,955,000		26,155,000		
Other	3,469,540		3,396,076		3,323,366		
Lease Purchase Principal	786,612		487,746		669,755		
Total	28,021,152		33,238,822		47,263,121		

*Tax rates are expressed in mills

** Revenue Neutral Rate as defined by KSA 79-2988

Lacey Lies

Official Title: Finance Director

Page No.



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Budget Hearing

SUMMARY RECOMMENDATION Adopt the 2024 budget as presented.

BACKGROUND Details of the 2024 Budget, historical information, and a breakdown of departmental costs and projects can be found online at www.independenceks.gov using our online budget platform.

2024 Budget Highlights include:

Mill Rate

The proposed budget requests a **mill rate of 54.515 mills, or no increase from the 2023 rate.** This generates **\$3,420,374 of ad valorem property taxes** for use in the City's General Fund, General Fund Employee Benefit Fund, Liability Fund, Library, and Industrial Fund. In 2023, the average second class city taxed its property holders at a rate of 53.273 mills and the median rate was 54.408 mills. In 2023, at 54.515 mills, Independence ranked 52 out of 107 communities. The City's proposed mill rate in 2024 is the same actual rate as 2023.

Staffing Changes

Within the 2024 budget, a number of staffing changes will occur.

- One crew member will join the Park Department to focus on maintenance and horticulture.
- One part-time Evidence Clerk will join the Police Department.
- Two positions from the Finance Department will be reclassified to Water & Sewer
- One 2023 budgeted but unfilled Administrative position will be eliminated in the Water/Sewer Admin Department.
- One 2023 budgeted but unfilled Wastewater Plant Operator position will be eliminated in the Wastewater Treatment Department.

FINANCIAL INFORMATION This budget assesses a rate of 54.515 mills for the City of Independence for the 2024 fiscal year. This levies \$3,420,374 dollars for use as follows:

Fund	Amount of 2023 Ad Valorem Tax	Proposed Estimated Tax Rate
General Fund	\$2,198,938	35.047
Library	\$212,377	3.385
Industrial	\$22,559	.0360
General Fund Employee Benefit Fund	\$986,500	15.723
Total	\$3,420,374	54.515

SUGGESTED MOTION I move to adopt the 2024 Budget as presented.

SUPPORTING DOCUMENTS

1. Notice of Combined RNR Hearing and Budget Hearing_9.20.23
2. 2024 Budget Certification
3. 2024 State Budget Workbook

2024

NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARINGThe governing body of
City of Independence

will meet on September 20, 2023 at 5:30 pm at Memorial Hall and Civic Center, 410 N. Penn Ave for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds, the amount of ad valorem tax, and the Revenue Neutral Rate. Detailed budget information is available at <http://www.independenceks.gov/165/Finance-Records> and will be available at this hearing.

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Industrial	27,500	0.551	27,500	0.499	27,500	22,559	0.360
General Fund Employee Bene	891,689	13.540	922,341	14.154	1,036,040	986,500	15.723
Liability Insurance	78,985	1.552	89,736	1.197	100,000		
Special Highway			466,194		465,630		
Eco Dev & Transportation	399,999		600,000		750,000		
Special Alcohol	30,000		30,000		30,000		
Education Sales Tax	2,718,788		2,342,281		2,400,000		
Special Use Sales Tax (Old)	3,111,868		538,689				
Special Park & Recreation	22,000		34,000		134,000		
Fight Addiction Fund					41,116		
Special Use Sales Tax (New)			2,250,000		2,400,000		
Airport	1,067,163		955,347		879,806		
Water & Sewer	5,635,425		7,003,208		6,904,974		
Sanitation	1,358,362		1,390,282		1,581,952		
Totals	40,430,916	54.629	38,358,580	54.515	28,158,890	3,420,374	54.515
Revenue Neutral Rate**							44.535
Less: Transfers	20,622,675		18,770,833		6,476,821		
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Total	28,021,152		33,238,822		47,263,121		

*Tax rates are expressed in mills

** Revenue Neutral Rate as defined by KSA 79-2988

Lacey Lies

Official Title: Finance Director

Page No.

CERTIFICATE
To the Clerk of Montgomery County, State of Kansas
We, the undersigned, officers of
City of Independence

certify that: (1) the hearing mentioned in the attached publication was held;
(2) after the Budget Hearing this budget was duly approved and adopted as the
maximum expenditures for the various funds for the year 2024; and
(3) the Amount(s) of 2023 Ad Valorem Tax are within statutory limitations.

			2024 Adopted Budget		
			Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	Final Tax Rate (County Clerk's Use Only)
Table of Contents:					
Allocation of MVT, RVT, and 16/20M Vehicle Tax		Page No. 2			
Schedule of Transfers		3			
Statement of Indebtedness		4			
Statement of Lease-Purchases		5			
Computation to Determine State Library Grant		7			
Fund	K.S.A.				
General	12-101a	7	9,375,662	2,198,938	
Debt Service	10-113	8	1,793,066		
Library	12-1220	8	239,144	212,377	
Industrial	12-1617h	9	27,500	22,559	
General Fund Employee Benefits	12-16,102	9	1,036,040	986,500	
Liability Insurance	75-6110	10	100,000		
Special Highway		11	465,630		
Eco Dev & Transportation		11	750,000		
Special Alcohol		12	30,000		
Education Sales Tax		12	2,400,000		
Special Use Sales Tax (Old)		13			
Special Park & Recreation		13	134,000		
Fight Addiction Fund		14	41,116		
Special Use Sales Tax (New)		14	2,400,000		
Airport		15	879,806		
Water & Sewer		16	6,904,974		
Sanitation		17	1,581,952		
Totals		xxxxxx	28,158,890	3,420,374	
Budget Hearing Notice					County Clerk's Use Only
Combined Rate and Budget Hearing Notice		18			
RNR Hearing Notice					
Neighborhood Revitalization		19			Nov 1, 2023 Total Assessed Valuation

Revenue Neutral Rate 44.535

Assisted by:
Lacey Lies
Finance Director
Address:
120 N. 6th St.
Independence, KS 67301
Email:
lacey1@independencets.gov

Attest: September 20, 2023

County Clerk

Governing Body

CPA Summary

2024

CERTIFICATE

To the Clerk of Montgomery County, State of Kansas

We, the undersigned, officers of

City of Independence

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General Fund Employee Benefits	12-16,102	9	1,036,040	986,500	
Liability Insurance	75-6110	10	100,000		
Special Highway		11	465,630		
Eco Dev & Transportation		11	750,000		
Special Alcohol		12	30,000		
Education Sales Tax		12	2,400,000		
Special Use Sales Tax (Old)		13			
Special Park & Recreation		13	134,000		
Fight Addiction Fund		14	41,116		
Special Use Sales Tax (New)		14	2,400,000		
Airport		15	879,806		
Water & Sewer		16	6,904,974		
Sanitation		17	1,581,952		
Totals		XXXXXX	28,158,890	3,420,374	
Budget Hearing Notice			County Clerk's Use Only		
Combined Rate and Budget Hearing Notice	18				
RNR Hearing Notice					
Neighborhood Revitalization	19				
			Nov 1, 2023 Total Assessed Valuation		

Revenue Neutral Rate **44.535**

Assisted by:

Lacey Lies

Finance Director

Address:

120 N. 6th St.

Independence, KS 67301

Email:

laceyl@independencets.gov

Attest: September 20,

2023

County Clerk

Governing Body

CPA Summary

City of Independence

2024

Allocation of MV, RV, 16/20M, Commercial Vehicle, and Watercraft Tax Estimates

Budgeted Funds for 2023	Ad Valorem Levy Tax Year 2022	Allocation for Year 2024				
		MVT	RVT	16/20M Veh	Comm Veh	Watercraft
General	1,777,244	216,621	2,060	845	7,052	1,993
Debt Service						
Library	204,602	24,938	237	97	812	229
Industrial	25,571	3,117	30	12	101	29
General Fund Employee B	725,492	88,427	841	345	2,878	814
Liability Insurance	61,363	7,479	71	29	243	69
TOTAL	2,794,272	340,582	3,239	1,328	11,086	3,134

County Treas Motor Vehicle Estimate	<u>340,582</u>					
County Treas Recreational Vehicle Estimate		<u>3,239</u>				
County Treas 16/20M Vehicle Estimate			<u>1,328</u>			
County Treas Commercial Vehicle Tax Estimate				<u>11,086</u>		
County Treas Watercraft Tax Estimate					<u>3,134</u>	

Motor Vehicle Factor	<u>0.12189</u>					
Recreational Vehicle Factor		<u>0.00116</u>				
16/20M Vehicle Factor			<u>0.00048</u>			
Commercial Vehicle Factor				<u>0.00397</u>		
Watercraft Factor					<u>0.00112</u>	

City of Independence

2024

Schedule of Transfers

Expenditure Fund Transferred From:	Receipt Fund Transferred To:	Actual Amount for 2022	Current Amount for 2023	Proposed Amount for 2024	Transfers Authorized by Statute
General Fund	Demolition	50,000	50,000	50,000	K.S.A. 12-1, 118
General Fund	Capital Reserve	238,311	255,315	313,709	K.S.A. 12-1, 118
General Fund	Eco/Devo	797,941	500,000	0	K.S.A. 12-1, 118
Education Sales Tax	Bond & Interest	245,000	245,700	251,300	K.S.A. 12, 197
Bond & Interest	Project Funds	14,000,000	10,460,000	0	K.S.A. 12, 197
Special Highway	Street Capital		466,194	465,630	K.S.A. 12-1, 118
Eco/Devo	City Grant Programs	147,974	100,000	100,000	K.S.A. 12-1, 118
Eco/Devo	Airport Capital	0	150,000	0	K.S.A. 12-1, 118
Eco/Devo	Street Capital	200,000	150,000	500,000	K.S.A. 12-1, 118
SUST (old)	General Fund	626,808			K.S.A. 12, 197
SUST (old)	Bond & Interest	1,125,728			K.S.A. 12, 197
SUST (old)	Street Capital	585,627			K.S.A. 12-1, 118
SUST (old)	ADA Project Fund	217,631	110,834		K.S.A. 12-1, 118
SUST (old)	City Projects	50,000	375,000		K.S.A. 12-1, 118
SUST (old)	Airport Capital	50,000			K.S.A. 12-1, 118
SUST (new)	General Fund (25%)	0	600,000	600,000	K.S.A. 12, 197
SUST (new)	Bond & Interest (31%)	0	1,486,044	744,000	K.S.A. 12, 197
SUST (new)	Street Capital (27%)	0	648,000	648,000	K.S.A. 12-1, 118
SUST (new)	City Projects (12%)	0	288,000	288,000	K.S.A. 12-1, 118
SUST (new)	Eco/Devo (5%)	0	120,000	120,000	K.S.A. 12-1, 118
Street Capital	Bond & Interest	0	601,000	498,000	K.S.A. 12-1, 118
City Projects	Bond & Interest	0	141,044	120,316	K.S.A. 12-1, 118
Airport	Airport Capital	0	50,000	0	K.S.A. 12-1, 118
Water/Sewer	General Fund	928,789	856,725	1,128,792	K.S.A. 12-1,825d
Water/Sewer	Bond & Interest	77,213	78,513	79,450	K.S.A. 12-1,825d
Water/Sewer	City Projects	0	550,000	0	K.S.A. 12-1,825d
Water/Sewer	W/S Capital	1,077,213	1,044,658	1,000,000	K.S.A. 12-1,825d
Water/Sewer	City Grant Programs	50,000	50,000	50,000	K.S.A. 12-1,825d
Sanitation	General Fund	154,440	135,850	137,940	K.S.A. 12-1,825d
	Totals	20,622,675	19,512,877	7,095,137	
	Adjustments*		742,044	618,316	
	Adjusted Totals	20,622,675	18,770,833	6,476,821	

*Note: Adjustments are required only if the transfer is being made in 2023 and/or 2024 from a non-budgeted fund.

STATEMENT OF CONDITIONAL LEASE-PURCHASE AND CERTIFICATE OF PARTICIPATION*

Item Purchased	Contract Date	Term of Contract (Months)	Interest Rate %	Total Amount Financed (Beginning Principal)	Principal Balance On Jan 1, 2023	Payments Due 2023	Payments Due 2024
2019 101' Aerial Fire Truck	43556	84	3.44	597,896	359,721	97,558	97,558
John Deere Tractor & Bush Hog-	43922	60	2.45	90,288	46,629	19,297	19,297
2021 Street Sweeper	44239	60	1.78	149,994	63,567	21,927	21,927
2023 Sanitation Truck	44835	60	1.96	199,838	199,838	42,348	42,348
Totals					669,755	181,130	181,130

*** If leasing/renting with no intent to purchase, do not list--such transactions are not lease-purchases.

**WORKSHEET FOR STATE GRANT-IN-AID TO PUBLIC LIBRARIES AND
REGIONAL LIBRARY SYSTEMS**

Budgeted Year: 2024

Library found in: City of Independence
Montgomery County

As provided in KSA 75-2553 *et seq.*, two tests are used to determine eligibility for State Library Grant. If the grant is approved, then the municipality's library will be paid the grant on February 15 of each year.

First test:

	Current Year <u>2023</u>	Proposed Year <u>2024</u>
Ad Valorem Tax	\$204,602	\$212,377
Delinquent Tax	\$8,500	\$8,500
Motor Vehicle Tax	\$25,902	\$24,938
Recreational Vehicle Tax	\$236	\$237
16/20M Vehicle Tax	\$97	\$97
LAVTR	\$0	\$0
	<u>\$0</u>	<u>\$0</u>
TOTAL TAXES	\$239,337	\$246,149
Difference in Total Taxes:	\$6,812	
Qualify for grant:	Qualify	

Second test:

Assessed Valuation	\$51,256,662	\$62,741,889
Did Assessed Valuation Decrease?	No	
Levy Rate	3.992	3.385
Difference in Levy Rate:	(0.607)	
Qualify for grant:	Not Qualify	

Overall does the municipality qualify for a grant? **Qualify**

If the municipality would not have qualified for a grant, please see the below narrative for assistance from the State Library.

