

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

March 24, 2022

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 592 706 042#

The Independence City Commission will meet in a Regular Session on **Thursday, March 24, 2022, in the Civic Center Memorial Hall.**

The Agenda shall be as follows:

I. REGULAR SESSION

- A. Call to Order
- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

II. PRESENTATIONS

- A. Presentation of Meritorious Award to Detective Bryant.
- B. Presentation of Life Saving Award to Officer Cook.
- C. Presentation from Four County Mental Health on Programs that utilize the City's Special Alcohol Funds.

III. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

- A. Consider approving City Commission minutes from January 19, 27, and 28, 2022, and corrected minutes from January 13, 2022.
- B. Consider approving a grant project with Fort Hays State University.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider an agreement with Rainbow Fireworks for the July 4th Fireworks show.
- B. Consider proclaiming April 2022 as the Lions Club 100 Year Anniversary month.
- C. Consider Proclaiming April 10 - 16, 2022 as Telecommunicators' Week.
- D. Consider awarding the bid for the 1916 City Hall Remodel.
- E. Consider adopting an ordinance establishing regulations for Tiny Houses.
- F. Consider placing a temporary barrier around the AT&SF 1050 Steam Locomotive in Riverside Park until a rehabilitation project can be completed.
- G. Consider a Request from Brian Bremer to donate property located at 712 East Maple Street to the City with the stipulation that it be developed into a future dog park.
- H. Consider authorizing an application for FAA Terminal Replacement Grant.

V. REPORTS

- A. City Board Minutes
- B. City Projects Report
- C. January and February 2022 Sales Tax Reports
- VI. CITY MANAGER'S COMMENTS
- VII. COMMISSIONERS' COMMENTS
- VIII. PUBLIC CONCERNS
- IX. EXECUTIVE SESSION
 - A. Discussions prior to acquisition of real estate.
- X. ADJOURNMENT



Presentation
CITY OF INDEPENDENCE
March 24, 2022

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Presentation of Meritorious Award to Detective Bryant.

BACKGROUND On 2-9-2021 IPD and the State Fire Marshal's Office investigated an arson. The suspect set fire to a house with three people inside. One was resuscitated and transported by helicopter for care. During the investigation, Det. Bryant served five search warrants on electronic devices, assisted canine teams, and utilized advanced investigative services with other agencies. Bryant was able to get the suspect to admit to setting the fire. The suspect was charged with aggravated arson and attempted murder.

Detective Bryant was nominated for this award by his fellow detectives and the State Fire Marshal's Office.

For dedicated service and outstanding performance on a major case, Detective Bryant is receiving an Award of Meritorious Conduct.

SUPPORTING DOCUMENTS



Presentation
CITY OF INDEPENDENCE
March 24, 2022

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Presentation of Life Saving Award to Officer Cook.

BACKGROUND On 2-8-2022 at 7:20 AM, Officer Hilary Cook was working as a dispatcher for IPD Dispatch. She received a call regarding a woman that had fallen and was not breathing. Hilary's years of experience as an EMT and experience in dispatch providing emergency medical dispatch pre-arrival instructions allowed her to respond from memory. Hilary coached the patient's husband through all the steps of providing CPR. Hilary stayed on the line coaching the man until EMS arrived and took over medical care. The woman was flown to a hospital and has since returned home. EMS personnel stated that it is most likely the patient would have died had Hilary not acted so decisively.

For her quick decision and ability to coach CPR in accordance with her training and experience, Officer Hilary Cook is being recognized with a Life Saving Award.

SUPPORTING DOCUMENTS



Presentation
CITY OF INDEPENDENCE
March 24, 2022

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Presentation from Four County Mental Health on Programs that utilize the City's Special Alcohol Funds.

BACKGROUND The City budgets \$30,000 annually for support of Four County Mental Health's Alcohol and Substance Abuse programs out of the City's Special Alcohol Funds. These funds are distributed to the City from the State from the Liquor Drink Tax collected. The use of these funds is restricted to supporting alcohol and substance abuse programs in the community.

SUPPORTING DOCUMENTS

1. Independence Liquor Funds 2021-2022

Request
for
Liquor
Tax
Funds

January 27, 2022

FY

2022

Presented by Ginger Hill, MS, LCP, LCAC

Four County
Mental Health
Center, Inc.

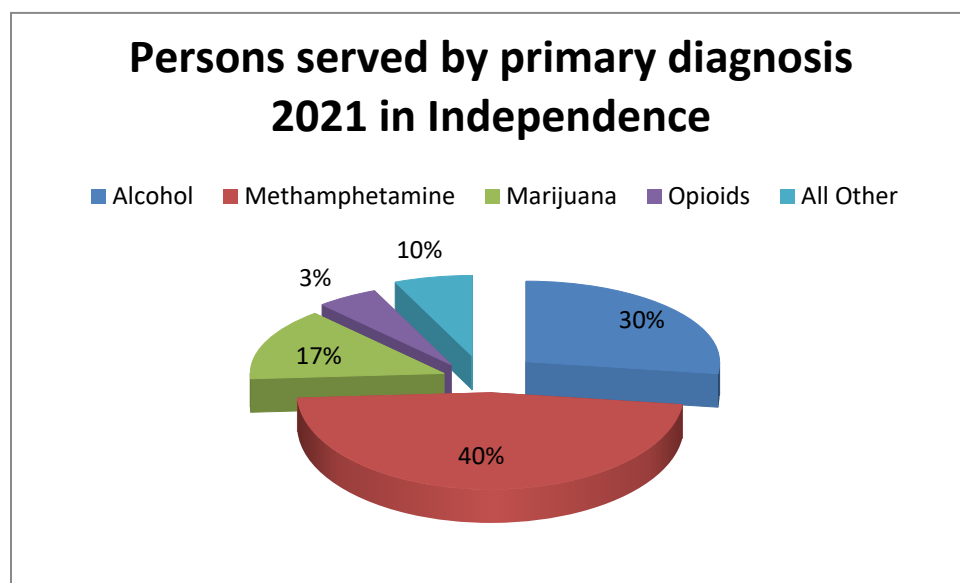
Statute KSA 79-42 a04

(d) Except as otherwise provided by this subsection, each city treasurer of a city that has a population of more than 6,000, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit 1/3 of the deposit to the general fund of the city, 1/3 to a special parks and recreation fund in the city treasury and 1/3 to a special alcohol and drug programs fund in the city treasury. Each city treasurer of a city that has a population of 6,000 or less, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit 1/2 of the deposit to the general fund of the city and 1/2 to a special parks and recreation fund in the city treasury. Moneys in such special funds shall be under the direction and control of the governing body of the city. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. One-half of the moneys distributed under this section to cities located in Butler county shall be deposited in a special community support program and parks and recreation fund in the city treasury. Moneys in the special community support program and parks and recreation fund may be expended only for (1) the establishment and operation of a domestic violence program operated by a not-for-profit organization or (2) the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

Organizational Mission & Purpose

Four County Mental Health Center Inc. is dedicated to providing accessible, innovative services in partnership with individuals and families in our communities. Four County Mental Health Center has been serving Montgomery County residents since 1964 and has a long-lasting relationship with residents and community partners in Independence. The alcohol and drug treatment program is dedicated to achieving recovery in partnership with individuals that struggle with substance use and addiction.

Relevant data and highlights from the past year



- Methamphetamine is the number one reason for admission for the 5th year in a row and continues to present a significant concern in the Independence community.
- Four County is has hosted 2 community events partnering with law enforcement, corrections staff, emergency rooms, and other community partners to begin addressing community wide problems related to mental health and substance abuse. The project is called the ***Southeast Kansas Behavioral Health Emergency Summit***
- 70 individuals have successfully discharged from services in 2021 within the entire Four County catchment area.
- 52 out of the 70 successful discharges were employed at the time of discharge

Service Description and Provision

Four County uses the City of Independence liquor tax funding to help provide the following services to both adults and adolescents in Independence:

1. Alcohol & Substance Use assessment and referral
2. Alcohol and Drug treatment including individual, group, and family intervention
3. Intensive outpatient services
4. Peer support services
5. Assessments and recommendations for DUI evaluations

6. Public education and prevention presentations as requested
7. Substance related crisis response services including emergency assessments and referral to detox programs

Fund Distribution: Four County uses liquor tax funding to fill the gap of unreimbursed care

1. **Reimbursement for services not covered by insurance or State resources:** In calendar year 2021, Four County provided 1074 addiction-related services at the Independence location for those individuals who were uninsured or underinsured. Four County heavily relies Substance Abuse Prevention Treatment (SAPT) funding administered by the Kansas Department of Aging and Disability Services (KDADS) to help cover these costs, but these funds are not sufficient to cover the agency's entire programming.
2. **Non-billable treatment activities:** Individuals with alcohol and drug disorders often require coordination to assure that the needs are met. This coordination includes essential communication with correctional officers, law enforcement, medical professionals, foster care agencies and family members

Training and outcome measurement

The Independence location maintains an independent license to practice substance use disorder treatment. All Four County providers are trained in evidenced practices and use ASAM criteria for assessing and determining level of need. Outcomes are measured with emphasis on improving functioning. The following are examples of outcomes that we seek to achieve with the populations served:

1. Gaining and maintaining employment
2. Improved functioning in family and relationships
3. Community involvement and participation
4. Decreased involvement with the correctional/law enforcement

Additional Benefit: By offering evaluations and treatment locally, many clients are able to maintain their work schedule with minimal disruption. In addition, intensive outpatient services help community members avoid long residential stays that can be disruptive to home and family life.

Conclusion

Four County Mental Health Center requests to receive full allotment of liquor tax distribution as in years past. Four County is dedicated to provide quality care and maintains the best interest of the Independence community and surrounding areas. If there are additional questions, please contact Ginger Hill, Clinical Director or Steve Denny, Deputy Director.



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022

Department City Clerk

Director Approval David Schwenker

AGENDA ITEM Consider approving City Commission minutes from January 19, 27, and 28, 2022, and corrected minutes from January 13, 2022.

SUMMARY RECOMMENDATION

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. JANUARY 13 2022 MINUTES - Corrected
2. JANUARY 19 2022 SPECIAL MEETING MINUTES
3. January 27 2022 Minutes
4. January 28 2022 Special Meeting Minutes

Minutes of the Independence City Commission's January 13, 2022 Meeting

The Independence City Commission met for a regular meeting on January 13, 2022, at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch, Commissioner Dean Hayse and Commissioner-elect Tim Emert were present. Others present included:

City Staff

Jeff Chubb, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator by phone
David Schwenker, City Clerk/City Treasurer
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Dustin Stafford, Police Officer
April Nutt, Director of Housing Authority
Lacey Lies, Director of Finance
Mason Carter, Intern
Levi Lloyd, Intern

Visitors

Larry McHugh
Andy Taylor
Brea Sanford
Charlotte Caflisch
Darin Axthelm
JD Cox
David Adams
Carole Farthing
Don Farthing
Tony Royse
Robin Royse
Edwin Wesley
Eloise Wesley
Carrol Lemon
Dale Lemon
Susan Scovel
Lavonda Cotton
Sharon Prather
Kathy Shepard
Jean Barnett
Caroline Goodgion
Ron Lawrence
Glenna Lawrence
Peggy Helmkamp
Ned Stichman
Faith Taylor
Elizabeth Capp

Minutes of the Independence City Commission's January 13, 2022 Meeting

Eenie Fitzpatrick

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. OLD BUSINESS

A. Appointments

1. Planning Commission –One open position

2. Economic Development Advisory Board – One open position

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission appointed Rod Zinn to a 3 year term ending on January 1, 2025 to the Economic Development Advisory board.