City of Independence

2024

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget General	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	1,020,785	1,727,609	1,044,782
Receipts:			
Ad Valorem Tax	1,551,374	1,777,244	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	69,646	95,000	95,000
Motor Vehicle Tax	206,112	226,185	216,621
Recreational Vehicle Tax	877	2,063	2,060
16/20M Vehicle Tax	1,934	849	845
Commercial Vehicle Tax	6,756	6,225	7,052
Watercraft Tax	1,297	1,050	1,993
Gross Earning (Intangible) Tax			0
LAVTR			0
City and County Revenue Sharing			0
Mineral Production Tax	39		
Local Alcoholic Liquor	40,961	41,802	41,387
Compensating Use Tax			
Local Sales Tax	2,507,233	2,812,500	3,000,000
Franchise Tax	489,131	460,000	524,000
Licenses	62,732		
Nuisance/Special Assessments	19,750	3,000	5,000
Administration - Other	143,231	36,000	
Animal Control		1,000	
Building D	49,212	26,336	
Building Inspection		140,000	
Cemetery	66,880	59,500	
Fire-EMS	764,782	1,079,056	
Planning and Zoning		1,000	
Memorial Hall	31,599	30,000	
Municipal Court	99,153	104,000	
Park	48,088	79,000	
Police		0	
General Fund Support from Enterprise Funds	1,048,098	992,575	1,128,792
GF Support	661,939		
General Fund Reimbursement - ARPA	1,297,941		
Streets - Other	362,208	0	
Zoo		0	
PLUG		35,905	1,430,432
MVT Adjustment		5,639	
In Lieu of Taxes (IRB)	1,380		
Interest on Idle Funds	130,711	400,000	251,000
Neighborhood Revitalization Rebate			-33,713
Miscellaneous	89,306		
Does miscellaneous exceed 10% Total Rec			
Total Receipts	9,752,370	8,415,929	6,670,469
Resources Available:	10,773,155	10,143,538	7,715,251

Adopted Budget
General

See Tab C

Delinquent Comp Rate: 3.1%

Amount of 2023 Ad Valorem Tax

66,117
2,198,938

CPA Summary

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City of Independence

2024

Adopted Budget General Fund - Detail Expenditures	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Expenditures:			
Administration			
Salaries	351,508	367,051	378,400
Contractual	119,826	111,750	111,750
Commodities	2,748	2,500	11,500
Capital Outlay	1,713	25,000	25,000
Total	474,995	506,301	526,650
Animal Control			
Salaries	56,611	57,434	60,502
Contractual	13,480	8,100	9,600
Commodities	6,599	5,500	5,500
Capital Outlay	0	25,000	0
Total	76,690	96,034	75,602
Building D			
Salaries	49,435	49,973	54,623
Contractual	454,093	317,220	282,000
Commodities	8,273	6,000	4,000
Capital Outlay	15,904	0	0
Total	527,705	373,193	340,623
Building Inspector Code Enforcement			
Salaries	47,339	85,569	89,247
Contractual	28,053	18,100	18,100
Commodities	0	4,000	4,000
Capital Outlay	0	0	0
Total	75,292	107,469	111,347
Cemetery			
Salaries	166,330	166,069	193,809
Contractual	10,163	17,600	18,100
Commodities	14,702	13,000	13,750
Capital Outlay	7,000	13,000	32,300
Total	198,195	209,669	257,959
City Hall			
Salaries	0	0	0
Contractual	4,546	44,000	89,000
Commodities	32	4,000	3,200
Capital Outlay	0	0	0
Total	4,578	48,000	92,200
Emergency Preparedness			
Salaries	0	0	0
Contractual	5,274	16,500	17,000
Commodities	6,946	0	0
Capital Outlay	0	0	0
Total	12,220	16,500	17,000
Evidence Storage Building			
Salaries	0	0	0
Contractual	1,158	3,000	3,500
Commodities	0	0	0
Capital Outlay	0	0	0
Total	1,158	3,000	3,500
Finance & Records			
Salaries	297,598	275,422	244,172
Contractual	38,836	40,000	41,000
Commodities	5,431	7,000	7,000
Capital Outlay	0	0	0
Total	339,865	322,422	292,172
Fire-EMS			
Salaries	1,304,802	1,348,991	1,407,655
Contractual	154,077	184,000	186,000
Commodities	169,511	187,000	187,000
Capital Outlay	0	0	0
Total	1,628,390	1,719,991	1,780,655
General Government			
Salaries	14,596	20,000	20,000
Contractual	625,613	643,785	680,480
Commodities	9,822	10,000	10,000
Capital Outlay	19,616	0	0
Total	669,647	673,785	710,480
Memorial Hall			
Salaries	100,702	108,757	115,625
Contractual	205,498	205,100	203,100
Commodities	14,800	12,500	14,500
Capital Outlay	0	0	0
Total	320,900	326,357	333,225
Municipal Court			
Salaries	52,473	53,054	55,626
Contractual	81,821	83,190	86,412
Commodities	122	1,000	500
Capital Outlay	0	0	0
Total	134,416	137,244	142,538
Park			
Salaries	276,597	321,528	371,065
Contractual	119,758	114,600	122,100
Commodities	27,567	36,200	30,000
Capital Outlay	0	0	0
Total	423,922	472,328	523,165
Pedco			
Salaries	1,481,983	1,712,734	1,793,209
Contractual	115,474	120,500	128,000
Commodities	70,247	74,500	84,500
Capital Outlay	12,100	55,000	0
Total	1,679,804	1,962,820	2,005,709
Special Improvements			
Salaries	0	0	0
Contractual	50,000	50,000	50,000
Commodities	0	0	0
Capital Outlay	1,059,051	755,315	333,709
Total	1,109,051	805,315	383,709
Streets			
Salaries	304,336	367,819	383,733
Contractual	226,290	97,250	102,750
Commodities	269,593	277,000	286,000
Capital Outlay	0	0	0
Total	800,219	742,069	772,483
Traffic			
Salaries	0	0	0
Contractual	177,430	170,000	174,000
Commodities	0	0	0
Capital Outlay	0	0	0
Total	177,430	170,000	174,000
Zoo			
Salaries	246,956	269,863	288,725
Contractual	46,382	45,100	50,100
Commodities	84,348	91,300	91,500
Capital Outlay	0	0	15,000
Total	377,686	406,263	445,325
Page Total	9,041,223	9,098,756	8,997,873

(Note: Should agree with general sub-total.)

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City of Independence

2024

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Debt Service			
Unencumbered Cash Balance Jan 1	645,317	644,053	551,217
Receipts:			
Ad Valorem Tax	-20	0	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	725	150	
Motor Vehicle Tax		14	
Recreational Vehicle Tax			
16/20M Vehicle Tax			
Commercial Vehicle Tax			
Watercraft Tax			
Special Assessments	8,411	7,000	7,000
Bond Proceeds	14,367,325	10,460,000	
Transfers - W/S		78,513	79,450
Transfers - SUST	1,447,940	1,486,044	1,362,316
Transfers - EDU Sales Tax		245,700	251,300
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	15,824,381	12,277,421	1,700,066
Resources Available:	16,469,698	12,921,474	2,251,283
Expenditures:			
Bond Principal	1,210,000	1,290,000	1,105,000
Bond Interest	258,102	620,257	688,066
Cost of Issuance	357,543		
Transfers	14,000,000	10,460,000	
Cash Basis Reserve (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
Total Expenditures	15,825,645	12,370,257	1,793,066
Unencumbered Cash Balance Dec 31	644,053	551,217	XXXXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	15,928,227	2,435,073	1,793,066
Non-Appropriated Balance			
Total Expenditure/Non-Appr Balance			1,793,066
Tax Required			0
Delinquent Comp Rate: 3.1%			0
Amount of 2023 Ad Valorem Tax			0

See Tab C

Adopted Budget	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Library			
Unencumbered Cash Balance Jan 1		0	851
Receipts:			
Ad Valorem Tax	177,629	204,602	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	10,101	8,500	8,500
Motor Vehicle Tax	29,462	25,902	24,938
Recreational Vehicle Tax	137	236	237
16/20M Vehicle Tax	276	97	97
Commercial Vehicle Tax	956	713	812
Watercraft Tax	184	120	229
Addtl MVT on Treasurer estimate		670	764
Interest on Idle Funds			
Neighborhood Revitalization Rebate	(1,936)		-3,275
Miscellaneous	1,137		
Does miscellaneous exceed 10% Total Rec			
Total Receipts	217,946	240,840	32,302
Resources Available:	217,946	240,840	33,153
Expenditures:			
Funding to External Organizations	217,946	239,989	236,077
Library Maintenance			3,067
Miscellaneous			
Does miscellaneous exceed 10% of Total Exp			
Total Expenditures	217,946	239,989	239,144
Unencumbered Cash Balance Dec 31	0	851	XXXXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	227,149	239,989	239,144
Non-Appropriated Balance			
Total Expenditure/Non-Appr Balance			239,144
Tax Required			205,991
Delinquent Comp Rate: 3.1%			6,386

Amount of 2023 Ad Valorem Tax 212,377

CPA Summary

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City of Independence

2024

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget Industrial	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	512	759	2,649
Receipts:			
Ad Valorem Tax	24,444	25,571	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	708	500	500
Motor Vehicle Tax	2,588	3,563	3,117
Recreational Vehicle Tax	6	32	30
16/20M Vehicle Tax	25	13	12
Commercial Vehicle Tax	95	98	101
Watercraft Tax	18	17	29
Interest on Idle Funds	32		
Neighborhood Revitalization Rebate	-266	-492	-316
Miscellaneous	97	88	97
Does miscellaneous exceed 10% Total Rec			
Total Receipts	27,747	29,390	3,570
Resources Available:	28,259	30,149	6,219
Expenditures:			
MCAC	27,500	25,000	25,000
Chamber of Commerce		2,500	2,500
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	27,500	27,500	27,500
Unencumbered Cash Balance Dec 31	759	2,649	XXXXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	27,500	30,350	27,500
		Non-Appropriated Balance	600
		Total Expenditure/Non-Appr Balance	28,100
		Tax Required	21,881
		Delinquent Comp Rate: 3.1%	678
		Amount of 2023 Ad Valorem Tax	22,559

Adopted Budget General Fund Employee Benefits	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	240,795	68,888	2,477
Receipts:			
Ad Valorem Tax	600,453	725,492	XXXXXXXXXXXXXXXXXXXX
Delinquent Tax	29,668	30,000	30,000
Motor Vehicle Tax	85,666	87,549	88,427
Recreational Vehicle Tax	420	798	841
16/20M Vehicle Tax	795	329	345
Commercial Vehicle Tax	2,704	2,409	2,878
Watercraft Tax	519	407	814
Other Taxes	2,916	1,750	1,000
Interest on Idle Funds	2,185	5,000	5,000
Neighborhood Revitalization Rebate	-6,542		-15,128
Miscellaneous	998	2,196	2,681
Does miscellaneous exceed 10% Total Rec			
Total Receipts	719,782	855,930	116,858
Resources Available:	960,577	924,818	119,335
Expenditures:			
Personnel	749,738	806,777	914,040
Contractual	141,951	115,564	122,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	891,689	922,341	1,036,040
Unencumbered Cash Balance Dec 31	68,888	2,477	XXXXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	891,992	922,341	1,036,040
		Non-Appropriated Balance	40,133
		Total Expenditure/Non-Appr Balance	1,076,173
		Tax Required	956,838
		Delinquent Comp Rate: 3.1%	29,662
		Amount of 2023 Ad Valorem Tax	986,500

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget	Prior Year	Current Year	Proposed Budget
Liability Insurance	Actual for 2022	Estimate for 2023	Year for 2024
Unencumbered Cash Balance Jan 1	120,457	177,855	224,281
Receipts:			
Ad Valorem Tax	68,822	61,363	XXXXXXXXXXXXXXXXXX
Delinquent Tax	3,667	4,000	4,000
Motor Vehicle Tax	10,074	10,034	7,479
Recreational Vehicle Tax	45	91	71
16/20M Vehicle Tax	94	38	29
Commercial Vehicle Tax	327	276	243
Watercraft Tax	63	47	69
	52,070	56,063	
Interest on Idle Funds	1,575	5,000	5,000
Neighborhood Revitalization Rebate	(750)	(1,179)	0
Miscellaneous	396	429	236
Does miscellaneous exceed 10% Total Rec			
Total Receipts	136,383	136,162	17,127
Resources Available:	256,840	314,017	241,408
Expenditures:			
Contractual	78,985	89,736	100,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	78,985	89,736	100,000
Unencumbered Cash Balance Dec 31	177,855	224,281	XXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	88,500	183,500	100,000
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	100,000
		Tax Required	0
Delinquent Comp Rate:	3.1%		0
Amount of 2023 Ad Valorem Tax			0

Adopted Budget	Prior Year	Current Year	Proposed Budget
0	Actual for 2022	Estimate for 2023	Year for 2024
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
Ad Valorem Tax		0	XXXXXXXXXXXXXXXXXX
Delinquent Tax			
Motor Vehicle Tax			
Recreational Vehicle Tax			
16/20M Vehicle Tax			
Commercial Vehicle Tax			
Watercraft Tax			
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	0	0	0
Resources Available:	0	0	0
Expenditures:			
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	0	0	0
Unencumbered Cash Balance Dec 31	0	0	XXXXXXXXXXXXXXXXXX
2022/2023/2024 Budget Authority Amount:	0	0	0
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	0
		Tax Required	0
Delinquent Comp Rate:	3.1%		0
Amount of 2023 Ad Valorem Tax			0