Aye: Ysusi, Caflisch, Hayse

Nay: None

3. Historic Preservation Resource Commission –One open position

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission appointed Julie Dunham to a 3 year term ending on January 1, 2025 to the Independence Historic Preservation Resource Commission.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Minutes of the Independence City Commission's January 13, 2022 Meeting

- B. Consider approving City Commission minutes from October 27, 2021; November 10, 18, 30, 2021; December 6, 23, and 29, 2021.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved the minutes from October 27, 2021; November 10, 18, 30, 2021; December 6, 23, and 29, 2021.

Aye: Ysusi, Caflisch, Hayse

Nay: None

III. PRESENTATIONS

- A. Presentation of plaque to Leonhard Caflisch for his service as City Commissioner from April 2013 to January 2022, and his service as Mayor from April 2015 – February 2016, January 2018 – January 2019, and January 2020 – January 2021.

IV. NEW BUSINESS

- A. Reorganization of the Commission

1. Oath of Office (Tim Emert - 4 Year Term, and Louis Ysusi - 2 Year Term)

City Clerk David Schwenker gave the Oath of Office to newly elected Commissioner Tim Emert and re-elected Commissioner Lois Ysusi.

2. Election of Mayor

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Emert the Commission elected Dean Hayse as Mayor.

Aye: Ysusi, Emert, Hayse

Nay: None

3. Election of Vice Mayor

Motion:

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission elected Tim Emert as Vice Mayor.

Aye: Ysusi, Emert, Hayse

Nay: None

Minutes of the Independence City Commission's January 13, 2022 Meeting

4. Designation of Official City Newspaper

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission designated the Independence Daily Reporter as the Official City Newspaper.

Aye: Ysusi, Emert, Hayse

Nay: None

5. Designation of Official City Depository

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission designated Community National Bank as the Official City Depository.

Aye: Ysusi, Emert, Hayse

Nay: None

6. Consider changing day of week and time for Commission meetings

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission adopt the 2022 City Commission Meeting schedule as previously approved.

Aye: Ysusi, Emert, Hayse

Nay: None

B. Commission Orientation by the City Attorney

V. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission adopted the consent agenda.

Aye: Ysusi, Emert, Hayse

Nay: None

Minutes of the Independence City Commission's January 13, 2022 Meeting

A. Appropriations

1. A-1904
2. D-2023
3. P-1878
4. P-1879
5. P-1879-A

B. Consider approving the following Cereal Malt Beverage Licenses:

1. Kevin Ford DbA Ace & Gunner's Tavern -- 112 S. 25th
2. Mikies -- 1901 N. Penn

C. Consider authorizing receipt of proposals for an animal control truck box.

D. Consider authorizing issuing a Request for Proposals (RFP) for fiberglass and paint restoration at Riverside Beach Family Aquatic Center.

E. Consider authorizing interior modifications to the Independence Public Library building.

F. Consider authorizing the Mayor to sign a telecommunications provider right-of-way license agreement with Cox Communications Kansas LLC.

VI. ITEMS FOR COMMISSION ACTION

A. Consider proclaiming January 16, 2022 as Dr. Martin Luther King, Jr. Commemoration Day.

The Independence Diversity Taskforce requests the City proclaim January 16, 2022 as Dr. Martin Luther King, Jr. Commemoration Day and urge citizens to watch the local celebration "*Kings Vision - It Starts With Me: Shifting Priorities to Create the Beloved Community*" on Sunday, January 16, 2022 at 3 PM at the Independence High School Performing Arts Center. The Diversity Taskforce is a subcommittee of the Independence Chamber of Commerce.

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission proclaimed January 16, 2022 as Dr. Martin Luther King, Jr. Commemoration Day and authorized the Mayor to sign the proclamation.

Aye: Ysusi, Emert, Hayse

Nay: None

Minutes of the Independence City Commission's January 13, 2022 Meeting

- B. Consider setting the date of March 10, 2022 for a public hearing to consider condemnation of 729 N. Penn Avenue as dangerous and unsafe.

The structure was involved in a fire on December 14, 2021, that destroyed the south side of the house and the house is not inhabitable

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission set the date of March 10, 2022, at 5:30 p.m. for a public hearing to consider condemnation of 729 N. Penn. Ave.

Aye: Ysusi, Emert, Hayse

Nay: None

VII. REPORTS

A. City Board Minutes

1. December 7, 2021 Economic Development Advisory Board
2. December 15, 2021 Recreation Commission

B. CRS Recertification Report

C. December 2021 Sales Tax Report

D. Reminder of January 19, 2022 Strategic Planning Retreat

VIII. CITY MANAGER'S COMMENTS

None

IX. COMMISSIONERS' COMMENTS

None

X. PUBLIC CONCERNS

None

XI. ADJOURNMENT

Motion:

Commissioner Ysusi moved to adjourn. Commissioner Emert seconded.

Aye: Ysusi, Emert, Hayse

Nay: None

Minutes of the Independence City Commission's January 13, 2022 Meeting

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

City of Independence

City Commission/Staff Annual Goal Setting Session

Location: Independence Country Club

Date & Time: Wednesday, January 19, 2022, 8:00AM – 3:00PM

Key Meeting Objectives:

- 1) Progress update on the current progress of 2021 goals and capital projects.
- 2) Prioritize areas of attention and resource allocation in the upcoming year.
- 3) Identify essential next steps for implementation of 2022 goals and priorities.
- 4) Continue to build trust, cohesion, and alignment as a team.

Wednesday, January 20th

Mayor Hayse called the meeting to order.

8:00 a.m. – 9:00 a.m.

Staff Presentation. Presentation on progress of 2021 goals and accomplishments & 2022 Capital Project Update. *(See Attachment A – 2021 Goals Achieved)*

9:00 a.m. – 9:15 a.m.

Setting Expectations. Discuss the typical process of follow up on the strategic plan and establish expectations for what we plan to accomplish today.

9:15 a.m. – 10:00 a.m.

Prioritization of Initiatives. Review high level results of 2021 Citizen Survey. Which items of the current strategic plan should we prioritize for resource allocation in the upcoming budget year? Are there any additional items that should be considered?

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 10:45 a.m.

Prioritization of Initiatives - Continued.

Minutes of the Independence City Commission's January 19, 2022 Special Meeting

10:45 a.m. – 11:15 a.m.	Framing Initiatives within Budgetary Constraints. What will these initiatives cost? Given the current budget, which combination of initiatives appears the most realistic to implement?
11:15 a.m. – 12:00 p.m.	Action Planning for Top Initiatives. Break into small groups to build more specific plans for the top initiatives.
12:00 p.m. – 12:45 p.m.	Lunch
12:45 p.m. – 1:15 p.m.	Staff Presentation. Budget reporting, general operations, and software dashboard.
1:15 p.m. – 1:45 p.m.	Alignment of Efforts. How can the Commission, administration, and departments continue to improve in effectively communicating, achieving goals, and building team chemistry?
1:45 p.m. – 2:00 p.m.	Community Involvement. How do we want to ensure that the community is informed on the implementation of the plan? How else should we include the public to improve transparency?
2:00 p.m. – 2:15 p.m.	Break
2:15 p.m. – 2:45 p.m.	Confirm 2022 Plan. Review priorities for 2022. Based on Team alignment and community involvement, do these priorities need to be adjusted? Who will lead out on next steps?
(See Attachment B - 2021 Intention Statements and Creative Pathways)	
2:45 p.m. – 3:00 p.m.	Wrap Up & Next Steps

Minutes of the Independence City Commission's January 19, 2022 Special Meeting

Everyone agreed to support Intention Statements and Creative Pathways.

3:00 p.m.

Adjourn

A motion was made by Mayor Hayse, seconded by Commissioner Ysusi to adjourn. Motion carried. 3 – 0.

Dean Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the Independence City Commission's January 27, 2022 Meeting

The Independence City Commission met for a regular meeting on January 27, 2022, at 5:30 P.M. at the Memorial Hall. Mayor Dean Hayse, Commissioner Louis Ysusi and Commissioner Tim Emert were present. Others present included:

City Staff

Jeff Chubb, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator by phone
David Schwenker, City Clerk/City Treasurer
Brian McHugh, Memorial Hall Supervisor
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
April Nutt, Director of Housing Authority
Lacey Lies, Director of Finance
John Garriss, City Engineer/Director of Public Works and Utilities
Scott Patton, Park and Zoo Director
Mason Carter, Intern

Visitors

Larry McHugh
Vance Kelley
Tony Royse
Michael Miller
Trecia Cotner
Jimmie Bunyard
Ned Stichman

I. REGULAR SESSION

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission adopted the agenda with the modification that an executive session for the purpose of consulting with the City Attorney be added following Item 'C' under Items for Commission Action and remove Item 'D' from the consent agenda and moved to Items for Commission Action.

Minutes of the Independence City Commission's January 27, 2022 Meeting

Aye: Ysusi, Emert, Hayse

Nay: None

II. APPOINTMENTS

- A. Planning Commission – One unexpired term ending January 1, 2024 – Applications due by noon on February 4, 2022
- B. Landbank – One unexpired term ending June 1, 2022 – Applications due by noon on February 4, 2022

III. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

Motion:

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission adopted the consent agenda with the exception of item “D” which was moved to items for Commission action.

Aye: Ysusi, Emert, Hayse

Nay: None

A. Appropriations

- 1. A-1905
- 2. P-1880
- 3. P-1880-A

B. Consider authorizing certain turning restrictions in the 300 block of West Main.

With the opening of Scooters on 12-27-21 potential traffic hazards have developed. KDOT contacted city staff and requested turning restrictions be placed to prevent crashes and keep traffic flowing on Main around Scooters.

Scooters original plan indicated there would be a right turn only sign for traffic exiting the Scooters parking lot. There was also supposed to be a no left turn sign for eastbound traffic on the 300 block of West Main across Main from Scooters. If Scooters places the signs IPD cannot cite drivers for violations. However, in accordance with KSA 8-1545(c) if local authorities authorize placement of the signs police can cite drivers for violating the traffic controls.

City staff recommend the Commission authorize the placement of a right turn only

Minutes of the Independence City Commission's January 27, 2022 Meeting

sign or a no left turn sign for traffic exiting Scooters and a no left turn sign for eastbound traffic on Main to prevent left turns into Scooters.

- C. Consider formal approval of a Change Order for airport run-up pad work.

After the completion of the Run Up Pad project (KDOT AV-2020-19) final quantities on the unit price contract were tabulated. The overall result was a net deduction of \$1,344.00 from the contract total of \$779,264.40. The City received this notice on 1/5/2022.

- D. Consider authorizing award of the Concrete Patching Bid.

This item was removed from the consent agenda and moved to items for Commission action

- E. Consider authorizing the purchase and financing of a new sanitation truck.

The City solicited bids for a replacement large sanitation truck. This truck requires a CDL certified operator and is intended to be the primary truck for the commercial routes. Three bids were received from two bidders, and the low bid was an alternate for a shorter truck that would be more maneuverable, at a reduction in capacity of seven cubic yards. This was selected by sanitation management as the best alternative. This bid was for \$199,838.00 from Elliot Equipment Company. It is recommended that we accept this bid.

The city has budgeted this from the Sanitation Fund (enterprise fund) as a lease-purchase arrangement. Proposals for financing rates were received from four local banks. City staff recommend awarding a 5-year term to the financial institution that offered the lowest interest rate of 1.72%.

- F. Consider adopting a resolution approving the redemption and payment of the City's Taxable Industrial Revenue Bonds, Series 2016A (Montgomery County Assisted Living Project) and authorizing the City to consent to the assignment of certain documents in connection with its Taxable Industrial Revenue Bonds, Series 2016B (Montgomery County Assisted Living Project).

In 2016, the City of Independence issued its Taxable Industrial Revenue Bonds, Series 2016A and Series 2016B (Montgomery County Assisted Living Project) for the purpose of financing the construction of an assisted living facility leased to Montgomery County Assisted Living, LLC (the "Tenant"). Community National Bank (the "Bank") purchased and remains the sole owner of the Series 2016A Bonds and the Tenant purchased and remains the sole owner of the Series 2016B Bonds. The Tenant desires to sell the Project to a new entity (Independence Senior Living, LLC),

which will have some of the same investors as the original Tenant entity. As part of that process, the Tenant will pay off and retire the Series 2016A Bonds owned by the Bank. The Series 2016B Bonds will remain outstanding and be transferred to Independence Senior Living, LLC, and Independence Senior Living, LLC will also assume all rights and duties as "tenant" under the IRB documents. The Bank has consented to and is supportive of the proposed actions. The proposed actions require the City's consent and approval, as the issuer of the Bonds. Approval will not affect the property tax exemption granted, or the liability, debt limit, or credit rating of the City.

- G. Consider authorizing the Mayor to sign a support letter for EDA tourism Funds for the Freedom's Frontier as requested by the Independence Historical Museum.

The City was contacted by Ray Rothgeb representing the Independence Historical Museum. Mr. Rothgeb indicated that support letters were requested on behalf of Freedom's Frontier to support their request for EDA Tourism Funds. Mr. Rothgeb indicated that the local museum is listed on Freedom's Frontier website at no cost to the museum, and they have previously received financial assistance from this group.

- H. Consider authorizing the Mayor to sign documentation requesting an extension for the CDBG sanitary sewer project.

Engineers are completing the final design and anticipate advertising for bids in late February or early March. This will require a 60-day extension to allow time for advertising bids and awarding the construction contract.

- I. Consider adopting an ordinance establishing residency requirements for employees of the City of Independence.

On October 27, 2021 the City Commission adopted a charter ordinance exempting the City from the provisions of K.S.A. 14-1502 having to do with Residency Requirements for City Employees. The Charter Ordinance was published for two consecutive weeks and was to become effective 61 days after publication. Once it takes effect, the City Commission can adopt a regular ordinance on the issue of residency. According to the City Clerk, the effective date of the charter ordinance is January 27, 2022. The City Attorney has prepared an ordinance regarding residency.

The proposed ordinance is similar to the residency policy that was adopted on October 9, 2017 and incorporated into the City Personnel Rules and Regulations.

- J. Consider adopting an ordinance approving the appropriations for 2022 authorized expenditures.

The purpose of this ordinance is to allow for transactions to be fully processed through to payment in a timely manner, up to the budgeted authority in each fund or as otherwise previously authorized by Commission approved contract. Currently, a separate ordinance is prepared for each Commission meeting outlining the appropriations between each meeting and payment is made the day following each Commission meeting. Approving one ordinance authorizing payment up to previously approved amounts will allow for a more streamlined process as it will save staff time re-preparing ordinances, as well as allow the City to pay its vendors, reconcile accounts, and operate in a more efficient manner. In addition to accounts payable, this will also allow for the processing of payroll. All payment records would still be provided to the Commission as a report on a monthly basis at either the first or second monthly Commission meeting. As always, procurement policies must also be followed.

IV. PUBLIC HEARINGS

- A. Public hearing to consider condemnation of 2009 ½ North Penn Avenue as dangerous and unsafe.

This public hearing was originally held on July 23, 2020 and has been adjourned multiple times. The new owner provided staff with a timeline through December 2021. He has completed the project and it is now being scheduled for HQS inspection next week. We recommend adjourning the public hearing to complete the inspection by Building Department.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission adjourned the Public Hearing to consider condemnation of 2009 ½ North Penn Avenue as dangerous and unsafe until February 24, 2022 at 5:30 PM.

Aye: Ysusi, Emert, Hayse

Nay: None

V. ITEMS FOR COMMISSION ACTION

- D. Consider authorizing award of the Concrete Patching Bid.

This item was removed from the consent agenda and moved to items for Commission action

The City requires concrete patching work to be completed at various locations due to utility repair activity and required pavement maintenance (including pavement flowlines). We requested bids for this work, and received two responses

(attached). It is recommended that the City award bids to both contractors, since there will likely times during the year when one or the other contractor may not be able to be responsive.

Since the bids were very close in cost, it is suggested that both be awarded the work at the higher bid amount of \$143 per square yard, which would increase overall costs of patching less than 3%.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission authorized award of contracts for Concrete Patching to Goins Concrete and Construction and to Recrete Design Concrete + Construction at the unit cost of \$143.00 per square yard.

Aye: Ysusi, Emert, Hayse

Nay: None

- A. Consider authorizing award of the Enterprise Drive Improvements project.

The City put the Enterprise Drive Improvements project out to bid and bid documents were received on January 20, 2022. A single bid was received. This bid was from J. Graham Construction, Inc. The bid was a unit price bid, and the total was \$1,490,922.00.

The Engineer's Estimate for this project was \$1,456,240.00. Shawn Turner, of TranSystems, evaluated the bid and feels that the bid is "reasonable and responsive". The City has significant recent experience with J. Graham Construction, Inc.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission authorized award of the unit price contract for the Enterprise Drive Improvements project to J. Graham Construction, Inc. in the amount of \$1,490,922.00.

Aye: Ysusi, Emert, Hayse

Nay: None

- B. Consider authorizing the Mayor to sign an agreement with PEC for Riverside Park & Ralph Mitchell Zoo Electrical Study.

The City of Independence received proposals for Electrical plans for Riverside Park and Zoo. After reviewing the initial RFP, the City updated the RFP and refined the

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request for an initial study of the electrical service with a complete cost estimate.

The City received four proposals.

1. LS&A - not to exceed \$34,800.00
2. Hoss & Brown - not to exceed \$17,500.00 + (additional site visits \$2,000 per visit)
3. PEC - not to exceed \$16,000.00 + expenses (scanning, printing, vehicle rental)
4. Basis Consulting - not to exceed \$9,000.00

The committee of John Garris, Scott Patton, David Cowan, Commissioner Ysusi, and Kelly Passauer reviewed the proposals and recommended PEC. The committee felt their proposal was complete and fulfilled all the requirements requested. The low proposal did not meet all of the specifications and the complete cost estimate requested in the RFP.

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission authorized the Mayor to sign an agreement with PEC for a Riverside Park & Ralph Mitchell Zoo Electrical Study for \$16,000 and expenses pending the City Attorney's review.

Aye: Ysusi, Emert, Hayse

Nay: None

- C. Consider authorizing award of the preliminary design for the new Public Works facility.

An RFP was issued for the preliminary design and budgeting work associated with the construction of a new, unified Public Works Facility. There were three proposals received. All were responsive and technically capable. There was a tie for low cost between HB&K and BG Consultants. Given the likely lower cost of travel in future work, it is recommended to award the work to HB&K.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission authorized award of the preliminary design and budgeting work to HB&K Architecture at a not to exceed price of \$8,500.

Aye: Ysusi, Emert, Hayse

Nay: None

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VI. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

This item was added to the agenda.

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at K.S.A. 75-4319(b)(2). The open meeting will resume at 6:21 p.m.

Aye: Ysusi, Emert, Hayse

Nay: None

The meeting resumed at 6:27 P.M. with no action taken.

VII. ITEMS FOR COMMISSION ACTION (continued)

- D. Consider approving the 100% construction documents and setting the date of February 18, 2022 to receive bids for the rehabilitation of 1916 City Hall.

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission tabled this item until the March 10, 2022 Commission meeting.

Aye: Ysusi, Emert, Hayse

Nay: None

VII. REPORTS

- A. Land Bank 2021 Report

Director Nutt presented the report.

- B. Housing Needs Analysis

Director Nutt presented the analysis.

- C. City Board Minutes

1. November 1, 2022 Electrical Board

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D. January 2022 Public Works Report

VIII. CITY MANAGER'S COMMENTS

No comments

IX. COMMISSIONERS' COMMENTS

No comments

X. PUBLIC CONCERNS

No concerns

XI. EXECUTIVE SESSION

A. Data relating to financial affairs or trade secrets of second parties.

Motion:

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission moved to recess for an executive session concerning confidential data relating to financial affairs and/or trade secrets of a company pursuant to the exception found at K.S.A. 75-4319(b)(4). The open meeting will resume at 7:23 P.M.

Aye: Ysusi, Emert, Hayse

Nay: None

The meeting resumed at 7:23 P.M. with no action taken.

XII. ADJOURNMENT

Motion:

Commissioner Emert moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Emert, Hayse

Nay: None

Minutes of the Independence City Commission's January 27, 2022 Meeting

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the Independence City Commission's January 28, 2022 Special Meeting

The Independence City Commission met for a special meeting on January 28, 2022 at 1:30 P.M. at the Memorial Hall. Mayor Dean Hayse, Commissioner Louis Ysusi and Commissioner Tim Emert were present. Others present included:

City Staff

Jeff Chubb, City Attorney

David Cowan, Assistant City Manager

Kelly Passauer, City Manager/Zoning Administrator by phone

I. SPECIAL SESSION

A. Call to Order

Mayor Hayse called the meeting to order.

II. EXECUTIVE SESSION

A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at K.S.A. 75-4319(b)(2). The open meeting will resume at 2:00 P.M.

Aye: Ysusi, Emert, Hayse

Nay: None

The meeting resumed at 2:00 P.M.

Motion:

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at K.S.A. 75-4319(b)(2). The open meeting will resume at 2:10 P.M.

Aye: Ysusi, Emert, Hayse

Nay: None

The meeting resumed at 2:10 P.M. with no action taken.

III. ADJOURNMENT

Motion:

Commissioner Emert moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Emert, Hayse

Nay: None

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Consider approving a grant project with Fort Hays State University.

SUMMARY RECOMMENDATION Consider authorizing the Independence Police Department to sign a memorandum of understanding and grant application to participate in the Community Policing Development De-Escalation Training Center Sub-award grant with Fort Hays State University.

BACKGROUND IPD has been selected by the National De-Escalation Training Center (NDTC) of Fort Hays State University (FHSU) to participate as a sub-recipient of their Community Policing Development De-Escalation Training Center grant. The NDTC training model has been approved by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As a sub-recipient of the grant, IPD will have two instructors trained to teach the De-escalation Principles and Practice training program. This course is a comprehensive, innovative, and evidence-based experiential program for law enforcement. Officers are trained to recognize personality traits to maximize effective communication, recognize active or passive threats, practice verbal judo, and active listening, convey respect, and permit venting to resolve conflict.