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget

Special Highway

	Prior Year	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
State of Kansas Gas Tax		231,850	230,130
County Transfers Gas		36,770	36,500
Connecting Link		93,400	94,000
Federal Funds Exchange		104,174	105,000
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts		466,194	465,630
Resources Available:		466,194	465,630
Expenditures:			
Transfer to Street Capital		466,194	465,630
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	0	466,194	465,630
Unencumbered Cash Balance Dec 31	0	0	0
2022/2023/2024 Budget Authority Amount:	0	612,983	465,630

Adopted Budget

Eco Dev & Transportation

	Prior Year 0	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	666,202	1,391,591	1,799,591
Receipts:			
Franchise Tax	322,127	338,000	346,000
Interfund Transfer In from SUST	797,941	120,000	120,000
Interest on Idle Funds	5,320	50,000	50,000
Transfer In from GF		500,000	0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	1,125,388	1,008,000	516,000
Resources Available:	1,791,590	2,399,591	2,315,591
Expenditures:			
Capital Outlay	52,025	100,000	50,000
Transfers - City Grant Programs	147,974	100,000	100,000
Transfer - to Airport Capital Project		150,000	
Transfer - to Street Capital Project	200,000	100,000	100,000
Labette Incentive		100,000	100,000
Transfer - to Street Capital (VSE Project)		50,000	400,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	399,999	600,000	750,000
Unencumbered Cash Balance Dec 31	1,391,591	1,799,591	1,565,591
2022/2023/2024 Budget Authority Amount:	425,000	514,500	750,000

See Tab C

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Special Alcohol	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	55,264	66,225	78,027
Receipts:			
Local Alcohol Liquor Tax	40,961	41,802	41,387
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	40,961	41,802	41,387
Resources Available:	96,225	108,027	119,414
Expenditures:			
Four County Support	30,000	30,000	30,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	30,000	30,000	30,000
Unencumbered Cash Balance Dec 31	66,225	78,027	89,414
2022/2023/2024 Budget Authority Amount:	30,000	30,000	30,000

Adopted Budget

Education Sales Tax	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	211,556	0	0
Receipts:			
Sales Tax	2,507,232	2,250,000	2,400,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	2,507,232	2,342,281	2,400,000
Resources Available:	2,718,788	2,342,281	2,400,000
Expenditures:			
Funding to USD 446	2,473,788	2,096,581	2,148,700
Transfer to Bond & Interest	245,000	245,700	251,300
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	2,718,788	2,342,281	2,400,000
Unencumbered Cash Balance Dec 31	0	0	0
2022/2023/2024 Budget Authority Amount:	2,763,188	2,342,281	2,400,000

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Special Use Sales Tax (Old)			
Unencumbered Cash Balance Jan 1	1,143,325	538,689	0
Receipts:			
Sales Tax	2,507,232	0	
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	2,507,232	0	0
Resources Available:	3,650,557	538,689	0
Expenditures:			
Transfers	2,655,793		
Capital Outlay	549,909	538,689	
PY Cancelled Encumbrance	-93,834		
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	3,111,868	538,689	0
Unencumbered Cash Balance Dec 31	538,689	0	0
2022/2023/2024 Budget Authority Amount:	3,694,957	950,000	0

Adopted Budget

Adopted Budget	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Special Park & Recreation			
Unencumbered Cash Balance Jan 1	66,189	85,151	99,275
Receipts:			
Local Alcohol Liquor tax	40,962	41,802	41,387
County Distribution		6,322	6,500
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	40,962	48,124	47,887
Resources Available:	107,151	133,275	147,162
Expenditures:			
ASH YOUTH CENTER	22,000	24,000	24,000
POOL LOSSES			
PARK CAPITAL PROJECT		10,000	60,000
AQUATIC CENTER CAPITAL PROJECT			50,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	22,000	34,000	134,000
Unencumbered Cash Balance Dec 31	85,151	99,275	13,162
2022/2023/2024 Budget Authority Amount:	39,000	49,000	134,000

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Fight Addiction Fund	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	0	2,070	21,593
Receipts:			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	2,070	19,523	19,523
Resources Available:	2,070	21,593	41,116
Expenditures:			
Project Costs			41,116
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	0	0	41,116
Unencumbered Cash Balance Dec 31	2,070	21,593	0
2022/2023/2024 Budget Authority Amount:	0	0	41,116

Adopted Budget

Special Use Sales Tax (New)	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	0	0	0
Receipts:			
Salest Tax		2,250,000	2,400,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	0	2,250,000	2,400,000
Resources Available:	0	2,250,000	2,400,000
Expenditures:			
Transfers		2,250,000	2,400,000
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	0	2,250,000	2,400,000
Unencumbered Cash Balance Dec 31	0	0	0
2022/2023/2024 Budget Authority Amount:	0	2,250,000	2,400,000

CPA Summary

City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget

Airport

	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	289,135	113,830	12,483
Receipts:			
Federal Grants			
Rental Income	58,904	100,000	100,000
Fuel Sales	790,998	740,000	760,000
Reimbursements	728		
Transfer from Capital Imp for Lease Pmt	4,418		19,300
Interest on Idle Funds	1,773	10,000	5,000
Miscellaneous	35,037	4,000	4,000
Does miscellaneous exceed 10% Total Rec			
Total Receipts	891,858	854,000	888,300
Resources Available:	1,180,993	967,830	900,783
Expenditures:			
Salaries & Wages	103,106	113,846	121,705
Other Operational Costs	955,392	759,201	738,801
Capital Outlay	8,665	32,300	19,300
Transfers		50,000	0
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	1,067,163	955,347	879,806
Unencumbered Cash Balance Dec 31	113,830	12,483	20,977
2022/2023/2024 Budget Authority Amount:	1,106,251	823,967	879,806

See Tab C

CPA Summary

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City of Independence

2024

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Sanitation	Prior Year Actual for 2022	Current Year Estimate for 2023	Proposed Budget Year for 2024
Unencumbered Cash Balance Jan 1	683,224	530,356	378,574
Receipts:			
Charges for Services	1,187,443	1,218,500	1,235,000
Reimbursements			80,000
Interest on Idle Funds	6,324	15,000	14,000
Miscellaneous	11,727	5,000	5,000
Does miscellaneous exceed 10% Total Rec			
Total Receipts	1,205,494	1,238,500	1,334,000
Resources Available:	1,888,718	1,768,856	1,712,574
Expenditures:			
Salaries & Wages	520,275	561,025	587,101
Operating Costs	683,647	651,058	614,562
Capital Outlay / Lease Pmts		42,349	242,349
Transfers Out	154,440	135,850	137,940
Cash Forward (2024 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	1,358,362	1,390,282	1,581,952
Unencumbered Cash Balance Dec 31	530,356	378,574	130,622
2022/2023/2024 Budget Authority Amount:	1,671,795	1,571,398	1,581,952

CPA Summary

2024

NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARING

The governing body of
City of Independence
will meet on September 14, 2023 at 5:30 pm at Memorial Hall and Civic Center, 410 N. Penn Ave for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds, the amount of ad valorem tax, and the Revenue Neutral Rate. Detailed budget information is available at <http://www.independencexks.gov/165/Finance-Records> and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2024 Expenditures and Amount of 2023 Ad Valorem Tax establish the maximum limits of the 2024 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2022		Current Year Estimate for 2023		Proposed Budget for 2024		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	Proposed Estimated Tax Rate*
General	9,045,546	34.980	9,098,756	34.673	9,375,662	2,198,938	35.047
Debt Service	15,825,645		12,370,257		1,793,066		
Library	217,946	4.006	239,989	3.992	239,144	212,377	3.385
Industrial	27,500	0.551	27,500	0.499	27,500	22,559	0.360
General Fund Employee Benefit	891,689	13.540	922,341	14.154	1,036,040	986,500	15.723
Liability Insurance	78,985	1.552	89,736	1.197	100,000		
Special Highway			466,194		465,630		
Eco Dev & Transportation	399,999		600,000		750,000		
Special Alcohol	30,000		30,000		30,000		
Education Sales Tax	2,718,788		2,342,281		2,400,000		
Special Use Sales Tax (Old)	3,111,868		538,689				
Special Park & Recreation	22,000		34,000		134,000		
Fight Addiction Fund					41,116		
Special Use Sales Tax (New)			2,250,000		2,400,000		
Airport	1,067,163		955,347		879,806		
Water & Sewer	5,635,425		7,003,208		6,904,974		
Sanitation	1,358,362		1,390,282		1,581,952		
Totals	40,430,916	54.629	38,358,580	54.515	28,158,890	3,420,374	54.515
Revenue Neutral Rate**							44.535
Less: Transfers	20,622,675		18,770,833		6,476,821		
Net Expenditure	19,808,241		19,587,747		21,682,069		
Total Tax Levied	2,794,272		2,794,272		XXXXXXXXXXXXXXXXXX		
Assessed							
Valuation	47,593,555		51,256,662		62,741,889		
Outstanding Indebtedness,							
January 1,	2021		2022		2023		
G.O. Bonds	5,310,000		4,400,000		17,115,000		
Revenue Bonds	18,455,000		24,955,000		26,155,000		
Other	3,469,540		3,396,076		3,323,366		
Lease Purchase Principal	786,612		487,746		669,755		
Total	28,021,152		33,238,822		47,263,121		

*Tax rates are expressed in mills

** Revenue Neutral Rate as defined by KSA 79-2988

Lacey Lies

Official Title: Finance Director

City of Independence

2024

2024 Neighborhood Revitalization Rebate

Budgeted Funds for 2024	2023 Ad Valorem before Rebate**	2023 Mil Rate before Rebate	Estimate 2024 NR Rebate
General	2,130,500	33.957	33,713
Debt Service	0		0
Library	206,950	3.298	3,275
Industrial	20,000	0.319	316
General Fund Employee	956,000	15.237	15,128
Liability Insurance	0		0
			0
			0
			0
			0
			0
			0
			0
TOTAL	3,313,450	52.811	52,432

2023 July 1 Valuation: 62,741,889

Valuation Factor: 62,741.889

Neighborhood Revitalization Subj to Rebate: 992,840

Neighborhood Revitalization factor: 992.84

**This information comes from the 2024 Budget Summary page. See instructions tab step #12 for completing the Neighborhood Revitalization Rebate table.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider approval of Internal Revenue Bonds for Trident Partnership LLC.

SUMMARY RECOMMENDATION Authorize the Resolution of Intent for issuing taxable industrial revenue bonds for the purpose of financing the acquisition, construction, renovation, furnishing and equipping of commercial facilities located in the city; and authorizing execution of related documents.

BACKGROUND Trident Partnership LLC has purchased six buildings in historic downtown Independence for the purpose of renovating the downtown floors into usable commercial space while renovating the upper floors into apartments..Tirdent Partnership LLC is requesting the city authorize the issuance of taxable industrial revenue bonds for the purpose of financing the acquisition, construction, renovation, furnishing and equipping of commercial facilities located in the city.

There is no requirement for a Cost Benefit Analysis or Public Hearing since there is no property tax abatement associated with these bonds, only sales tax exemption.

FINANCIAL INFORMATION Financing with Internal Revenue Bonds allows for the project to receive sales tax exemption.

SUGGESTED MOTION I move to authorize the Mayor to sign Resolution 2023-041 authorizing the issuance of taxable industrial revenue bonds for Trident Partnerships LLC.

SUPPORTING DOCUMENTS

1. Resolution 2023-041 - IRB Trident Development

RESOLUTION NO. 2023-041

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, RENOVATION, FURNISHING AND EQUIPPING OF COMMERCIAL FACILITIES LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

WHEREAS, the City of Independence, Kansas (the “Issuer”) desires to promote, stimulate and develop the general economic welfare and prosperity of the City of Independence, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the “Act”), the Issuer is authorized to issue revenue bonds for such purposes, and it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that revenue bonds of the Issuer in a principal amount not to exceed \$11,000,000 be authorized and issued, in one or more series, to provide funds to pay the costs of the acquisition, construction, renovation, furnishing and equipping of commercial facilities (the “Project”) located in the Issuer and to be leased by the Issuer to Trident Partnerships, L.L.C., a Kansas limited liability company, or another legal entity to be formed by the principals of Trident Partnerships, L.L.C. (the “Tenant”).

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

Section 1. Public Purpose. The governing body of the Issuer hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the Issuer, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. Authorization to Acquire Project; Intent to Issue Bonds. The Issuer is hereby authorized to proceed with the acquisition, construction, renovation, furnishing and equipping of the Project and to issue its revenue bonds, in one or more series, in a principal amount not to exceed \$11,000,000 (the “Bonds”) to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. Conditions to Issuance of Bonds. The issuance of the Bonds is subject to: (a) the passage of an ordinance authorizing the issuance of the Bonds; (b) the successful negotiation of a Trust Indenture, Site Lease, Project Lease, Bond Purchase Agreement or other legal documents necessary to accomplish the issuance of the Bonds, the terms of which shall be in compliance with the Act and mutually satisfactory to the Issuer and the Tenant; (c) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined (the “Purchaser”), which sale shall be the responsibility of the Tenant and not the Issuer; (d) the receipt of the approving legal opinion of Gilmore & Bell, P.C. (“Bond Counsel”) in form acceptable to the Issuer, the Tenant and the Purchaser; (e) the obtaining of all necessary governmental approvals to the issuance of the Bonds; and (f) the commitment to and payment by the Tenant or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) expenses of the Issuer and the Issuer Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals.

Section 4. Sales Tax Exemption. The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-3601 *et seq.* (the “Sales Tax Act”), particularly 79-3606(b) and (d) and other applicable laws, sales of tangible personal property or services purchased in connection with construction of the Project and financed with proceeds of the Bonds are entitled to exemption from the tax imposed by the Sales Tax Act; provided proper application is made therefore. In the event that the Bonds are not issued for any reason, the Tenant will not be entitled to a sales tax exemption under the terms of the Sales Tax Act and will remit to the State Department of Revenue all sales taxes that were not paid due to reliance on the sales tax exemption certificate granted hereunder.

Section 5. Reliance by Tenant; Limited Liability of Issuer. It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds. Proceeds of Bonds may be used to reimburse the Tenant for such expenditures made not more than 60 days prior to the date this Resolution is adopted. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the Issuer from the Project and not from any other fund or source. The Issuer shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the Issuer shall have no liability to the Tenant.

Section 6. Execution and Delivery of Bond Purchase Agreement. At such time as the Tenant has demonstrated compliance with the provisions of this Resolution, the Mayor and City Clerk are authorized to execute a bond purchase agreement with the Purchaser and the Tenant for the sale of the Bonds in a form satisfactory to the City Attorney and Bond Counsel.

Section 7. Further Action. The Clerk is hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Mayor, Clerk and other officials and employees of the Issuer, including the Issuer’s counsel and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) cooperate with the Tenant in filing an application for a sales tax exemption certificate with the Kansas Department of Revenue with respect to Bond-financed property; and (b) execution on behalf of the Issuer of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

Section 8. Effective Date. This resolution shall become effective upon adoption by the Governing Body.

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ADOPTED by the governing body of the City of Independence, Kansas on September 20, 2023.

[SEAL]

Mayor

Attest:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on September 20, 2023, as the same appears of record in my office.

DATED: September 20, 2023.

Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF INDEPENDENCE, KANSAS
HELD ON SEPTEMBER 20, 2023**

The governing body met in regular session at the usual meeting place in the City on September 20, 2023, at 5:30 p.m., the following members being present and participating, to wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF
INDEPENDENCE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING
TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF
FINANCING THE ACQUISITION, CONSTRUCTION, RENOVATION,
FURNISHING AND EQUIPPING OF COMMERCIAL FACILITIES LOCATED IN
THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Aye: _____.

Nay: _____.

Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting hereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Independence, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider a lease agreement with VSE.

SUMMARY RECOMMENDATION City Staff recommends approval of the lease agreement.

BACKGROUND The City of Independence has been working with VSE and Kelly Aerospace regarding lease space at the City of Independence Round Top Hangar at the airport. The commission previously approved an addendum to the Kelly Aerospace lease allowing them to sub-lease and then it was determined that the space VSE wants to use is space that currently is not leased to Kelly Aerospace. The City Attorney has prepared the attached lease agreement providing 3,000 square feet of space to VSE at \$800.00 monthly. The agreement allows VSE to make improvements to the space, with City approval, in writing, and receive credit towards the lease payment with proof with receipts within 30 days of payment. VSE will occupy the space during the construction of their building expansion, which is expected to take 18 to 24 months. VSE will work with Kelly Aerospace on the monthly utility cost.

FINANCIAL INFORMATION The lease is for \$800 monthly. However, the tenant may receive credit for approved improvements up to the full amount of the lease payment.

SUGGESTED MOTION I move to authorize the Mayor to sign a lease agreement between VSE and the City of Independence for the Round Top Hangar.

SUPPORTING DOCUMENTS

1. VSE Lease 8.31.23 (VSE)

LEASE AGREEMENT

THIS AGREEMENT is entered into as of the 15th day of September 2023 (“Effective Date”) between the City of Independence, Kansas, a municipal corporation, hereafter Lessor, and VSE Aviation, Inc., a Delaware corporation, hereafter Lessee.

WHEREAS, Lessee and Lessor wish to enter into a Lease Agreement for the Property.

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

1. General Covenants. Lessee agrees to make lease payments and perform the obligations hereinafter set forth and in consideration thereof, Lessor agrees to lease to Lessee the property hereinafter described.

2. Property. The property which is the subject of this agreement is a structure commonly referred to as the “Round Top Hanger” consisting of approximately ten thousand (10,000) square feet as outlined in Exhibit A (“Property”).

Of the approximate 10,000 square feet in the Property, Lessor hereby leases to Lessee 3,000 square feet of the total space in the Round Top Hangar as designated by the areas marked with hash marks on attached Exhibit A (“Property A”). The parties hereto acknowledge and agree that there is currently a separate lease between Lessor and Kelly Aerospace Thermal Systems, LLC (“Kelly”) for the remaining approximately seven thousand (7,000) square feet within the Round Top Hanger (“Property B”). Lessee shall have full access to remaining portions of the Property including, but not limited to, driveways, parking areas, and open spaces, and shall be permitted to use the same in a manner which is not inconsistent with the occupancy of the other tenant.

4. Term. This agreement shall be for a term of one month beginning on the Effective Date. This agreement shall automatically renew on a month-to-month basis; provided, however, either party may terminate this agreement upon at least thirty (30) days prior written notice to the other party.

6. Lease Payment. Lessee shall pay to Lessor a monthly lease payment in the amount of \$800.00

per month, which shall be prorated for partial months. It is anticipated that Lessee shall make Initial Alterations to the leased premises, as described in Section 15 and Lessee shall receive a dollar-for-dollar credit towards its lease payment for the costs of such Initial Alterations and any additional alterations Lessee conducts over the Term. In order to receive credit for any expenditures, proposed improvements must be first approved in writing by Lessor and receipts of such expenditures shall be provided to Lessor within thirty (30) days of payment by Lessee.

7. Taxes. In the event ad valorem taxes are assessed against the Property, Lessee shall reimburse Lessor 30% of such assessed taxes.

8. Utilities. The parties acknowledge that Kelly is currently subject to a lease agreement with Lessor requiring Kelly to pay for all utilities at the Property. Lessee shall negotiate in good faith with Kelly for a reasonable division of utility expenses for the Property.

9. Use of Property. Lessor agrees that the Property may be used for any of the following purposes: servicing, repairing and overhauling of aircraft parts, aircraft management services, aircraft maintenance, aircraft refurbishing, aircraft charter services, aircraft sales, storage of aircraft in hangar building, warehousing of aircraft parts, other fixed base operator services, parking for both customers and employees, parking for aircraft and loading and unloading passengers from aircraft, industrial and manufacturing related purposes (including warehousing) and administrative offices.

10. Restrictions. Lessee shall not use or permit the use of the Property for any other purposes without the prior written consent of Lessor. Lessee's use of the Property shall be in compliance with all ordinances of the City of Independence and all State and Federal laws and regulations.

11. Safety Restrictions. Lessee shall not use the Property in any manner which will unreasonably increase the risk of fire, explosion or environmental hazard to the Property or in any other manner that would unreasonably interfere with the use or enjoyment of adjoining Property. Lessee shall not block or obstruct any road, driveway or general aviation area that adjoins or is in the

immediate vicinity of the Property. Lessee shall store all property or materials in such a manner as not to create a hazard to the health, safety or environment or create a nuisance or detract from the general appearance of the Property.

Unless otherwise provided in this Agreement, Lessee shall peaceably and quietly hold and enjoy the Property against Lessor and all persons claiming by, through or under Lessor, for the Term of this Agreement. Lessor shall not use the Property in any way that could: (i) violate Lessee's right to the foregoing; (ii) prevent access by Lessee to the Property; and/or (iii) adversely impact Lessee's operations or use in a material way.

12. Condition of Property. Lessee represents that it has had ample time to inspect the Property, has inspected the Property, and accepts the Property in its present condition.

13. Lessor Maintenance. Lessor shall maintain the plumbing and water up to the Property and roof and exterior walls of the Property, unless the condition in need of repair is caused by Lessee's negligence.

14. Lessee's Maintenance. Lessee shall maintain and be responsible for all heating equipment (except as hereinabove provided), cooling equipment, plumbing and water inside the Property, electrical fixtures, equipment and connections; the interior floor, walls and ceilings; the exterior grounds and landscaping; snow removal; driveways and parking areas and all equipment and personal property owned or installed by the Lessee. The cost and responsibility for maintenance under this section shall be on a prorata basis with Kelly, based on square footage leased from the Lessor.

15. Alterations. Lessee shall not make any major alterations or improvements to the Property without the prior written consent of the Lessor. For clarity, Lessor agrees that Lessee may: (i) make minor repairs to the floor (including, but not limited to, sealing and coating the floors), walls, ceilings, and windows; (ii) run electrical circuits from the main panel to the equipment; (iii) tie in equipment to existing water source; (iv) hang pipe to support compressed air system; and (v) install portable heating and cooling units (collectively "Initial Alterations").

Unless otherwise agreed by the parties, and excluding the portable heating and cooling units in Section 15(v), in the event alterations or improvements are made by Lessee such alterations and improvements shall not be removed by Lessee at the expiration of this agreement without the approval of Lessor, in which case such alterations and improvements shall become the sole property of Lessor without compensation to Lessee. Lessee shall not have such an interest in the leased premises as to permit the attachment of a mechanic's lien.

16. Insurance. Lessee shall be responsible for insuring the contents of any of its property located on the premises and shall obtain a general liability policy naming Lessor as an additional insured. Lessor shall be responsible for maintaining fire and casualty insurance on the structures located on the property in an amount determined by Lessor.

17. Environmental. Lessee hereby covenants that during the term of this agreement, it will not cause or permit any hazardous substances to be placed, held, located or disposed of, on, under or at the Property other than in the ordinary course of business and in compliance with all applicable statutes and regulations. Notwithstanding the foregoing, Lessee may store hazardous materials contained in: (i) products used by Lessee in de minimis quantities for ordinary cleaning and office purposes; (ii) forklift batteries, and (iii) products stored and/or distributed by Lessee in their original, sealed, and unopened containers.

18. Indemnification.

Lessor's Indemnification of Lessee: Lessor agrees to defend, indemnify and hold harmless Lessee from any claims, judgments, damages penalties, fines, costs, liabilities, losses or expenses which may arise in connection with the presence or suspected presence or suspected discharge of any pollutant or hazardous materials in the soil or ground water (on or above or under the ground) if the same arises in whole or in part out of any or all the following:

- a. The default, negligent act or omission of Lessor; or
- b. Any condition existing prior to that time Lessee took possession of the Property.

Lessee's Indemnification of Lessor. Lessee hereby agrees to defend, indemnify and hold harmless Lessor from any and all losses, liabilities, including damages, injuries and expenses, including reasonable attorney fees, the cost of any settlement, judgment or claims of any and every kind whatsoever paid, incurred or suffered by or served against Lessor by any person for and with respect to, or as a result of any escape, seepage, leakage, spillage, discharge, omission, or release from the Property of any hazardous substance without limitation, including any losses, liabilities, reasonable attorney fees, cost of any settlement or judgment or claims asserted or arising under any local, state or federal law or so called "Super Fund" or "Super Lien" laws or any other applicable law or regulation relating to or imposing liability, including strict liability or standards of conduct concerning any hazardous substance; provided however, that such indemnity shall apply only to a loss caused by any negligent acts or omissions of Lessee, its agents or employees.

Nonliability of Lessor: Except with respect to damages: (i) covered by insurance carried by Lessor; (ii) resulting from the failure of Lessor to perform or comply with any terms of this Agreement; and/or (iii) caused by Lessor's negligent acts or omissions, Lessee shall indemnify and hold harmless Lessor against any liability, judgment, costs, damages, attorney fees and expenses that Lessor may incur by reason or on account of any damage or injury to property or persons arising from the negligence of Lessee, its agents or employees, or its customers or invitees.

19. **Subordination to Certain Governmental Agreements.** Lessee's right to use and enjoyment of the Property is subject to and subordinate to all of the following:

a. Any existing or future federal state statutes, or any existing or future leases or agreements between Lessor and the United States, between Lessor and the State of Kansas, pertaining to the development, construction, operation or maintenance of IDP, the execution of which may be required as a condition precedent to the receipt or expenditure of federal state funds for the development, maintenance or construction of Independence Municipal Airport.

b. Any existing or future agreements, leases or deeds granted or entered into by and

between Lessor and the United States with reference to the conveyance by the United States to Lessor of any real or personal property at Independence Municipal Airport; and

c. Any existing or future agreements between Lessor and the United States for the military use of all or part of Independence Municipal Airport (“Section 19(a) – (c) collectively referred to as “Prime Agreements”).

d. The lease agreement dated June 14, 2016 by and between Lessor and Kelly Aerospace Thermal Systems, LLC.

Lessor represents and warrants that as of the Effective Date of this Agreement, there are no Prime Agreements in effect.

20. Nondiscrimination. Lessee shall maintain and operate the Property in compliance with state and federal statutes and regulations governing nondiscrimination as follows:

a. No person shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination as to the hiring or contracting for any services furnished during the construction of any improvements on the Property on the basis of race, color, national origin, sex, religion or disability.

b. Lessee shall use the premises in compliance with all state and federal statutes and regulations specifically including those set forth in 49 CFR, Part 21, dealing with nondiscrimination in federally assisted programs of the Department of Transportation.

21. Entry on Property. Lessor shall have the right to enter upon the Property upon reasonable notice to Lessee for purposes of inspecting the Property, performance of maintenance and repairs as may be required under this agreement, and for any other purpose reasonably related to this agreement.

22. Assignment. Lessee shall not assign or sublease this agreement or any portion of the Property subject to this agreement without the written consent of Lessor.