The direct benefit to the City is valued at \$11,610 and the grant runs until the end of 2025. The grant provides for two IPD personnel to be trained as instructors, including travel, lodging, and per diem at FHSU for the instructor workshop. It also covers overtime for training department members and marketing of community policing to the community.

As a participant in the grant IPD agrees to train our own officers as well as other officers in the southeast Kansas region. We also agree to report all categories of use of force, complaints, calls for service, and proactive policing activity on a monthly basis from 2016 through 2025. We also agree to report crime statistics for murders, rapes, robberies, aggravated assault, burglary, theft, motor vehicle theft, and arson. IPD began tracking all these statistics in 2016, so the only additional work for us will be to forward the information to the NDTC. The purpose of this monitoring is to demonstrate objectively if the program is successful at reducing the use of force and violent crime in our community.

Parsons Police Department has also been selected to participate and IPD and PPD have already begun collaborating on a training event. Upon completion of the instructor course, we are making plans to train both of our departments, Pittsburg PD, and other SEK law enforcement agencies that want to attend our tentatively scheduled class. This is a unique opportunity to strengthen community relationships and reduce the use of force incidents in our communities at no additional cost to our local taxpayers.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to authorize the Independence Police Department to sign the memorandum of understanding and Subrecipient Commitment Form to receive a grant to participate in the De-escalation Principles and Practice training program under a grant for the National De-Escalation Training Center located at Fort Hays State University.

SUPPORTING DOCUMENTS

1. Independence Police Department MOU with NDTC
2. Independence PD Subrecipient Commitment form
3. National De-Escalation Training Center Flier
4. National De-Escalation Training Classification Flier

Community Policing Development (CPD) De-Escalation Training Center Sub-award
Between the Parties
Fort Hays State University
And
City of Independence and Independence Police Department

This ***Memorandum of Understanding*** (*hereinafter* “MOU”) is entered into this 10th day of February, 2022 by and between the Central Region of the National De-escalation Training Center (*hereinafter* “Central NDTC”), facilitated by the Department of Criminal Justice and University Police Department at Fort Hays State University (*hereinafter* “FHSU”), located at 600 Park Street, Hays, KS 67601, and the City of Independence for Independence Police Department (*hereinafter* “Agency”), a local law enforcement agency, located at 811 W. Laurel, Independence, KS 67301.

Agency agrees to participate in the International Association of Directors of Law Enforcement Standards and Training (*hereinafter* IADLEST) certified NDTC *De-escalation Principles and Practice* training program (*hereinafter* “Training”). This Training will be facilitated at no cost to Agency as a sub-awardee of the DOJ COPS Office Community Policing Development (CPD) De-Escalation Training (*hereinafter* “Program”) cooperative agreement awarded to the Central NDTC at FHSU. The purpose of the Program is to advance de-escalation and community policing as common practices by law enforcement agencies across the United States in general, and the Central NDTC region specifically.

As a sub-awardee, Agency understands and agrees as follows:

The Agency acknowledges and agrees that this agreement and Agency’s performance hereunder are subject to the terms, conditions, statutes, and regulations included in the prime award (cooperative agreement documents), all of which are further incorporated herein by reference.

In addition, Agency further understands and agrees as follows:

- Agency understands that through participation in this program, the Agency is a recipient of a sub-award, facilitated through FHSU, and that this sub-award is subject to and contingent upon receipt of adequate funding and continuation in the prime award by FHSU
- Agency agrees for officers employed by Agency to be trained in the two-day IADLEST certified Training
- Agency understands Training will be hosted at location determined by Agency

- Agency agrees for two officers employed by Agency to be trained in the four-day IADLEST certified Train-the-Trainer workshop on FHSU campus
 - Agency understands participation as trainers *may* be necessary for sustainability of the Program and to continue training officers employed by Agency
- Agency understands that a percentage of the sub-award will include funding to advance community-policing initiatives – including but not limited to promoting de-escalation
- Agency agrees to provide data to Central NDTC for the purpose of evaluating the effectiveness of Training
 - Agency will report the following:
 - Total number of uses of force per month
 - Defined as total number of uses of force reports filed
 - Report data back to January 2016, if possible
 - Total number of uses of lethal force per month
 - Total number of uses of conducted energy weapons (e.g., TASER) per month
 - Total number of complaints against officers per month
 - Total number of officers working within the department per month
 - Total number of calls for service for police department
 - Total number of proactive interactions (e.g., field interrogations or interviews, DUI stops, etc.)
 - Total Part I crimes reported to UCR
 - Agency will report data through December 31, 2025

The amount of the Agency sub-award, approved by the Office of Community Oriented Policing Services (the COPS Office) is **\$11,610**, including:

- **Up to \$7766** for overtime necessary only for officers to complete face-to-face, and train-the-trainer workshop
- **Up to \$594** will go to the Agency to cover the employer FICA contribution for overtime required for officers to complete training
- Agency will receive **up to \$500** to advance community policing and de-escalation to the local community
 - Agency will seek approval of activity and/or marketing from Central NDTC before initiating activity and/or marketing
- Agency will be reimbursed **up to \$2750** for two officers to travel to Hays, KS, lodging, and per diem for train-the-trainer workshop on FHSU campus

- Agency understands that NDTC certified trainers will provide officer training to both their officers as well as to officers in the southeast Kansas region

Independence Police Department is aware of the expectations and vision for this Program and agrees to the terms of the MOU, including the State of Kansas Contractual Provisions Attachment that follows, as well as the corresponding Subaward Agreement.

Chief Jerry Harrison
Independence Police Department

Wesley Wintch
Fort Hays State University

CONTRACTUAL PROVISIONS ATTACHMENT

1. **Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require Fort Hays State University or any of its affiliates ("University") to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The terms, conditions, and limitations of liability of the State of Kansas, the University, and their employees are defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, the University may terminate this agreement at the end of its current fiscal year. The University agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided under the contract for which it has not been paid. The University will pay contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement under this provision, title to any such equipment shall revert to contractor at the end of the University's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Kansas Law and Venue:** All matters arising out of or related to this agreement shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit arising out of or related to this agreement shall reside only in courts located in the State of Kansas.
5. **Required Non-Discrimination Provision:** Contractor agrees to comply with all applicable state and federal anti-discrimination laws. Contractor specifically agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission or if it is determined that the contractor has violated applicable provisions of ADA, such violation(s) shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the University. The provisions of this paragraph (except the provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the University cumulatively total \$5,000 or less during the fiscal year.

Contractor shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance individuals in employment without regard to race, color, religion, sex, national origin, protected veteran status or disability.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the University has agreed to binding arbitration, or the payment of damages or penalties. Further, the University does not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages or rights of action available to the University at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.
8. **Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The University shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The University shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require the University to establish a "self-insurance" fund to protect against any such loss or damage.
11. **Information/Confidentiality:** As a state agency, the University's contracts are generally public records. Accordingly, no provision of this contract shall restrict the University's ability to produce this contract in response to a lawful request or from otherwise complying with the Kansas Open Records Act (K.S.A. 45-215 et seq.). Moreover, no provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** The Eleventh Amendment is an inherent and incumbent protection of the State of Kansas and need not be reserved, but the University here reiterates that nothing in or related to this contract shall be deemed a waiver of the Eleventh Amendment.
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.
14. **Privacy of Student Records:** Contractor understands that the University is subject to FERPA (Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g) and agrees to handle any student education records it receives pursuant to this Agreement in a manner that enables the University to be compliant with FERPA and its regulations. Contractor agrees to protect the privacy of student data and educational records in a commercially reasonable manner and shall not transmit,

share, or disclose any data about a student without the student's written consent, except to other University officials who seek the information within the context of his/her professionally assigned responsibilities and used within the context of official University business. Contractor shall promptly report to the University any disclosure of University's student educational records.

15. **Boycotts of Israel Prohibited:** Kansas 2018 HB 2482 generally prohibits the University from entering into a contract with a company to acquire or dispose of services, supplies, information technology or construction, unless such company submits a written certification that such company is not currently engaged in a boycott of Israel. For the purposes of this Section, "company" means an organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate, that exists for profitmaking purposes or to otherwise secure economic advantage. Accordingly, by executing this contract, Contractor hereby certifies that it is not currently engaged in a boycott of Israel.
16. **Harassment Policy:** Fort Hays State University prohibits sexual harassment, discrimination, and retaliation. The University's applicable policies on sexual harassment, discrimination, and retaliation are available at <https://fhsu.edu/policies/documents/harassment-policy/index.pdf> and include the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint. Contractor and its employees, officials, agents, or subcontractors shall at all times comply with the University's policies on sexual harassment, discrimination, and retaliation.

SUBRECIPIENT COMMITMENT FORM

SECTION A: FHSU Proposal Information

Name of FHSU PI: Dr. Tamara Lynn FHSU Department: Criminal Justice
Prime Sponsor: Community Oriented Policing Services (COPS Office), U.S. Department of Justice
Title of Proposal: Reforming Police Through a National Network of Regional Training Centers at Fort Hays State University
FHSU Period of Performance: From: 09/01/2021 To: 08/31/2023
Proposed Period of Performance of Subrecipient: From: 09/01/2021 To: 08/31/2023

SECTION B: Subrecipient Eligibility

Dear (Potential) Subrecipient:

Any organization planning to enter into a collaborative subrecipient relationship with Fort Hays State University (FHSU) must complete this form at the proposal stage. Please answer the following questions to determine if a formal subrecipient partnership can be established between your organization and FHSU. This form will be considered valid for one year from the date of signature by your organization's Authorized Official.

Please answer the following questions BEFORE completing the rest of the form.

☐ Yes ☒ No Is your organization presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in any Federal department or Agency?

☐ Yes ☒ No Is your organization delinquent on repayment of any Federal debt including direct and guaranteed loans and other debt as defined in OMB Circular A-129, "Managing Federal Credit Programs"?

If you answered "Yes" to either of the above questions, it will not be possible to establish a subagreement with your organization and you need not complete the remaining sections of this form. Please notify the FHSU Principal Investigator (PI) as soon as possible.

SECTION C: Subrecipient Requirements and Responsibilities

FHSU views a subrecipient organization as a true partner in carrying out a sponsored project. The requirements and responsibilities of FHSU subrecipient are different from that of a contractor. The following chart outlines the difference:

Subrecipient	Contractor
(a) Subrecipient's PI (named in Section D below) will assist the FHSU PI in achieving the project's goals and objectives	(a) Provides routine goods and/or services to other customers or clients
(b) Subrecipient will be subject to all of the compliance requirements from the prime award that are pertinent to the subrecipient on federal awards	(b) Provides personnel services that are primarily advisory in nature
(c) Subrecipient will be expected to provide a complete copy of the subrecipient's most recent audit report, or the URL link to a complete copy, before a subagreement can be established.	(c) Is not controlled with regard to the manner of performance or the result of the service
	(d) Does not retain any rights to the end product

☒ Yes ☐ No My organization is properly categorized as a subrecipient as described above and agrees to the project roles, compliance responsibilities, and audit requirements listed above.

If "No", please contact the FHSU Office of Sponsored Projects about procuring your organization's products and services as a contractor.

SECTION D: Subrecipient Information

Legal Name: <u>Independence Police Department</u>	DUNS #: <u>073031411</u>
Organization's Address: Include ZIP Code +4 or other postal code <u>811 W. Laurel</u> <u>Independence KS 67301</u>	Congressional District: <u>KS 2</u> (If in U.S.)
Performance Site Address (if different from above): Include ZIP Code +4 or other postal code:	Congressional District: _____ (If in U.S.)
Domestic Organizations: Federal Employer Identification Number (EIN): <u>48-6042582</u> Registered in SAM? ☒ Yes ☐ No Expiration Date: <u>01-17-2023</u> CAGE Code: <u>5L9Y3</u> (Commercial and Government Entity)	International Organizations: NAIS Code: _____ (North American Industry Classification System) NCAGE Code: _____

Executive Compensation (complete when collaborating on a U.S. federal project only):

- ☐ Yes ☒ No During the previous fiscal year my organization received eighty percent (80%) or more of its annual gross revenues in federal awards AND twenty-five million dollars (\$25M) or more in annual gross revenues from federal awards.
- ☒ Yes ☐ No My organization regularly reports information on the compensation of its senior executives in response to section 13(a) or 15(d) of Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78(d) or section 6104 of the Internal Revenue Code of 1986?

Name of Subrecipient's Project Director/PI (Required): Chief Jerry Harrison

Phone: 620-332-1700 Email: JerryH@IndependenceKs.gov

Amount of Funding Requested by Subrecipient: \$ 11,610

Cost Sharing Provided by Subrecipient (if applicable): \$ 0

SECTION E: Proposal Documents

The following documents are included in our proposal submission and covered by the certifications below. (Check those that apply.)

- ☒ Statement of Work (must describe the subrecipient's specific role within the FHSU project)
(required in all proposal)
- ☒ Budget (required in all proposals)
- ☒ Budget Narrative Justification (required in all proposals)
- ☒ Biosketches of key personnel
- ☐ Small/Small Disadvantaged Business Subcontracting Plan (for federal subcontract budgets over \$650,000 only)
- ☐ Justification of "Major Project" Status (for federal projects only)
- ☐ Other: _____

SECTION F: Certifications

- Facilities and Administrative Rates included in this proposal have been calculated based on (check as applicable):
 - ☐ Our federally negotiated F&A rates for this type of work, or a reduced F&A rate that we hereby agree to accept
(if this box is checked, please attach a copy of your F&A rate agreement or provide a URL to the agreement below.)
URL: _____
 - ☐ Other rates (please attach a description of the basis on which the rate has been calculated)
 - ☒ Not applicable—subrecipient is not requesting payment of F&A costs
- Fringe Benefit Rates included in this proposal have been calculated based on (check as applicable):
 - ☐ Rates consistent with or lower than our federally negotiated rates
(if this box is checked, please attach a copy of your organization's composite employee rate projections or your federally negotiated rate agreement.
Alternative provide a URL to this information)
URL: _____
 - ☒ Other rates (please attach a description of the basis on which the rates have been calculated)
 - ☐ Not applicable—no fringe is included in the budget
- Research Subject Compliance Information (check as applicable)
 - ☐ Yes ☒ No Human Subjects will be involved in the subrecipient's portion of this project
If "Yes", please provide your organization's OHRP approved FWA #: _____
(If your organization does not have an FWA #, attach an explanation on how your organization will comply will U.S. federal regulations and policies for the protection of human subjects.)
 - ☐ Yes ☒ No Animal Subjects will be involved in subrecipient's portion of this project
(If "Yes", provide a copy of IACUC approval to the FHSU Office of Scholarships and Sponsored Projects as soon as it is available.
IACUC approval is required before a subagreement will be issued.)
- Responsible Conduct of Research (RCR) (for NSF-funded projects only): NA
 - ☐ Yes ☐ No My organization certifies that it has an Institutional Plan to meet NSF's Educational Requirements for the Responsible Conduct of Research, as required under the "American COMPETES Act" PUBLIC LAW 110-69-August 9, 2007.
 - ☐ Yes ☐ No My organization certifies that it has a training program in place and will train all undergraduate and graduate students and postdocs in accordance with NSF's RCR requirements.
- Lobbying (for U.S. federal projects only):
 - ☒ Yes ☐ No My organization certifies that no payments have been paid or will be paid to any person for influencing or attempting to influence an officer of employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this proposed project. (If "No" attach explanation)

6. Conflict of Interest:

As of August 24, 2012, the Public Health Service (PHS) FCOI policy is separate and distinct from that of the National Science Foundation (NSF). Please respond to each of the following separately.

NSF (or other sponsors that have adopted NSF financial disclosure requirements) only (check as applicable): NA

☐ Subrecipient Organization/Institution certifies that it has an active and enforced conflict of interest policy that is consistent with the provision of 42 CFR Part 50, Subpart F "Responsibility of Applicants for Promoting Objectivity in Research". Subrecipient also certifies that, to the best of Institution's knowledge, (1) all financial disclosures have been made related to the activities that may be funded by or through a resulting agreement, and required by its conflict of interest policy; and, (2) all identified conflicts of interest have or will have been satisfactorily managed, reduced or eliminated in accordance with subrecipient's conflict of interest policy prior to the expenditure of any funds under any resultant agreement.

☐ Subrecipient does not have an active and/or enforced conflict of interest policy and agrees to abide by FHSU's policy, located at <http://www.fhsu.edu/policies/grants-and-research/>

PHS (or other sponsors that have adopted the PHS financial disclosure requirements) only (check as applicable):

☐ My organization does have a PHS-compliant Financial Conflict of Interest (FCOI) policy and my organization will rely on this policy and associated procedures to comply with PHS Conflict of Interest regulation.

☐ Yes ☐ No We are registered as an organization with a PHS-compliant FCOI policy with the FDP Clearinghouse: http://sites.nationalacademies.org/PGA/fdp/PGA_070596.

☐ My organization does NOT have a PHS-compliant Financial Conflict of Interest (FCOI) policy.

☐ Yes ☐ No My organization agrees to rely on FHSU's FCOI policy and procedures to comply with PHS Conflict of Interest regulations. Note: Organizations checking this option are required to follow FHSU's COI and FCOI guidance at <https://fhsu.edu/academic/gradschl/ossfp/FCOI/index.html>.

7. Additional Debarment and Suspension Information (check as applicable):

☐ Yes ☒ No Is the PI (or any other employee/student planning to participate in this project) debarred, suspended or otherwise excluded from or eligible for participation in federal assistance programs or activities? (If "Yes", attach explanation)

☐ Yes ☒ No Is the organization presently indicted for, or otherwise criminally or civilly charged by a government entity? (If "Yes", attach explanation)

☐ Yes ☒ No Has the organization within three years preceding this offer, had one or more contracts terminated for default by any federal agency? (If "Yes", attach explanation)

8. Audit Status/Fiscal Responsibility:

☒ Yes ☐ No Does your organization receive an annual audit in accordance with OMB Circular A-133?

If "No", please indicate why your organization is not subject to A-133 audit requirements:

☐ My organization is a non-profit that expended less than \$500,000 in U.S. federal funds during our previous fiscal year.

☐ My organization is a foreign entity.

☐ My organization is a for-profit entity.

☒ My organization is a U.S. government entity.

Please note: Your organization will be required to confirm that it is still not subject to A-133 audit requirements and fill out a mini-audit questionnaire prior to the establishment of a subagreement.

When applying for funds from agencies under the U.S. Department of Health and Human Services foreign organizations and for-profits that have expended a total of \$500,000 or more under one or more awards from the U.S. Department of Health and Human Services (as a direct grantee and/or under a consortium participant) will be required to have a financial-related audit of all HHS awards as defined in, and in accordance with, the Government Auditing Standards or an audit that meets the requirements of OMB Circular A-133.

If "Yes", respond to the following:

☐ Yes ☐ No Has your organization's A-133 audit been completed for the most recent fiscal year?

☐ Yes ☐ No Were there any findings or exceptions noted? If yes, attach an explanation.

Provide a copy of the most recent A-133 audit or provide the URL _____

9. Financial System

☒ Yes ☐ No Does your organization have a financial management system in place to track and record the program expenditures separately from each program?

If "Yes" please list system used Incode 9 - a Tyler Technology Product

☒ Yes ☐ No Does your organization have a system to track time and effort?

If "Yes" please explain Executime

10. For-Profit Organizations (only):

☐ Yes ☐ No Subrecipient represents that it is a small business concern as defined in 13 CFR 124.1002.

If "Yes", subrecipient represents that is a (check as applicable):

☐ Small/Small disadvantaged business as certified by the Small Business Administration

☐ Women-owned small business concern

☐ Veteran-owned small business concern

___ Service-disabled veteran-owned small business concern
___ HUBZone small business concern
___ Other: _____

SECTION G: Authorized Representative Approval

APPROVED FOR SUBRECIPIENT

The information, certifications and representations above have been read, signed and made by an authorized official of the Subrecipient named herein. The appropriate programmatic and administrative personnel involved in this application are aware of agency policy in regard to subawards and are prepared to establish the necessary inter-institutional agreements consistent with those policies. Any work begun and/or expenses incurred prior to execution of a subawards agreeemtn are at the Subrecipient's own risk. No work involving human subjects and/or animals may begin until the subrecipient has obtained registered Institutional Review Board and/or Animal Care and Use Committee review and approval.

Signature of Subrecipient's Authorized Official

Chief of Police

Name and Title of Authorized Official

03-04-2022

Date

JerryH@IndependenceKs.gov

Email

620-332-1700

Phone

620-332-1703

Fax

If Subrecipient is owned or controlled by a parent entity, please provide the following information:

City of Independence

Parent Entity Legal Name

Parent Entity Address, City, State, ZIP+4

811 W. Laurel

Independence KS 67301

Parent Entity Congressional District:

KS 2

Parent Entity DUNS:

073031411

Parent Entity EIN:

48-6042582

DE-ESCALATION TRAINING

at Fort Hays State University

TESTED AND PROVEN

National De-escalation Training Center approved training is the most comprehensive, innovative, and evidence-based experiential program available for law enforcement professionals. Based on the DISC personality assessment system – a tested and proven method of identifying predictable actions and personality traits in human behavior – NDTC training teaches officers to identify personality characteristics quickly, to adjust their approach and maximize effective communication and interaction with a subject.