23. Default. Should Lessee (i) fail to make the lease payments required under this agreement within

fifteen (15) days after written notice from Lessor or (ii) fail to comply with any other term or condition of this agreement within sixty (60) days of receipt of written notice of such violation (if Lessee feels the violation cannot be reasonably cured within sixty (60) days, then Lessee may request that Lessor grant Lessee more than sixty (60) days to cure the violation, and such request shall not be unreasonably denied by Lessor if Lessor determines Lessee is making a diligent and good faith effort to cure such violation), Lessor may exercise any of the following options:

- a. Lessor may terminate this lease and lessor shall be entitled to immediate possession of the property; or
- b. Lessor may exercise any other available remedy that exists at law or equity.

24. Condition of Property Upon Termination. Except as otherwise provided herein, upon termination of the agreement for any reason, Lessee shall remove all of its personal property, machinery and equipment and shall leave the Property in the same condition as first leased, normal wear and tear excepted, and in a clean and orderly condition. For clarity, the Initial Alterations described in Section 15(i) – (iv) will remain on the Property. The Property shall be left free of all hazardous and dangerous substances and materials in compliance with all state and federal statutes and regulations.

25. Binding Effect. This agreement shall be binding upon the heirs, successors, and assigns of the parties hereto.

26. Reasonableness Standard: Throughout this Agreement, whenever Lessor's consent, Lessor's discretion, Lessor's approval or Lessor's determination is required, Lessor shall exercise its consent, discretion or determination in a commercially reasonable and equitable manner and shall not act arbitrarily or capriciously. In no such circumstances shall Lessor's consent, discretion or determination be unreasonably withheld, delayed or conditioned.

27. Nature of Agreement: This Agreement shall not be construed as creating or establishing a partnership or joint venture between Lessor and Lessee or as designating Lessee as an agent or representative of Lessor for any purpose whatsoever.

28. Entire Agreement: This Agreement constitutes the entire agreement between the parties. No oral representations or agreements are binding on either party unless reduced to writing and signed by both parties.

29. Force Majeure: No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement when and to the extent such failure or delay is caused by or results from acts beyond the impacted Party's ("Impacted Party") reasonable control.

30. Disputes and Governing Law: This Agreement is governed by the laws of the State of Kansas, USA without reference to its choice of law provisions. Unless otherwise provided for in this Agreement, any dispute arising out of or in connection with this Agreement shall be referred to and finally resolved by a court of competent jurisdiction in the State of Kansas, USA.

31. Amendments: This Agreement may be changed, modified or amended from time to time only by express written agreement of the parties executed by their authorized representatives.

32. Counterparts: This Agreement may be executed in any number of separate counterparts, each of which shall be deemed to be an original, but which together shall constitute one and the same instrument. An electronic signature on any counterpart hereto shall be deemed an original for all purposes.

33. Waiver: No waiver by either Party of any default or breach by the other party of any provision of this Agreement will operate as or be deemed a waiver of any subsequent default or breach.

34. Severability: If any provision or portion of a provision of this Agreement is determined to be illegal, invalid, or unenforceable the validity of the remaining provisions will not be affected. The Parties may agree to replace the stricken provision with a valid and enforceable provision.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

LESSOR

CITY OF INDEPENDENCE, KANSAS

By: _____
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker, City Clerk

LESSEE

VSE AVIATION, INC.

By: _____
DocuSigned by:
Ben Thomas
0386C81ACB2145A...
Name: Ben Thomas
Title: President



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider authorizing a USDA Grant for public safety equipment.

SUMMARY RECOMMENDATION Approve the execution of all documents related to the USDA grant for public safety equipment.

BACKGROUND The City of Independence previously requested \$50,000 in funding from the USDA Rural Development grant program for the purchase of Public Safety Equipment as follows:

- 1) E-Cite System
- 2) Filter Hood
- 3) Radar Sign & Trailer
- 4) VHF Radio Project

Our request has been approved with the USDA, pending a federal allocation. The City has communicated with USDA that after award, we will request to remove the E-Cite System and Radar Sign & Trailer from our request and request Storm Sirens as a substitute.

FINANCIAL INFORMATION \$50,000 USDA Grant for public safety equipment and software. The City's match is budgeted at \$94,184 for a total project cost of \$144,184. These numbers may be adjusted slightly if the amendment is approved to substitute Storm Sirens for the E-Cite System and Radar Sign and Trailer.

SUGGESTED MOTION I move to approve the USDA Grant as presented and authorize all forms for signature.

SUPPORTING DOCUMENTS

1. Letter of Conditions
2. Independence City of_RD1942-46
3. Independence City of_RD1940-1



September 20, 2023

Dean Hayse, Mayor
City of Independence
811 West Laurel St
Independence, KS 67301

Subject: Letter of Conditions for a Community Facilities Program Grant to
Purchase VHF radios and E-Cite system

Dear Mayor Hayse:

This letter, with attachments, establishes conditions that must be understood and agreed to by the applicant before further consideration may be given to their application. Any changes in project cost, source of funds, scope of services, or any other significant changes (this includes significant changes in the applicant's financial condition, operation, organizational structure or executive leadership) in the project or applicant must be reported to and approved by USDA Rural Development by written amendment to this letter. Any change not approved by USDA Rural Development will be cause for discontinuing processing of the application.

This letter is not to be considered as grant approval or as representation to the availability of funds. The application can be processed on the basis of a USDA Rural Development grant not to exceed \$50,000. Funds for this project are provided by the Rural Housing Service (RHS).

Please complete and return the attached Form RD 1942-46, "Letter of Intent to Meet Conditions," and Form RD 1940-1, "Request for Obligation of Funds," within the next ten (10) days, if you desire that we give further consideration to your application. The execution of these and all other documents required by USDA Rural Development must be authorized by appropriate resolutions of the applicant's governing body.

The grant will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds," is mailed by USDA Rural Development.

Project Budget—Based on Standard Form 424, "Application for Federal Assistance," the project cost and funding will be as follows:

a.	<u>Project Cost</u>	<u>Total</u>	<u>USDA Grant</u>	<u>Other</u>
	E-Cite System	\$31,851	\$11,147	\$20,704
	Filter Hood	\$10,522	\$3,683	\$6,839
	Radar Sign & trailer	\$13,541	\$4,739	\$8,802
	VHF Radios	\$88,270	\$30,431	\$57,839
	TOTAL:	\$144,184	\$50,000	\$94,184

Rural Development • Kansas

Hays Office
2715 Canterbury Drive
Hays, KS 67601
Phone: (785) 628-3081, Ext. 4
Fax: (877) 470-3801

Iola Office
202 W. Miller Road
Iola, KS 66749
Phone: (620) 365-2901, Ext. 4
Fax: (877) 470-3801

Newton Office
1405 South Spencer Road
Newton, KS 67114
Phone: (316) 283-0370, Ext. 4
Fax: (877) 470-3801

Topeka Office
1303 SW First American Pl, Ste 100
Topeka, KS 66604
Phone: (785) 271-2700
Fax: (877) 470-3801

USDA is an equal opportunity provider, employer, and lender.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

b.	<u>Source of Funds</u>			
	USDA Grant		\$50,000	
	Applicant Contribution			<u>\$94,184</u>
	TOTAL:	<u>\$144,184</u>	<u>\$50,000</u>	<u>\$94,184</u>

Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the borrower may be necessary.

Section I of the attached conditions (Items 1—7) must be satisfied prior to grant closing or before purchase of the vehicles begins, whichever occurs first, in either case not later than six (6) months from the date of this letter. **In the event the project has not advanced within six to nine months (6-9), USDA Rural Development reserves the right to discontinue the processing of the application.**

In addition to the conditions in Sections I-II, the applicant must fully comply with all requirements on Form RD 3570-3, Community Facilities Grant Agreement. The Agency reserves the right to cancel funds if the applicant does not fully comply with all requirements as presented or subsequently modified, as needed.

If you have any questions, feel free to contact this office.

Sincerely,

Michael Billings

MICHAEL BILLINGS
Area Specialist

Attachments: A/S

ATTACHMENT TO LETTER OF CONDITIONS

SECTION I. CONDITIONS TO BE SATISFIED PRIOR TO GRANT CLOSING:**1. Disbursement of Funds**

- a. The applicant's contribution of funds toward the project cost shall be considered the first funds expended and must be deposited in its project account before acquisition of the vehicles is started. After providing for all authorized costs, any remaining RHS project funds will be considered RHS grant funds and refunded to RHS.
- b. Agency funds will not be used to pre-finance funds committed to the project from other sources.

2. Security Requirements

- a. The applicant will be required to complete and execute Form RD 3570-03, "Community Facilities Grant Agreement" prior to grant closing.
- b. The grantee understands that any property acquired or improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 2 CFR part 200 in effect at this time and as may be subsequently modified.
- c. The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation in the project as provided by 2 CFR part 200 in effect at this time and as may be subsequently modified.

3. Civil Rights & Equal Opportunity— The grantee has received an award of Federal funding and is required to comply with U.S. statutory and public policy requirements, including but not limited to:

- a. **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 et seq.) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- b. Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap. The recipient must display posters (provided by the Agency) informing users of these requirements, and the Agency will monitor the recipient's compliance with these requirements during regular compliance reviews.
- c. The applicant is subject to a pre-grant closing civil rights compliance review by USDA Rural Development.
- d. As a recipient of Rural Development funding, you are required to post a copy of the Non-Discrimination Statement listed below in your office and include in full, on all materials produced for public information, public education, and public distribution both print and non-print.

Non-Discrimination Statement

"This institution is an equal opportunity provider and employer."

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <https://www.ocio.usda.gov/document/ad-3027>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

If the material is too small to permit the full statement to be included, the material at a minimum includes the statement in print size no smaller than the text that "This institution is an equal opportunity provider and employer."

4. **Environmental Reviews**— At the conclusion of the proposal's environmental review process, it was determined that the project meets the criteria established in 7 CFR § 1970.53, "Categorical Exclusion Involving No or Minimal Disturbance" and does not have a significant effect on the human environment. No further action is needed.
5. **Electronic Funds Transfer**—All grant funds will be transferred to grantees via Electronic Funds Transfer/Automated Clearinghouse Systems (EFT/ACH). Normal transfers will be ACH, with money being placed in the grantees account two business days after the USDA processing office approves the pay request. The applicant must submit the Electronic Funds Transfer Form containing the banking (ACH) information to the USDA Servicing Office at least 45 days prior to the date of grant closing. Failure to do so could delay grant closing.
6. **System for Award Management Registration and Unique Entity ID**—You as the recipient must maintain the currency of your information in the System for Award Management (SAM) until you submit the final financial report required under this award and all grant funds under this award have been disbursed or de-obligated, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term. Recipients can register on-line at (<https://www.sam.gov>) You as the recipient may not make a sub-award to an entity unless the entity has provided its Unique Entity ID from SAM.gov to you.
7. **Suspension and Debarment Screening** – You will be asked to provide information on the principals of your organization. Agency staff must conduct screening for suspension and debarment of the entity, as well as its principals through the Do Not Pay Portal.
 - a. Principal –
 - i. An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
 - ii. A consultant or other person, whether or not employed by the participant or paid with federal funds, who –
 1. Is in a position to handle federal funds;
 2. Is in a position to influence or control the use of those funds; or,

Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction. (2 CFR §180.995)

SECTION II. GRANT CONDITIONS TO BE SATISFIED AFTER PROJECT COMPLETION

1. **Financial Statements**—To be submitted on an annual basis in accordance with the following:
 - a. An annual audit under the Single Audit Act is required if the recipient expends \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, Subpart F, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of the recipients fiscal year end.

- b. For local governments and Indian tribes, an audit in accordance with State or local law or regulation or regulatory agency requirements must be submitted when you expend less than \$750,000 in Federal financial assistance per fiscal year. These audits shall be submitted to USDA no later than 150 days after the end of the borrower's fiscal year.
 - c. All borrowers exempt from USDA audit requirements and who do not otherwise have annual audits, will within 60 days following the end of the borrower's fiscal year furnish USDA with annual financial statements, consisting of a verification of the organization's balance sheet and statement of income and expenses. The recipient may use Form RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet," or similar format to provide the financial information.
2. **Audit agreement**—If you are required to obtain the services of a licensed Certified Public Accountant (CPA), you must enter into a written audit agreement with the auditor. The audit agreement may include terms and conditions that you and auditor deem appropriate.

LETTER OF INTENT TO MEET CONDITIONSDate 09-20-2023

TO: United States Department of Agriculture

Rural Development

(Name of USDA Agency)202 West Miller Rd
Iola, KS 66749

(USDA Agency Office Address)

We have reviewed and understand the conditions set forth in your letter dated 09-20-2023 . It is our intent to meet all of them not later than 03-20-2024 .

City of Independence

(Name of Association)BY

Mayor

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a persons is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015 and 0570-0062. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data. needed, and completing and reviewing the collection of information.

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 18-063-275266799		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME City of Independence		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Kansas	
		5. COUNTY NAME Montgomery	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AI/AN 4 - HISPANIC 5 - A/PI	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10 - PUBLIC COLLEGE/UNIVERSITY 11 - OTHER	8. COLLATERAL CODE 1 - REAL ESTATE SECURED 2 - REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.
10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	13. CREDIT REPORT 1 - YES 2 - NO
14. DIRECT PAYMENT (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10,000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 914 (See FMI)	20. PURPOSE CODE 1	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN	25. AMOUNT OF GRANT 50,000	
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR	28. INTEREST RATE 0 %	29. REPAYMENT TERMS
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder

COPY 1 - Finance Office

COPY 2 - Applicant/Lender

COPY 3 - State Office

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. **COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL**
Subject to the Letter of Conditions dated September 20, 2023. CF grant funds to be used for eligible project costs.

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. ☐ YES ☐ NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date _____, 20 23 _____
(Signature of Applicant)

Date _____, 20 _____
N/A
(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: Daniel E. Fischer

Date Approved: _____ Title: Acting CP Director

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider awarding a Downtown Independence Building Grant for improvements to 212 N. Penn Ave.