THE NDTC MODEL AT A GLANCE

NDTC-trained professionals will learn best practice de-escalation methods and sharpen their abilities to:

- Apply behavior modeling analysis to resolve potential conflicts
- Recognize active or passive threats
- Practice verbal judo and active listening techniques
- Convey respect
- Permit venting

Learn more about National De-escalation Training Center-approved training offered through Fort Hays State University: fhsu.edu/NDTC



MEET FHSU'S REGIONAL NDTC TEAM:



Chief Ed Howell

FHSU Director of Police and Security
Co-Director, FHSU Regional NDTC
elhowell@fhsu.edu
785-628-5305



Dr. Tamara J. Lynn

Chair, FHSU Department of Criminal Justice
President, NDTC Executive Council
Co-Director & Program Manager
FHSU Regional NDTC
tjlynn@fhsu.edu
785-628-5668



Dr. Morgan Steele

Assistant Professor
FHSU Department of Criminal Justice
NDTC Research Coordinator
mjsteele2@fhsu.edu
785-628-5945



FORT HAYS STATE UNIVERSITY
DEPARTMENT OF CRIMINAL JUSTICE



NDTC



NDTC

NATIONAL DE-ESCALATION TRAINING CENTER

Executive Council

Classification of De-escalation Training

OVERVIEW

There is often confusion regarding both the definition and constituent components of de-escalation training. For this reason, it is important to establish a categorization to aid in the identification of particular de-escalation programs and their associated elements. This classification system shall not be construed as a value judgment, nor should it be an endorsement for a particular class of de-escalation training. The evaluation of a particular class of training is based solely upon the general nature of the subject matter included within the class of training offered. Implicit within this categorization is the assumption that the training included therein is competent and not reflective of training offered by a particular agency or enterprise. Within the discussion below, training that has been popularly recognized as procedural justice, verbal judo, and emotional intelligence are occasionally referred to herein as traditional de-escalation methods.

Finally, crisis intervention training is broadly offered as a discipline to address interactions by law enforcement and other first responders with those suffering from mental issues and disabilities. The categorization discussed below concerns de-escalation training that may be inclusive of crisis intervention to some extent. It is not an attempt to categorize crisis intervention or crisis intervention training.

LEVEL 3

Individual personality traits that may influence behavior

LEVEL 2

Crisis intervention training programs

LEVEL 1

Procedural justice, emotional intelligence, & verbal judo

LEVEL 1 TRAINING

Description: Courses and training programs that are founded in traditional de-escalation methods such as procedural justice, emotional intelligence, and those espoused and published by Thompson (1993), and frequently referred to as verbal judo.

Rationale: Traditional de-escalation methods do not include consideration of possible personality traits, mental illness, or disabilities. Nor is emotional intelligence included although Thompson, in his text, briefly recommends empathy (p. 154). Verbal judo does however, closely parallel several primary components of procedural justice such as consideration, respect, fair treatment, explanation of officer actions, and listening to subjects. Traditional applications address individuals generally, based upon commonly accepted understandings of human expectations during law enforcement interactions. Studies regarding procedural justice have established its effectiveness in establishing the legitimacy of law enforcement, and as a consequence, a higher probability of peaceful compliance and cooperation.

LEVEL 2 TRAINING

Description: Courses and training that include fundamental elements of traditional de-escalation methods as well as some reasonable measure (at least an hour or a single module) specifically concerning of mental health and disabilities training. Included within Level 2 are specifically designated crisis intervention training programs for mentally impaired and disabled individuals provided the training also includes some measure of traditional de-escalation training.

Rationale: Crisis intervention is a critical area that officers face, often as the first individual on the scene. Force alternatives such as de-escalation and referral to professionals are essential to the effectiveness of the interaction to prevent unnecessary injury to the mentally impaired. For these reasons, crisis intervention training adds additional elements and considerations that are not present using traditional methods which seek merely to de-escalate otherwise healthy individuals.

LEVEL 3 TRAINING

Description: Courses that include traditional de-escalation training methods, crisis intervention training at the level expressed in Level 2, and training in individual personality traits that may influence behavior. No recognized personality model shall be excluded from this categorization (Myers-Briggs, DISC, Enneagram, etc.).

Rationale: Neither traditional de-escalation methods nor crisis training contemplate individual personality type within de-escalation training. As established decades ago through numerous studies beginning with Friedman and Rosenman (1974), there is a direct association between personality type and the propensity for possible aggression. The importance of personality has been highlighted via its use by law enforcement in criminal profiling, hostage negotiation, and intelligence-led policing. Training in personality identification and application represents a more comprehensive addition to de-escalation practices that can better direct interactions based upon the subject's individual needs, motivations, and behavioral patterns. The inclusion of personality presents distinctly different training considerations that are not present in Levels 1 and 2.





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider an agreement with Rainbow Fireworks for the July 4th Fireworks show.

SUMMARY RECOMMENDATION City Staff recommends the same shell count as 2021.

BACKGROUND Jim Kelly will present the options for the 2022 July 4th Fireworks show. The community feedback regarding the show in 2021 was exceptional. Jim requested a quote based on the exact shell count in 2021 and a quote for the 2021 budget amount. Rainbow Firework's quote for the exact shell count increased the cost by \$2,100.00 to \$19,750.00.

City Staff would like to show our appreciation to Jim Kelly for his continued support of the community and his 31 years of fundraising for the fireworks show. 2021 was the first year in 30 years that Jim was unable to fundraise the full amount of the show. 2022 will be Jim's last year fundraising for the fireworks show.

FINANCIAL INFORMATION The City budgets for the Fireworks show to cover any shortfalls in campaign fundraising.

SUGGESTED MOTION I move to approve an agreement with Rainbow Fireworks for the 2022 July 4th Fireworks Show in the amount of \$19,750.00.

SUPPORTING DOCUMENTS

1. City of Independence proposal (2022)



Stephanie & Jason Ukele
76 Plum Avenue Inman, KS 67546
Office 620-663-7714
1-888-886-1008
Fax 1-800-884-1218
Email: info@fireworks-display.com
Website: www.fireworks-display.com
BATFE # 5-KS-00621

March 15, 2022

City of Independence
120 N. 6th Street
Independence, KS 67301

RE: 2022 Proposal for City of Independence

July 4, 2022 \$17,650.00 same budget cost as 2021:

60 each – 3" Titanium Salutes
308 each – 4" Assorted Color Shells w/2 salutes
20 each – 4" Titanium Salutes
90 each – 5" Assorted Superior Color Shells w/no salutes
45 each – 6" Assorted Deluxe Color Shells
12 each – 8" Assorted High Quality Color Shells

July 4, 2022 \$19,750.00 same shell count as 2021:

60 each – 3" Titanium Salutes
414 each – 4" Assorted Color Shells w/2 salutes ****106 each**
20 each – 4" Titanium Salutes
123 each – 5" Assorted Superior Color Shells w/no salutes ****33 each**
54 each – 6" Assorted Deluxe Color Shells ****9 each**
12 each – 8" Assorted High Quality Color Shells

****difference in count**

This includes a trained operator with a license issued by the State of Kansas, all equipment, transportation to the site, and a \$5 million general liability insurance policy.

Please call me at 620-200-5752, if you have any questions.

Sincerely,

Stephanie Ukele

Stephanie Ukele
President
Rainbow Fireworks, Inc.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider proclaiming April 2022 as the Lions Club 100 Year Anniversary month.

SUMMARY RECOMMENDATION Approve Proclamation

BACKGROUND In April 1922, the Independence Lions Club was started and is among the oldest service clubs in Independence, Kansas. The Independence Lions Club is a big supporter of the community and is actively involved in Kiddy Land, the annual Ham and Bean Feed, New Life Baptist Church clothes closet, Red Cross blood drive, and the annual Neewollah parade.

The Lions Club is asking the City of Independence to proclaim that the Independence Lions Club 100th Anniversary will be celebrated throughout the month of April 2022 in honor of their ongoing, excellent service to the community.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to proclaim April 2022 as the Independence Lions Club's 100th Anniversary month.

SUPPORTING DOCUMENTS

1. Lions Club 100 Year Proclamation

PROCLAMATION 2022
LIONS CLUB 100 YEAR ANNIVERSARY

WHEREAS The Motto of Lions Club International is “We Serve” and the Independence Lions Club is a valuable service club in the community; and

WHEREAS The Independence Lions Club is among the oldest service clubs in Independence beginning in April 1922; and

WHEREAS The Independence Lions Club participates in a number of annual community events and is involved with a number of annual community events including its annual Ham and Bean Feed, support for recreational sports and educational programs, ongoing maintenance and improvements to Kiddy Land at Riverside Park and Ralph Mitchell Zoo, volunteer support for New Life Baptist Church clothes closet, assistance with the American Red Cross blood drive, and sponsorship of an annual float in the Neewollah Parade; and

WHEREAS The Independence Lions Club is dedicated to supporting vision improvement, through its eyeglass collection program, its vision screenings of local children, and its funds that are dedicated to providing optometric exams to impoverished and uninsured individuals;

NOW THEREFORE, I, Dean A. Hayse, by virtue of the authority vested in me as Mayor of the City of Independence, along with the Independence City Commission, do hereby proclaim that the Independence Lions Club 100th Anniversary will be celebrated throughout the month of April 2022 in honor of their ongoing, excellent service to the Independence community.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Independence to be affixed this 24th day of March in the year 2022.

Mayor _____



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Consider Proclaiming April 10 - 16, 2022 as Telecommunicators' Week.

SUMMARY RECOMMENDATION Police Department staff recommend the Commission approve the attached proclamation.

BACKGROUND In 1991 National Public Safety Telecommunicator Week was formally recognized by Congress and is celebrated each year during the second full week of April.

We would like to take this opportunity to introduce new employees working in the 911 center.

Raina Gore started as our new records clerk on 12-27-21. She worked in the restaurant industry in Independence for 18 years before coming to IPD. Her father is a veteran of the US Army and she has lived all over, moving to Kansas with her three kids in 2001. Her husband, Bill Gour is from Canada and has worked at the Independence Public Library for six years.

Joseph Gregory started working in IPD Dispatch on December 27th, 2021. He is a husband and father to three young boys. His family moved to Independence in 2020 when his wife started working as a teacher in Independence Schools. Joseph enjoys traditional karate and CrossFit and is excited to serve his community.

Mark McCleary transferred from Independence Fire-EMS to IPD Dispatch on 9-27-21 after serving as a Firefighter/EMT since 2018. Prior to working for the fire department, Mark served in Montgomery County Dispatch, Caney Police Department, and Coffeyville Police Department. Mark has been in public safety for more than 14 years. Mark and his wife call Coffeyville home.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to authorize April 10th through the 16th of 2022 as Public Safety Telecommunicator Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department 911 Communications Center demonstrate daily in their service to the Independence area.

SUPPORTING DOCUMENTS

1. 2022 Telecommunicators Proclamation

Proclamation
National Public Safety Telecommunicator Week
April 10 through 16, 2022

Whereas emergencies can occur at anytime that require police, fire or emergency medical services; and,

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Independence Police Department 911 Communications Center; and,

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

Whereas Public Safety Telecommunicators of the Independence Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved that the City Commision of Independence declares the week of April 10 through 16, 2022 to be Public Safety Telecommunicators Week in Independence, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this ____ day of _____, 2022

Mayor _____

City of Independence, Kansas.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider awarding the bid for the 1916 City Hall Remodel.

SUMMARY RECOMMENDATION McCown Gordon will present the guaranteed maximum price for the City Hall renovation and will be available to answer any questions the Commission may have.

BACKGROUND On February 10, 2022 the City Commission approved the final bid documents from Treanor HL with bids due on March 4, 2022. The City Commission then approved extending the bids until March 15, 2022, at 11:00 a.m. to allow the Trade Partners more time to digest the response to questions and eliminate any assumptions in their bid proposals.

City Staff has been working with McCown Gordon on the GMP and will provide the City Commissioners with all documentation by the evening of March 22, 2022 for their review prior to the Commission meeting.

03/23/2022 Update: The City of Independence received the attached GMP from McCown Gordon. The GMP is \$7,320,973, which represents an approximate \$900,000 increase from the February 15, 2022 estimate. The increased cost is related to inflation, equipment, labor and materials, mobilization, and rising fuel costs.

City Staff does not recommend taking any of the \$305,947 deductions in the project. City staff will continue to work with McCown Gordon to identify potential cost savings that do not compromise the function, safety, integrity, or longevity of the facility.

FINANCIAL INFORMATION Final GMP documents will be ready on March 22, 2022.

SUGGESTED MOTION 1. I move to authorize the Mayor to sign a contract with Mccown Gordon for the guaranteed maximum price of \$7,320,973.

2. I move to table the City Hall renovation project until _____ (date must be no later than March 31, 2022) at _____ (time).

3. I move to reject the GMP proposal by McCown Gordon.

SUPPORTING DOCUMENTS

1. City Hall - GMP Attachments
2. Trade Partner Participation rev1

Exhibit A-1 – Proposal and Clarifications

CITY HALL | INDEPENDENCE, KS
GMP | 03/24/2022

EXECUTIVE SUMMARY

This estimate is for the Independence, KS City Hall renovation. The City Hall renovation includes the renovation to the existing three-story facility and a new dispatch addition.

Our guaranteed maximum price for the City Hall is **\$7,334,425**. This estimate is based upon the documents identified below, these clarifications and any associated attachments. Please reference the attached Estimate Summary for additional cost information. Any provided cost breakdowns are for accounting purposes and are not intended to provide line-item guarantees.

All pricing is based upon the following Drawings, Narratives and Notes:

DESCRIPTION	DESIGNER	DATED
City Hall 100% CD's	TreanorHL	1/28/2022
City Hall Project Manual	TreanorHL	1/28/2022
Addendum #1	TreanorHL	3/07/2022
Addendum #2	TreanorHL	3/09/2022

Pricing is further clarified with the following attachments

1. Estimate Summary
2. Alternates

CITY HALL - SCOPE CLARIFICATIONS & QUALIFICATIONS

ALLOWANCES

1. An allowance of \$260,000 is included for waterproofing the existing foundation walls.
2. An allowance of \$120,000 is included for the existing elevator.

SITework

1. Waterproofing allowance includes exterior waterproofing and installing drain tile on the North, West, and South walls of the basement. The East basement wall includes a polyurethane injection through the upper slab on grade at the basement wall. Pricing also assumes the installation of an interior drain tile along the perimeter of the basement wall.
2. Copper fittings on the new irrigation system are not included.
3. Asphalt patch back is included on Mrytle Street at new utility tie in locations only.
4. Utility tap fees or equity fees are not included.

UTILITIES

1. (1) 4" conduit is included from new utility pole location to the new transformer, conductors are not included.
2. (1) 4" conduit from the new transformer to the existing county building meter/CT cabinet is included, conductors are not included.
3. (1) 3" conduit will be stubbed 5' out of the existing South areaway for IT/data. Fiber is not included.

Exhibit A-1 – Proposal and Clarifications

CITY HALL | 03/24/2022

4. Natural gas piping is included after the meter. New service relocation and demolition is not included.
5. Every fees and Atmos fees are not included.

STRUCTURE

1. Steel shop drawings are included, engineering is not included.

ENVELOPE

1. Delegated design and engineering are not included for the new glazing systems.

INTERIOR FINISHES

1. A level 4 drywall finish is included for the new drywall partitions. Patch and repair is included for the existing plaster walls.
2. Ballistics glazing is included at (4) talk around windows and (1) door lite.
3. Repolishing of the existing terrazzo floors is not included.
4. ADA signage is included. All other signage is not included.
5. The installation of Owner provided lockers is included. All other FFE items are Owner furnished and installed.

MEP SYSTEMS

1. Ductless hood is excluded in bag and tag room.
2. Interior roof drainage, roof drains, and overflow drains are not included.
3. A/V equipment, cabling, and programming is not included.
4. Sleeves and conduit for data is included. J-hooks, cable trays, and cabling will be by others.
5. Security access controls and cameras are not included.
6. Owner will furnish UPS to be wired by electrical contractor.

GENERAL CLARIFICATIONS & QUALIFICATIONS

INCLUSIONS

1. Payment and performance bond is included.
2. Standard 1-year warranty is included.
3. This proposal includes a construction contingency, which is available for construction manager's exclusive use for those costs considered reimbursable that are incurred in performing the Cost of Work that is not included in a specific line item or basis for a Change Order under the Contract Documents.
4. Safety, QA/QC, Structural, and MEP Coordination is included.
5. All necessary tools, equipment and personal protective equipment is included.
6. Utility consumption costs for construction activities are excluded. Utilities are to remain under the owner's name and paid by owner. This estimate assumes full use of existing utilities.

Exhibit A-1 – Proposal and Clarifications

CITY HALL | 03/24/2022

EXCLUSIONS

1. Sales taxes
2. Plan review fees and permit fees
3. Design Fees (Architectural, Structural, MEP design)
4. Environmental/Geotechnical Surveys
5. Utility company fees, system development fees, tap fees
6. Construction testing and special inspection expenses
7. Furniture, Fixtures & Equipment (FF&E)
8. Building commissioning
9. Unforeseen subsurface conditions and removal of underground structures
10. Hazardous materials abatement or removal
11. Prevailing wage rates are excluded

ESTIMATE SUMMARY

CITY HALL | INDEPENDENCE, KS

GMP | 03/24/2022

#	DESCRIPTION	TOTAL ESTIMATED VALUE	NOTES
1.A	General Conditions	439,940	
1.C	Final Clean	6,720	
1.D	Allowances	380,000	
2.A	Selective Demolition	99,513	
2.B	Earthwork	88,292	
2.C	Utilities	213,194	
2.F	Landscaping & Irrigation	29,777	
2.H	Site Improvements	37,473	
3.V	PC, resinous, and sealed concrete	17,270	
3.F	Flatwork Concrete	336,365	
4.A	Masonry	278,900	
5.A	Steel	129,254	
6.A	Rough Carpentry	72,809	
6.C	Finish Carpentry & Millwork	221,610	
7.A	Waterproofing	35,760	
7.C	Roofing	146,270	
8.A	HM, Doors, & Hardware	376,857	
8.C	Glass & Glazing	292,550	
8.E	Overhead & Coiling Doors	15,656	
9.D	Drywall & Acoustical Ceilings	609,505	
9.H	Carpet & Resilient	153,549	
9.P	Painting & Wallcoverings	112,427	
10.A	Specialties	43,178	
14.A	Conveying Equipment	53,856	
15.A	Fire Protection	165,044	
15.C	HVAC & Plumbing	1,299,396	
16.A	Electrical	1,180,823	
	Construction Contingency	272,901	
	Performance & Payment Bonds	65,889	
	Contractor's Fee	159,647	
COST OF THE WORK		\$7,334,425	

COST OPTIONS

CITY HALL | INDEPENDENCE, KS

GMP | 03/24/2022

No.	Date	Description		Cost	Notes
ALTERNATES Alternates to base bid documents					
ALT 1		Provide a deduct for EIFS in lieu of brick veneer at the storm shelter elevations	Deduct	(28,870)	Budget price, no EIFS elevations were shown to price.
ALT 2		Provide deduct to remove dumbwaiter, rated dumbwaiter partition enclosure and associated work from scope of project.	Deduct	(60,009)	
ALT 3		Provide a deduct for the Alley improvement on the South side of City Hall as shown on Sheet C301	Deduct	(60,164)	
BUILDING SHELL Foundations, Flatwork, Building Skin, Structure, Roofing					
SHELL 1		Remove structural skylights at basement areaways. Add in a painted 2-line rail system.	Deduct	(76,339)	
SHELL 2		Remove the 1960's app bay elastizell and provide tapered ISO in lieu of.	Deduct	(10,688)	
INTERIOR FINISHES Doors/Hardware, Drywall, Ceilings, Flooring, Tile, Painting, Elevators					
INT. 1		Remove (3) interior sliding doors (Encompass) and replace with standard storefronts doors (no sidelites or transoms)	Deduct	(12,555)	
INT. 2		Provide a Besam door operator in lieu of Norton at opening #120.	Deduct	(1,491)	
INT. 3		Remove all plaster repair on the 3rd floor (storage/mechanical room)	Deduct	(36,808)	
INT. 4		Provide Armstrong Dune #1774 (Tegular) ceiling tile in lieu of Armstrong Ultima 1911	Deduct	(5,878)	
INT. 5		Remove the specified Harmony paint (used in healthcare facilities) on walls and ceilings utilized ProMar 200.	Deduct	(13,146)	
ELECTRICAL Lighting & Lighting Controls					
ELEC LTG 1		Premier lighting package has a unapproved lighting package (R,S, HH, RR fixtures not approved)	Deduct	TBD	
TOTAL				(305,947)	

ID	Phase (Text1)	Area1	Task Name	Duration	Start	Finish	D	Half 1, 2022 J	F	M	A	M	J	Half 2, 2022 J	A	S	O	N	D	Half 1, 2023 J	F	M	A	M	J	Half 2, 2023 J	
0			Independence EMS/Fire/City Hall	563 days	Mon 8/3/20	Thu 4/6/23																					
1			Project Milestones	448 days	Mon 6/28/21	Thu 4/6/23																					
5			Construction Milestones	448 days	Mon 6/28/21	Thu 4/6/23																					
6	City Hall	Milestones	City Hall Ventilation & Waterproofing Complete	0 days	Mon 6/28/21	Mon 6/28/21						6/28															
7	City Hall	Milestones	City Hall - Mobilize	0 days	Wed 9/14/22	Wed 9/14/22					9/14						9/14	City Hall - Mobilize									
9	City Hall	Milestones	City Hall - Foundation Complete	0 days	Tue 11/1/22	Tue 11/1/22							11/1					11/1	City Hall - Foundation Complete								
11	City Hall	Milestones	Third Floor Complete	0 days	Tue 11/29/22	Tue 11/29/22												11/29	Third Floor Complete								
12	City Hall	Milestones	Second Floor Complete	0 days	Fri 2/24/23	Fri 2/24/23													2/24	Second Floor Complete							
13	City Hall	Milestones	First Floor Complete	0 days	Thu 3/23/23	Thu 3/23/23														3/23	First Floor Complete						
14	City Hall	Milestones	Basement Complete	0 days	Thu 1/26/23	Thu 1/26/23													1/26	Basement Complete							
15	City Hall	Milestones	Storm Shelter Complete	0 days	Mon 3/27/23	Mon 3/27/23														3/27	Storm Shelter Complete						
16	City Hall	Milestones	City Hall - Substantial Completion	0 days	Fri 3/31/23	Fri 3/31/23													3/31	City Hall - Substantial Completion							
21	City Hall	Milestones	Final Completion	0 days	Thu 4/6/23	Thu 4/6/23													4/6	Final Completion							
22			Design	78 days	Thu 10/28/21	Mon 2/21/22																					
23			Construction Documents	78 days	Thu 10/28/21	Mon 2/21/22																					
27	City Hall	Pre-Construction	City Hall	54 days	Fri 12/3/21	Mon 2/21/22																					
28	City Hall	Pre-Construction	60% CD Documents for Budget	1 day	Fri 12/3/21	Fri 12/3/21																					
29	City Hall	Pre-Construction	100% Bid Documents	17 days	Fri 1/28/22	Mon 2/21/22																					
30			Pre-Construction	154 days	Fri 8/13/21	Thu 3/24/22																					
33			Construction Documents Estimate	100 days	Fri 10/29/21	Thu 3/24/22																					
43	City Hall	Pre-Construction	City Hall	76 days	Mon 12/6/21	Thu 3/24/22																					
44	City Hall	Pre-Construction	Assemble 60% Budget	11 days	Mon 12/6/21	Mon 12/20/21																					
45	City Hall	Pre-Construction	60% Budget Deliverable	1 day	Tue 12/21/21	Tue 12/21/21																					
46	City Hall	Pre-Construction	60% Review with Commission	1 day	Thu 12/23/21	Thu 12/23/21																					
47	City Hall	Pre-Construction	100% Documents Bid with Trade Partners	14 days	Tue 2/22/22	Fri 3/11/22																					
48	City Hall	Pre-Construction	Project Bid Day	0 days	Tue 3/15/22	Tue 3/15/22																					
49	City Hall	Pre-Construction	Assemble GMP	7 days	Tue 3/15/22	Wed 3/23/22																					
50	City Hall	Pre-Construction	GMP Submission to City	0 days	Tue 3/22/22	Tue 3/22/22																					
51	City Hall	Pre-Construction	GMP Presentation to Commission	1 day	Thu 3/24/22	Thu 3/24/22																					
54		Pre-Construction	Procurement	267 days	Fri 12/31/21	Fri 1/20/23																					
55		Pre-Construction	Bid/Award	82 days	Fri 12/31/21	Tue 4/26/22																					
57	City Hall	Pre-Construction	Subcontracts -City Hall	20 days	Fri 3/25/22	Tue 4/26/22																					
80		Pre-Construction	Fabrication/Delivery	252 days	Mon 1/24/22	Fri 1/20/23																					
91	City Hall	Pre-Construction	City Hall Procurement	60 days	Fri 4/1/22	Fri 6/24/22																					
92	City Hall	Pre-Construction	Masonry	40 days	Wed 4/27/22	Wed 6/22/22																					
Task Critical Near Critical Independence EMS/Fire/City Hall Wed 3/9/22 Page: 1/7 McCOWNGORDON CONSTRUCTION																											