SUMMARY RECOMMENDATION City staff recommends approval of the grant.

BACKGROUND Mark Leaman, with IGC, has made an application for a Downtown Building Grant. The IGC is renovating 212 N. Penn and installing exterior security door, plumbing, ADA bathrooms and updated electrical service. The estimated cost of improvements to the building is 1 million dollars, and they have requested \$25,000 towards \$96,000 estimated eligible improvements.

The Building Grant Committee met last Friday to review the application and determined the following items were eligible for the grant.

- New Electrical Service \$75,000.00
- New Security Door \$3,400.00

A total of \$78,400.00 is eligible for a building grant of \$19,600.00. The Building Grant Committee voted to approve the application and would request that if additional materials are needed while doing this work, the City has permission to authorize the additional grant funding up to the \$25,000 maximum if funds are available.

FINANCIAL INFORMATION The downtown building grant fund's current balance is \$162,360 and will be \$142,760.00 if \$19,600 is approved.

SUGGESTED MOTION I move to approve the Downtown Building Grant application for 212 N. Penn for \$19,600 and not to exceed \$25,000.

SUPPORTING DOCUMENTS

1. IGC Application



DOWNTOWN INDEPENDENCE BUILDING GRANT

The Downtown Independence Building Grant Program is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. This grant provides a 25% reimbursement for eligible expenses with a maximum funding of \$25,000 per building.

Neighborhood Revitalization District

To take part in the Downtown Independence Building Grant Reimbursement Program, a property must be located in a Neighborhood Revitalization District.

Eligibility

To qualify to participate in the Downtown Independence Building Grant Program, applicants must meet the following:

- The property must be located within the designated Central Business District
- Applicant must provide proof of ownership
- The property's real estate taxes must be paid and current.
- City utility bills must be current on all properties in the applicants name or ownership.
- Applicant must provide proof of adequate property insurance on the property
- Applicant may only have one open application at a time
- The improvements must meet Independence city code and applicable building codes.
- The improvement must not be paid for using an insurance settlement or other governmental funding.
- Minimum exterior inspection requirements must be met. If an applicant fails an item at inspection, said item must be corrected prior to application approval or must be addressed within proposed improvements (see Inspection document for details).

Eligible Improvements/costs include:

- Electrical upgrade to include breaker box, wiring and receptacles.
- Electrical Meter Service and disconnect upgrades
- Plumbing service line replacement and interior plumbing
- Fire Sprinkler installation (does not cover design and plan development)
- Façade restoration (tuckpointing)
- Masonry
- Window and exterior door repair or replacement (condition warrants need, cosmetic improvements are not reimbursable)
- Gutters
- Exterior electrical work related to service entrance code compliance or safety
- Roofs (condition warrants need, cosmetic improvements are not reimbursable)
- Footings and foundation
- Flooring structural systems (not floor coverings or underlayment)
- Load bearing or structurally necessary walls, partitions, or other vertical support
- Ceiling structure support, roof and/or ceiling – roof supports or other horizontal structures
- Actual material and installation costs



Ineligible Improvements/costs include:

- Cosmetic improvements where condition does not directly contribute to the need of the improvement
- Restructuring or remodeling
- Exterior painting
- Contractor profit and overhead, bond and insurance costs
- Sweat equity
- Design and inspection costs
- Any work completed prior to final application approval

Note, the City reserves the right to determine if a proposed improvement meets program requirements.

How to Apply and Program Process/Compliance

- The City will start accepting applications on an ongoing basis
- Grant money will be distributed on a first come, first served basis until all funding is appropriated.
- Applications can be emailed to davidc@independenciks.gov or received at City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: Downtown Independence Building Grant Application
- Upon receipt of application, City Staff will contact the applicant for review of the application and proposed work.
- Buildings will require a minimum exterior inspection; all building codes, ordinance and other applicable regulations for Central Business District must be met. A written report will be provided to the review committees.
- After a complete application is received, a 45-day review period will commence for review by the following committees. Each committee shall provide a written recommendation after review.
 - o CBDBC Grant Program Committee
 - City Manager
 - Assistant City Manager – Chair
 - Director of Finance
 - Housing Authority Director (non-voting)
 - Economic Development Advisory Board Representative (non-voting)
 - Building Inspector (non-voting)
 - Main Street Director (non-voting)
 - o Independence Historic Preservation & Resource Commission
- Following approval from abovementioned review committees, applications will go before the Commission for final approval at the next regular commission meeting
- A scope and timeline of work must be submitted to the Building Department within 90 days of notification of approval
- Projects must be completed within 6 months after a building permit is issued. One 6-month extension may be granted with written approval prior to the initial 6-month deadline.
- Contractor(s) utilized to perform improvements must have a current Independence Occupational license, and if appropriate professional license.
- City staff will perform a monthly review of the project and provide written/photographic documentation.
- City staff shall have the right of entry with 24-hour notice, or immediately if imminent danger is present
- All building codes and ordinances will be adhered to during the duration of the project.
- Applicant will provide documentation from a structural engineer that certifies any work relating to the



structural integrity of the building was properly completed.

- Applicant shall be responsible for all safety conditions and compliance with all federal, state, and local laws.
- Any design/scope changes after initial approval must be submitted to the Building Inspector and go through the committee review and commission approval process.
- Failure to obtain approval for the change order could make changes ineligible for funding.



DOWNTOWN INDEPENDENCE BUILDING GRANT

To be completed by the applicant:

Owner of Record (must be applicant): Independence Gun Club
Phone: 620-515-8353 Email: MARO IRONWORKS WELDS.COM
Mailing Address: 212 N Penn Property Address: 212 N Pen

Description of Proposed Improvements:

EXTERIOR Security Door
PLUMBING, TURN OUR BATHROOMS INTO 2 STALL ADA BATHROOM
UPDATE ELECTRICAL, REFURB UPSTAIRS BATHROOM

Estimated Total Cost of Improvements: \$ 1 million

Estimated Cost of Eligible Improvements: \$ 96K Grant Funding Requested: \$ 25K

Anticipated Project Start Date: 11/15/23

Anticipated Project Completion Date: 11/15/24

Required supplemental documentation:

- ☐ Detailed breakdown of estimated project expenses, including non-eligible work
- ☐ Bids/Quotes/Estimates to support estimated project cost.
- ☐ Architectural/Engineer stamped drawings and Contractor drawings and description of work
- ☐ Contact Information for lending institution, if financed by a loan
- ☐ Copy of current insurance policy
- ☐ Property Tax Statement

Architect / Engineer / Contractor Information:

Contact: Wayne Sunkist Phone: 620-332-4184 Email: _____

Business Name: ERICS Plumbing City License: # _____ Services: Plumbing

Contact: TRAVIS Blankenship Phone: 620-330-2527 Email: _____

Business Name: Blankenship Electric City License: # _____ Services: Electric



INDEPENDENCE
KANSAS

Contact: Rob Eisenhart

Phone: 620-205-0934 Email: _____

Business Name: Rob Eisenhart Const City License: # _____ Services: CARPENTRY

Print Page

These Links May Require Adobe Acrobat Reader. Click [here](#) to Download it.[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)

The Parcel Number for this Property is 063-099-31-0-20-04-007.00-0
Quick Ref ID: 6939

Owner Information

Owner Name	INDEPENDENCE GUN CLUB
Address	P O BOX 333 INDEPENDENCE, KS 67301

Property Situs Address

Address	212 N PENNSYLVANIA AVE, Independence, KS 67301
---------	--

Land Based Classification System

Function	Downtown row store
Activity	Goods-oriented shopping
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Commercial & Industrial - C
Living Units	
Zoning	
Neighborhood	208.D
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Sidewalk - 6
Fronting	Major Strip or CBD - 1
Location	Central Business District - 1
Parking Type	On Street - 2
Parking Quantity	Minimum - 1
Parking Proximity	Adjacent - 2
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	12,510	235,480	247,990
Total	12,510	235,480	247,990

Tract Description

ORIG PLAT, S31, T32, R16, BLOCK 30, Lot 12 & 13, Lot Width: 046.0 Lot Depth: 140.0 Plat Book/Page 1 /6&7 Deed Book/Page 705 /1495 655 /791 589 /592 582 /769 334 /277

Building Permit Information

Permit Number	Amount	Issue Date	Description
020220035	35,000	6/9/2022	Interior Remodel
11022022	2,000	2/11/2022	Interior Remodel
20140028	15,000	5/20/2014	Commercial Building

201000061

6,187

9/16/2010

IMPROVEMENT

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
705	1495	655	791	589	592	582	769

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6534										12,510

General Commercial Building Information**General Building Information**

LBCS Structure Code	Downtown row store
Bldg No.	1
Building Name	INDEPENDENCE GUN CLUB
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data

	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements

Sec	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Mixed Retail w/ Office Units	M	2.00	1900		01/01		6,255	229	22	3.5	3				039			981,450	16	157,030
2	Mixed Retail w/ Office Units	M	2.00	1900		02/02		6,255	368	16	3	3				086			784,500	10	78,450
702	Mixed Retail w/ Office Units	M	2.00			1		1,155	136	9											

Commercial Building Section Components

Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Mezzanines-Open	2475					
1	Mezzanines-Open	765					
1	Canopy, Retail Wood Frame	450				1.00	
1	Passenger #	1			2	1.00	
2	No HVAC						
2	Brick, Solid		100				

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TECHNOLOGIES

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 24 2020

INDEPENDENCE GUN CLUB
PO BOX 2
INDEPENDENCE, KS 67301-0002

Employer Identification Number:
84-3020494

DLN:
26053462006710

Contact Person:
CUSTOMER SERVICE ID# 31954

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31

Public Charity Status:
509(a)(2)

Form 990/990-EZ/990-N Required:
Yes

Effective Date of Exemption:
February 27, 2020

Contribution Deductibility:
Yes

Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947



MSAMORA

EVIDENCE OF PROPERTY INSURANCEDATE (MM/DD/YYYY)
8/29/2023

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY NDB - Independence 304 N Pennsylvania Avenue Independence, KS 67301	PHONE (A/C, No, Ext): (620) 331-3700	COMPANY United States Liability Insurance Company P O Box 6700 Wayne, PA 19087
FAX (A/C, No): (620) 331-0849	E-MAIL ADDRESS:	
CODE: AGENCY CUSTOMER ID #: INDEGUN-01	SUB CODE:	
INSURED Independence Gun Club PO Box 732 Independence, KS 67301	LOAN NUMBER	POLICY NUMBER CF1571480C
	EFFECTIVE DATE 11/25/2022	EXPIRATION DATE 11/25/2023
		☐ CONTINUED UNTIL TERMINATED IF CHECKED
THIS REPLACES PRIOR EVIDENCE DATED:		

PROPERTY INFORMATION

LOCATION/DESCRIPTION
Loc # 1, Bldg # 1, 212 N. Penn, Independence, KS 67301, gun classes and wildlife exhibit
Loc # 2, Bldg # 1, 216 N. Penn, Independence, KS 67301, former Libby's Boutique

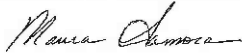
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION				PERILS INSURED	BASIC	BROAD	SPECIAL	AMOUNT OF INSURANCE	DEDUCTIBLE
COVERAGE / PERILS / FORMS									
Loc # 1, Bldg # 1									
Building, Special (Including theft), Functional Replacement Cost								\$980,000	1,000
Loc # 2, Bldg # 1									
Building, Special Excluding Theft, Actual Cash Value								\$350,000	1,000

REMARKS (Including Special Conditions)**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

NAME AND ADDRESS City of Independence 811 W. Laurel St. Independence, KS 67301	ADDITIONAL INSURED MORTGAGEE	LENDER'S LOSS PAYABLE	LOSS PAYEE
	LOAN #		
	AUTHORIZED REPRESENTATIVE 		



Blankinship Electric LLC 2017
Po Box 1129
Independence, KS 67301 US
(620) 330-2527
blankinship.electric@outlook.com

Estimate

ADDRESS

IGC Sporting Heritage Center

ESTIMATE #

1170

DATE

03/13/2023

	QTY	RATE	AMOUNT
Quote This is a Estimate for a new electric service for IGC Sporting Heritage Center. 600 amp 3 phase service 120/208 volt Included in price New 600 amp CT cabinet, 600 amp outdoor disconnect, 600 amp MDP, 200 amp 3 phase 42 space sub panel, piping, wire, fittings. Labor Contractor will install all material for service and power to all existing panels and new panels, and power to new HAVC units.	1	75,000.00	75,000.00
TOTAL			\$75,000.00

Accepted By

Accepted Date

Estimate 2192

Independence Gun Club

212 north Penn Ave

Independence, KS 67301

2/16/2023

Steel Door 3rd Floor Replacement

Remove existing door and jamb on east end of building

Install

1 – steel door/jamb

208"x20" glass

Panic hardware

Keyed exterior

Material/Door: \$2,400.00

Labor: \$1,000.00

Total: \$3,400.00

Eric's Plumbing

917 West Main St.
Independence, Kansas 67301
Phone 620-332-4184

Estimate

Date	Estimate #
2/16/23	1553

Name / Address
Independence Gun Range Indoor Shooting Range

			Project
Description	Qty	Rate	Total
Estimate for restroom renovation in downstairs restrooms			
Mansfield ADA closet combo	1	245.00	245.00
Kohler Dexter urinal and flush valve	1	310.00	310.00
pvc drain line pipe and fittings		300.00	300.00
pex water line pipe and fittings		325.00	325.00
valves and supplies		200.00	200.00
Residential Labor - No Tax		2,240.00	2,240.00
		Subtotal	\$3,620.00
		Sales Tax (6.5%)	\$0.00
		Total	\$3,620.00

Eric's Plumbing

917 West Main St.

Independence, Kansas 67301

Phone 620-332-4184

Estimate

Date	Estimate #
2/16/23	1554

Name / Address
Independence Gun Range Indoor Shooting Range

			Project
Description	Qty	Rate	Total
Estimate for refurbishing upstairs restroom			
Mansfield ADA closet combo	1	245.00	245.00
Kohler Dexter urinal and flush valve	1	310.00	310.00
Mansfield wall hung lav, Delta faucet, grid drain and cover kit	1	310.00	310.00
pvc drain line pipe and fittings		450.00	450.00
pex water line pipe and fittings		375.00	375.00
valves and supplies		150.00	150.00
Residential Labor - No Tax		3,360.00	3,360.00
		Subtotal	\$5,200.00
		Sales Tax (6.5%)	\$0.00
		Total	\$5,200.00

Estimate 2304

Independence Heritage Center

Independence, KS 67301

9/4/2023

2nd Floor Bathroom Remodel

Remove existing plaster on walls in bathroom

Cut and frame 36" opening in dividing walls

Install new 34"x46 1/4" white vinyl double hung window

Frame south wall and new east wall to accommodate plumbing

Install drywall, mud, tape and texture

Prime and paint drywall

Install new ceiling grid and tiles

Electrical

6 – can lights

2 – receptacles

1 – Switch

1 – exhaust fan

Install new LVP flooring (\$5.00/Sq Ft)

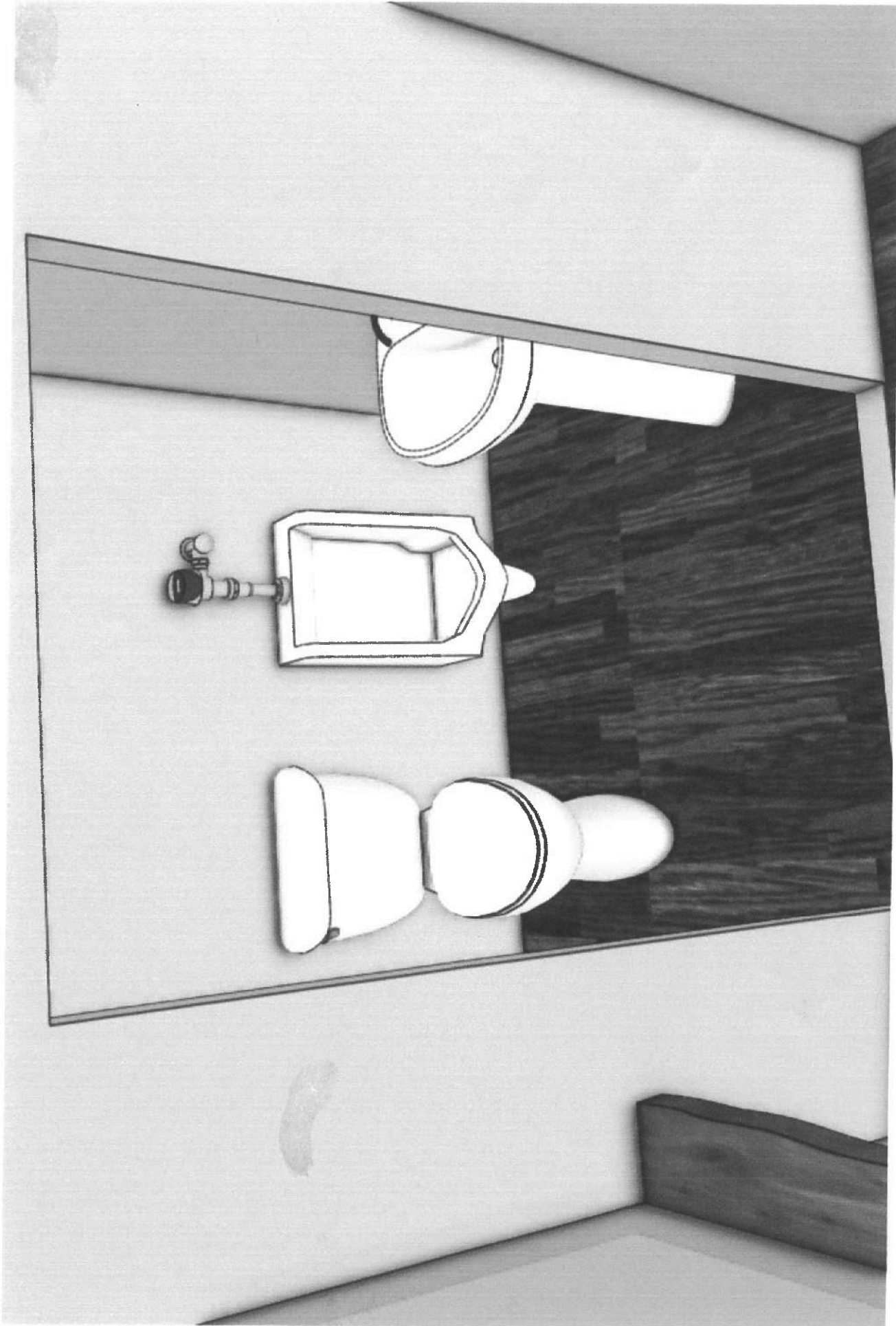
Install 18" utility/linen cabinet

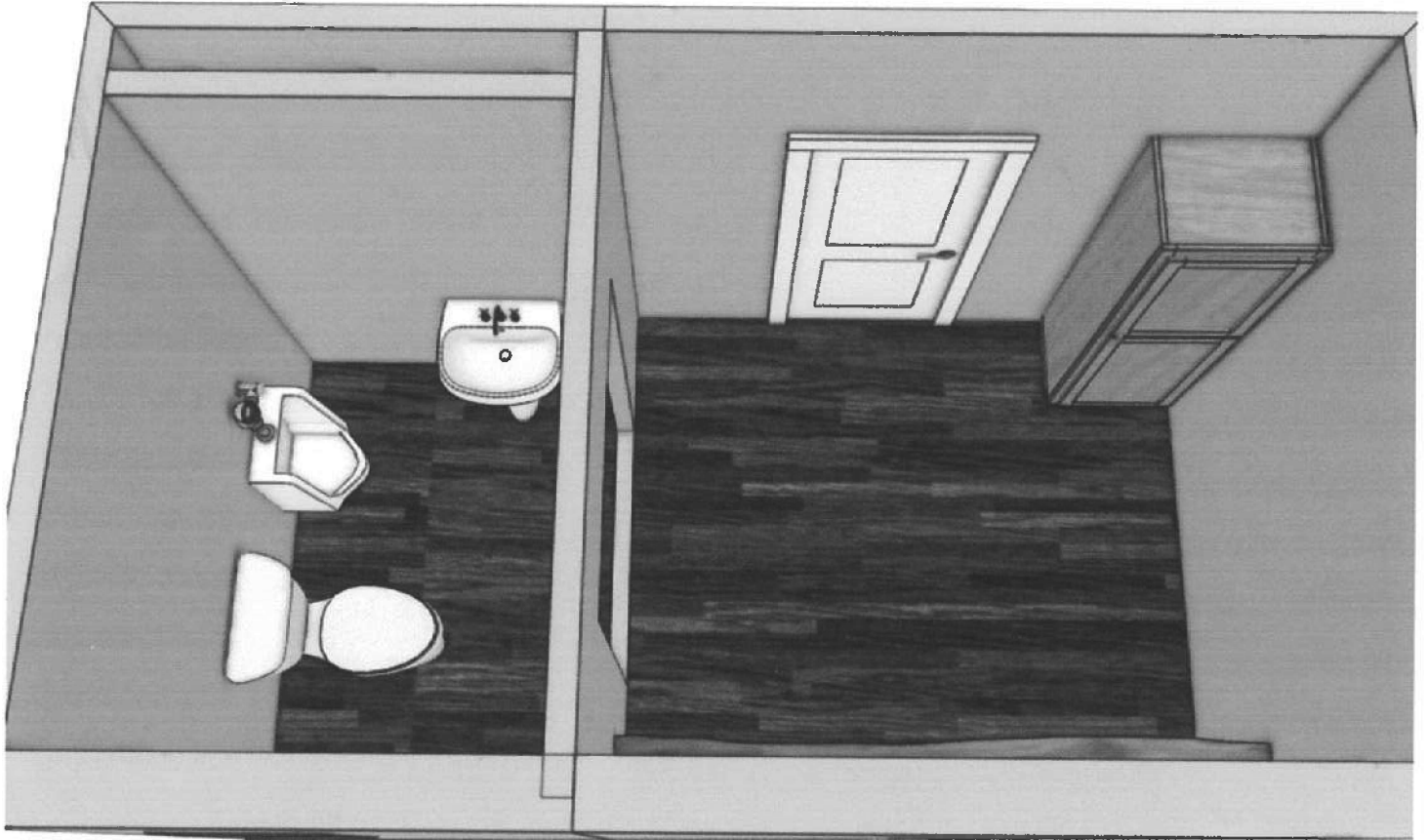
Install live edge shelf

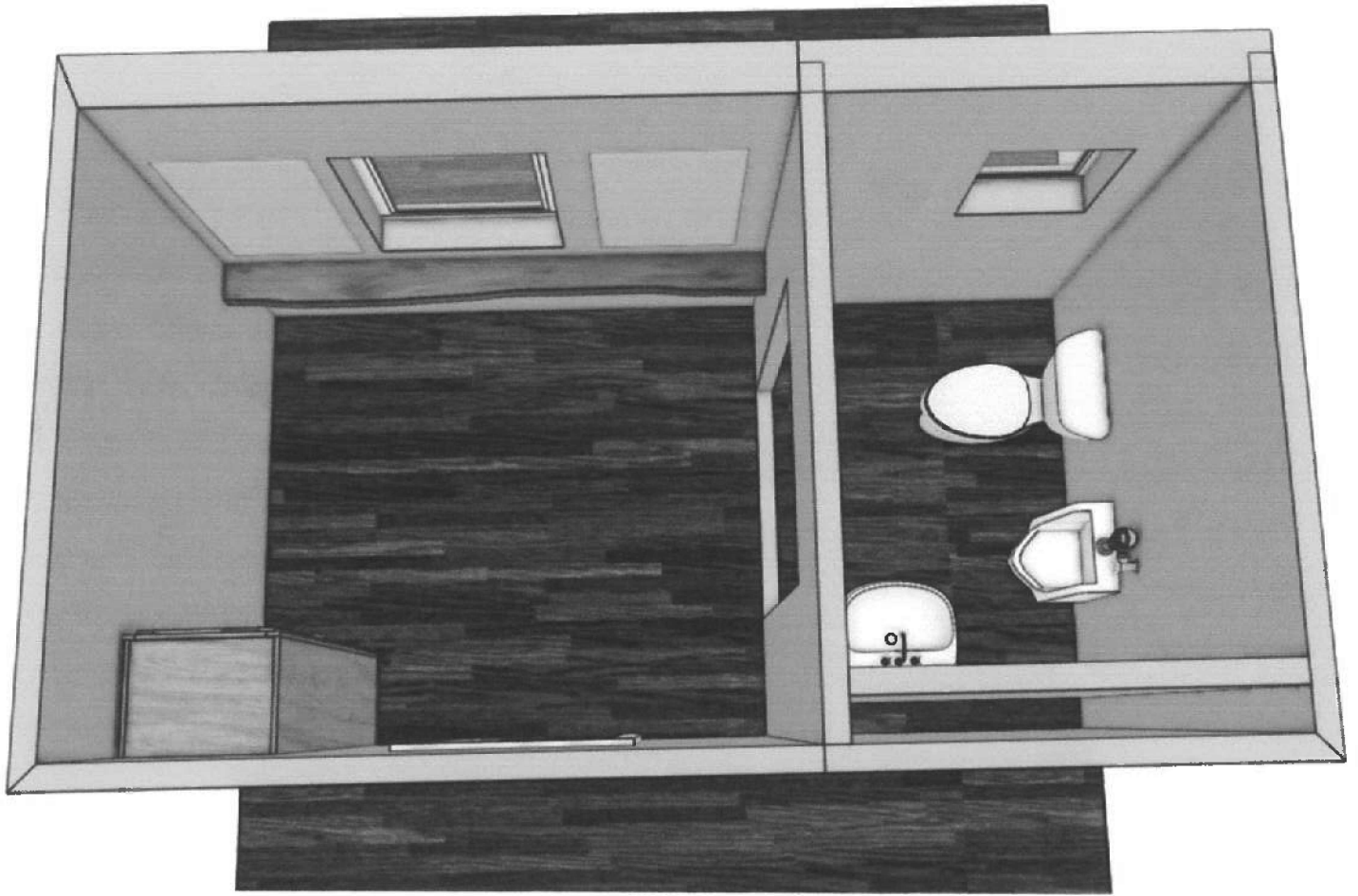
Install cove base

Labor and material complete: \$8,840.00

This bid doesn't include plumbing or HVAC









**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 20, 2023**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance for a text amendment to the zoning code relating to Conex Containers.

SUMMARY RECOMMENDATION Adopt the ordinance as recommended by the Planning Commission.

BACKGROUND At the last Planning Commission meeting three separate text amendments pertaining to shipping containers, off-street parking, and accessory uses were considered. We do not have the draft ordinances prepared for off-street parking or accessory uses (such as storage sheds), so those items will be moved to the September 28th agenda. We do have an ordinance to implement a text amendment for Conex (Shipping Containers) prepared by the City Attorney with a minor modification as recommended by the Planning Commission.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance for a text amendment to the zoning code relating to Conex (shipping containers) as prepared by the City Attorney and recommended by the Planning Commission.

SUPPORTING DOCUMENTS

1. Ordinance 4436 - Shipping Containers
2. September 5, 2023 Planning Commission Board of Zoning Minutes - Draft
3. P/Z Staff Report -- Text Amendment-Conex Containers

ORDINANCE NO. 4436

**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. 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.

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 20th day of September, 2023.

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

I. Call to Order

Present: Brent Littleton, Lisa Richard, Scott Smith, Rachel Lyon, Michelle Anderson, Anthony (Tony) Royse, Tim Haynes

Absent: Andy McLennon, Mary Jo Meier

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

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

Motion:

On the motion of Scott Smith, seconded by Brent Littleton the Commission approved the minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon

Nay: None

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.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission approved a variance of 6.98 square feet for the Independence Historical Museum to replace their marquee letterboard with a new digital sign.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon

Nay: None

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.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

**On the motion of Tim Haynes, seconded by Lisa Richard the Commission
adjourned the public hearing until October 3, 2023 at 5:30 p.m.**

**Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon**

Nay: None

- b. **Public hearing to consider a text amendment to the zoning code regarding storage
sheds.**

Tim Haynes, Chairperson, opened the public hearing.

**Kelly Passauer explained the added language to the code regarding accessory
uses in 1015.0 concerning accessory uses not located on the same lot or
contiguous lot as the principal building or principal use served and 1015.1
special conditions as a conditional use. Storage units are larger than they
have been in the past so the measurement was changed to 300 sq. ft.**

**By requiring the storage shed to be adjacent to the principal building or
principal use served, it will keep the number down. Also, because it requires a
conditional use, all neighbors will be notified.**

**Tim Haynes asked if possession is changed, would the new owner be required
to reapply for a conditional use.**

**Kelly Passauer said that yes, it will not transfer. If the property is sold, the
new owners would have to come into compliance.**

**Scott Smith wants everything left on one lot so there will not be units on
vacant lots.**

**Lisa Richard wants a definition added to the code to clarify the definition of
adjacent.**

Motion:

**On the motion of Rachel Lyon, seconded by Lisa Richard the Commission
recommended 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: defining the meaning of
adjacent.**

**Aye: Lisa Richard, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony
(Tony) Royse, Rachel Lyon**

Nay: Scott Smith

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5, 2023 Meeting

- 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."

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer reviewed the proposed ordinance with the commissioners.

Tim Haynes asked if the reference to size could be removed from the proposed ordinance. He also asked how the container engineering could be designed without specifying the sizes, i.e. to specify that not all containers that look like shipping containers are actually shipping containers.

Kelly Passauer asked if the building department would address this issue.

David Cowan said this issue would be addressed through the building code.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission recommended the City Commission adopt an ordinance for a text amendment to Article B - Zoning concerning shipping containers pending the removal of size and dimension specifications from the language.

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

Nay: Anthony (Tony) Royse

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

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer explained the modified language under 403.0 - Definitions. Added for one- and two- dwelling units were open parking spaces off the alley with gravel, ribbon driveways and turf pavers.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Lisa Richard the Commission moved to adopt a 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..

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

**Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None**

V. Discussion

Kelly Passauer let the Commissioners know that the contract has been signed
for the comp plan.

VI. Adjournment

Motion:

**On the motion of Tim Haynes, seconded by Scott Smith the Commission
adjourned the meeting.**

**Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None**



**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.

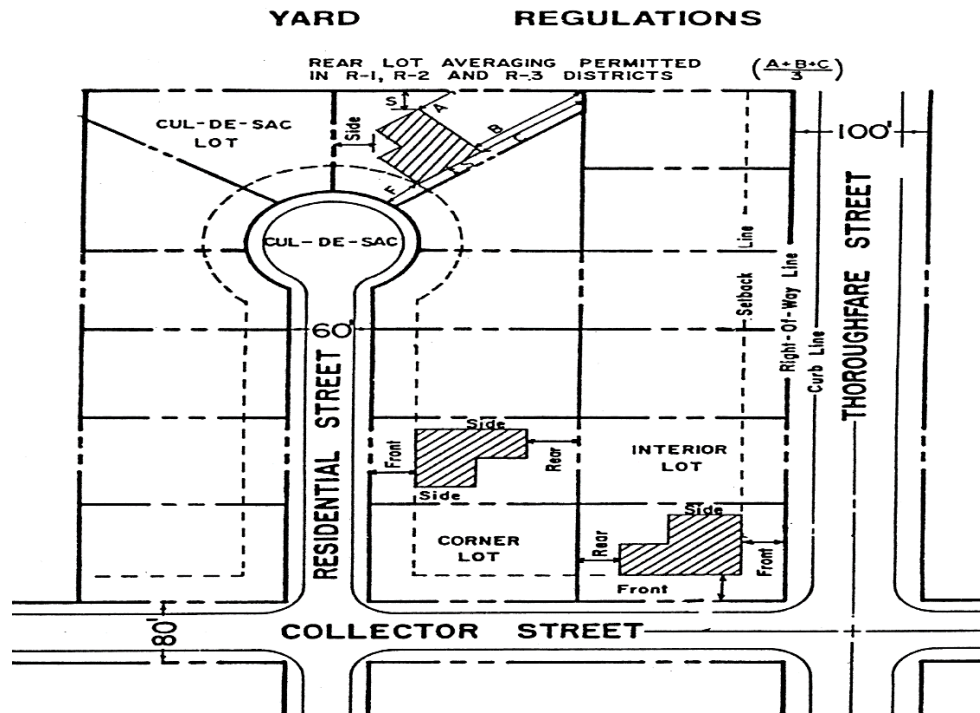
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero-lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing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

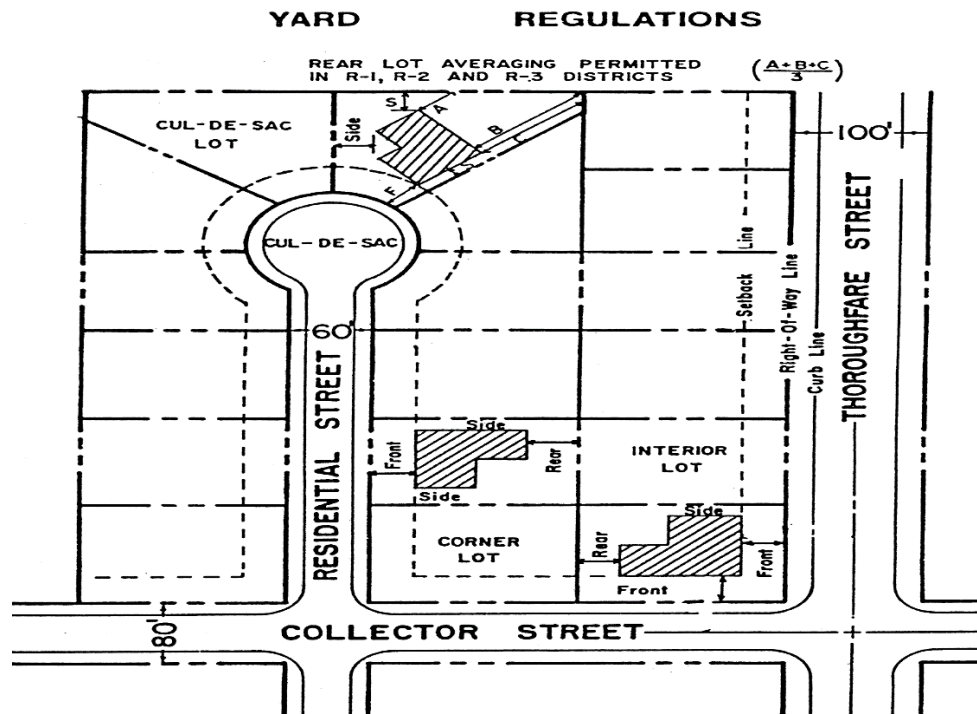
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero-lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing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

[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



**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.

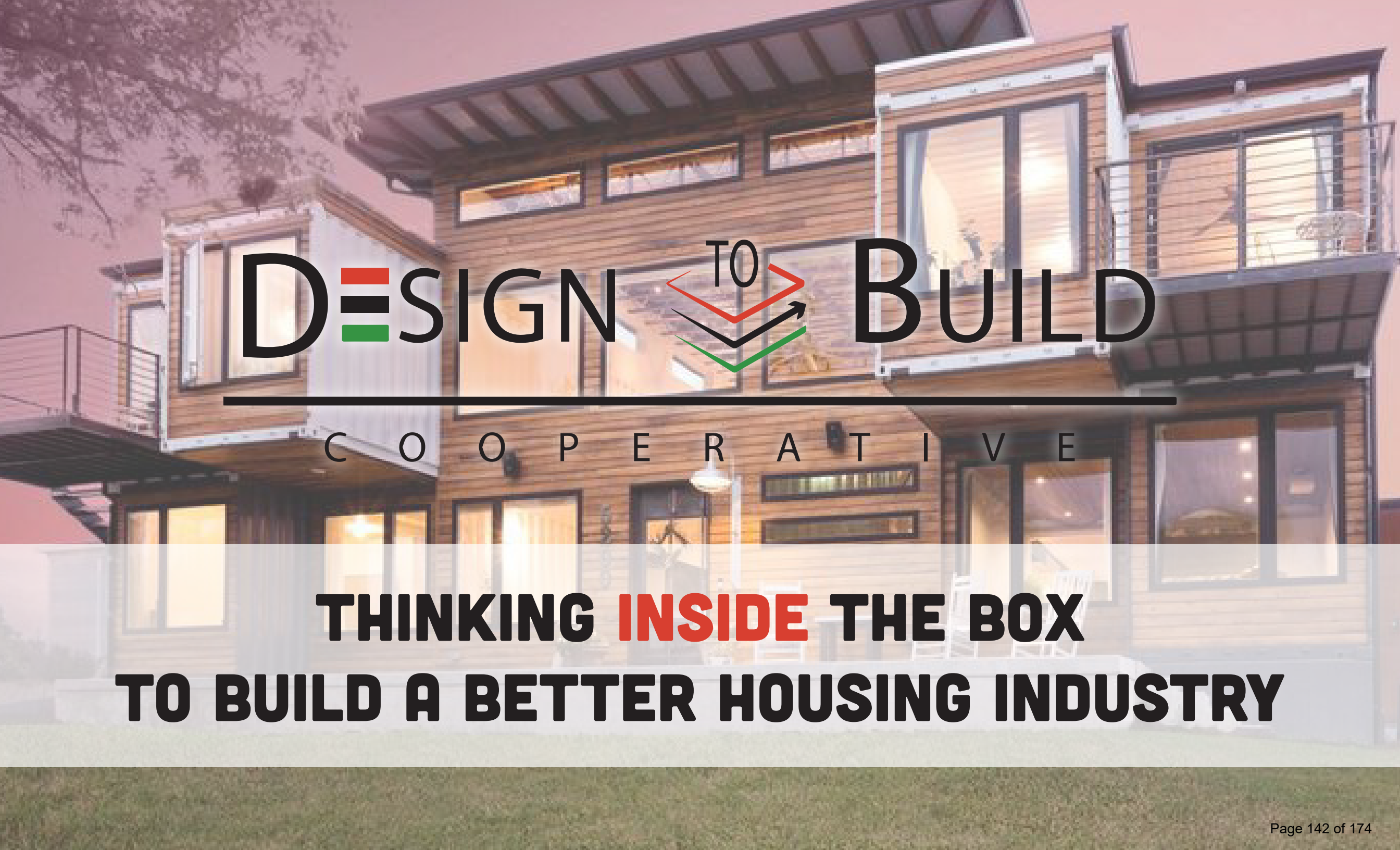


YMLU 490320

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 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%

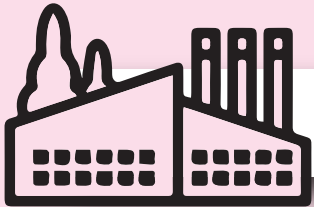
**3BR 2BATH – \$150K
EFFICIENCY – SIMILAR TO TESLA**



CUSTOM DEVELOPMENT – 20%

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

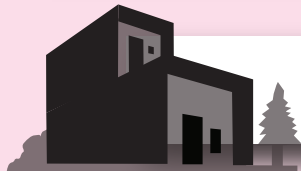
TRACTION



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

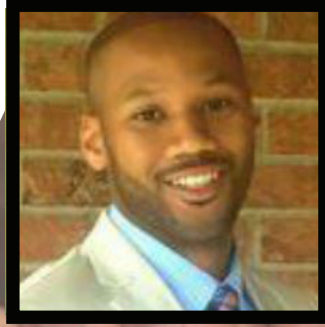
**7% OF REVENUE YEARLY UNTIL
YOU RECEIVE 1.25X YOUR CONTRIBUTION**

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



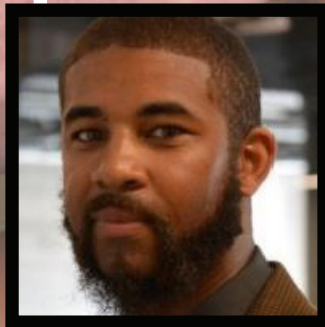
JOEL EGAN
CDO/DIR. OF FABRICATION

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.

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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:

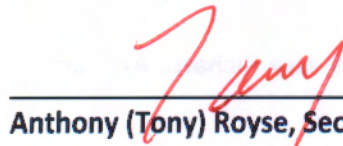
**On the motion of Tim Haynes, seconded by Scott Smith the Commission
adjourned the meeting.**

**Aye: Michelle Anderson, Tim Haynes, Lisa Richard, Anthony (Tony) Royse,
Scott Smith**

Nay: None



Tim Haynes, Chairperson



Anthony (Tony) Royse, Secretary