ID	Phase (Text1)	Area1	Task Name	Duration	Start	Finish	D	Half 1, 2022 J	F	M	A	M	J	Half 2, 2022 J	A	S	O	N	D	Half 1, 2023 J	F	M	A	M	J	Half 2, 2023 J																			
93	City Hall	Pre-Construction	Steel Shops	30 days	Wed 4/27/22	Wed 6/8/22																																							
94	City Hall	Pre-Construction	Steel Review	10 days	Thu 6/9/22	Wed 6/22/22																																							
95	City Hall	Pre-Construction	Steel Lead Times	30 days	Thu 6/23/22	Thu 8/4/22																																							
96	City Hall	Pre-Construction	Steel Decking	80 days	Thu 6/23/22	Fri 10/14/22																																							
97	City Hall	Pre-Construction	Millwork Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
98	City Hall	Pre-Construction	Millwork Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
99	City Hall	Pre-Construction	Millwork Production	40 days	Thu 6/9/22	Thu 8/4/22																																							
100	City Hall	Pre-Construction	Door Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
101	City Hall	Pre-Construction	Door Shop Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
102	City Hall	Pre-Construction	Wood Door Frame Lead Time	80 days	Thu 6/9/22	Fri 9/30/22																																							
103	City Hall	Pre-Construction	Wood Door Lead Times	110 days	Thu 6/9/22	Fri 11/11/22																																							
104	City Hall	Pre-Construction	Flooring Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
105	City Hall	Pre-Construction	Flooring Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
106	City Hall	Pre-Construction	Flooring Lead Times	50 days	Thu 6/9/22	Thu 8/18/22																																							
107	City Hall	Pre-Construction	Dumbwaiter Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
108	City Hall	Pre-Construction	Dumbwaiter Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
109	City Hall	Pre-Construction	Dumbwaiter Lead Time	50 days	Thu 6/9/22	Thu 8/18/22																																							
110	City Hall	Pre-Construction	Plumbing Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
111	City Hall	Pre-Construction	Plumbing Shop Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
112	City Hall	Pre-Construction	Plumbing Lead Times	40 days	Thu 6/9/22	Thu 8/4/22																																							
113	City Hall	Pre-Construction	Mechanical Shops	20 days	Wed 4/27/22	Tue 5/24/22																																							
114	City Hall	Pre-Construction	Mechanical Shop Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
115	City Hall	Pre-Construction	Mechanical Lead Times	90 days	Thu 6/9/22	Fri 10/14/22																																							
116	City Hall	Pre-Construction	Electrical Submittals	20 days	Wed 4/27/22	Tue 5/24/22																																							
117	City Hall	Pre-Construction	Electrical Lighting Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
118	City Hall	Pre-Construction	Electrical Lighting Lead Times	80 days	Thu 6/9/22	Fri 9/30/22																																							
119	City Hall	Pre-Construction	Electrical Gear Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
120	City Hall	Pre-Construction	Electrical Gear Lead Times	100 days	Thu 6/9/22	Fri 10/28/22																																							
121	City Hall	Pre-Construction	Electrical Generator Review	10 days	Wed 5/25/22	Wed 6/8/22																																							
122	City Hall	Pre-Construction	Electrical Generator Lead Time	155 days	Thu 6/9/22	Fri 1/20/23																																							
123			Construction	233 days	Thu 4/28/22	Thu 3/30/23																																							
124			1916 City Hall Renovation	164 days	Fri 8/5/22	Thu 3/30/23																																							
125			City Hall - Site	28 days	Thu 9/15/22	Mon 10/24/22																																							
126	City Hall	Site	Site Demo	5 days	Tue 9/27/22	Mon 10/3/22																																							
127	City Hall	Site	South Parking Lot	2 days	Tue 9/27/22	Wed 9/28/22																																							
Task Critical Near Critical																																													
Independence EMS/Fire/City Hall Wed 3/9/22 Page: 2/7																																													
McCOWNGORDON CONSTRUCTION																																													

ID	Phase (Text1)	Area1	Task Name	Duration	Start	Finish	D	Half 1, 2022					Half 2, 2022					Half 1, 2023					Half 2, 2023			
								J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
128	City Hall	Site	North Parking Lot	2 days	Thu 9/29/22	Fri 9/30/22																				
129	City Hall	Site	Sawcut Concrete Sidewalks	2 days	Thu 9/29/22	Fri 9/30/22																				North Parking Lot
130	City Hall	Site	Demo Sidewalks	1 day	Mon 10/3/22	Mon 10/3/22																				Sawcut Concrete Sidewalks
131	City Hall	Site	Building Demo	9 days	Thu 9/15/22	Wed 9/28/22																				Demo Sidewalks
132	City Hall	Site	Cut Cap and Make Safe	2 days	Thu 9/15/22	Fri 9/16/22																				Cut Cap and Make Safe
133	City Hall	Site	Demo Carport	2 days	Tue 9/27/22	Wed 9/28/22																				Demo Carport
134	City Hall	Site	Demo Building	5 days	Mon 9/19/22	Mon 9/26/22																				Demo Building
135	City Hall	Site	Earthwork	8 days	Tue 10/4/22	Fri 10/14/22																				Earthwork
136	City Hall	Site	Site Grading	5 days	Tue 10/4/22	Tue 10/11/22																				Site Grading
137	City Hall	Site	Building Pad	3 days	Wed 10/12/22	Fri 10/14/22																				Building Pad
138	City Hall	Site	Paving	8 days	Tue 10/4/22	Fri 10/14/22																				
139	City Hall	Site	Sidewalks	5 days	Tue 10/4/22	Tue 10/11/22																			Sidewalks	
140	City Hall	Site	Asphalt paving	3 days	Wed 10/12/22	Fri 10/14/22																			Asphalt paving	
141	City Hall	Site	Landscaping	5 days	Mon 10/17/22	Mon 10/24/22																			Landscaping	
142	City Hall		City Hall - Foundations	26 days	Tue 10/4/22	Tue 11/8/22																			Foundations	
143	City Hall	Storm	Strom Structure	15 days	Mon 10/17/22	Tue 11/8/22																			Strom Structure	
144	City Hall	Storm	Footings	4 days	Mon 10/17/22	Fri 10/21/22																			Footings	
145	City Hall	Storm	Under Slab Rough-In	2 days	Mon 10/24/22	Tue 10/25/22																			Under Slab Rough-In	
146	City Hall	Storm	Slab on Grade	2 days	Wed 10/26/22	Thu 10/27/22																			Slab on Grade	
147	City Hall	Storm	Footing Cure Time	7 days	Mon 10/24/22	Tue 11/1/22																			Footing Cure Time	
148	City Hall	Storm	SOG Cure Time	7 days	Fri 10/28/22	Tue 11/8/22	SOG Cure Time																			
149	City Hall	Site	Waterproofing	20 days	Tue 10/4/22	Wed 11/2/22																				
150	City Hall	Site	North, West, South Walls	20 days	Tue 10/4/22	Wed 11/2/22																			Waterproofing	
151	City Hall	Site	Excavate	5 days	Tue 10/4/22	Tue 10/11/22																			Excavate	
152	City Hall	Site	Waterproof	5 days	Wed 10/12/22	Tue 10/18/22																			Waterproof	
153	City Hall	Site	Backfill	10 days	Thu 10/20/22	Wed 11/2/22																			Backfill	
154	City Hall	First	East Basement Wall	5 days	Wed 10/12/22	Tue 10/18/22																			East Basement Wall	
155	City Hall	First	Waterproofing	5 days	Wed 10/12/22	Tue 10/18/22																			Waterproofing	
156			City Hall - Structure	41 days	Wed 11/2/22	Thu 1/19/23																			Structure	
157	City Hall	Storm	Storm Shelter	41 days	Wed 11/2/22	Thu 1/19/23																			Storm Shelter	
158	City Hall	Storm	Block Walls	15 days	Wed 11/2/22	Mon 11/28/22																			Block Walls	
159	City Hall	Storm	Steel	5 days	Tue 11/29/22	Mon 12/5/22	Steel																			
160	City Hall	Storm	Decking	3 days	Tue 12/6/22	Fri 12/9/22	Decking																			
161	City Hall	Storm	Concrete Deck	3 days	Mon 12/12/22	Thu 12/15/22	Concrete Deck																			
162	City Hall	Storm	Concrete Cure Time	15 days	Fri 12/16/22	Thu 1/19/23	Concrete Cure Time																			
Task Critical Near Critical																										
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163			City Hall - Enclosure	46 days	Wed 11/2/22	Mon 1/30/23																					
164	City Hall	First	City Hall - Roof	46 days	Wed 11/2/22	Mon 1/30/23																					
165	City Hall	First	Sallyport - Roof Demo	10 days	Wed 11/2/22	Wed 11/16/22																					
166	City Hall	First	Sallyport - Roofing	10 days	Fri 11/18/22	Mon 12/5/22																					
167	City Hall	Storm	Storm Shelter Roof	5 days	Fri 1/20/23	Mon 1/30/23																					
168	City Hall		City Hall - Envelope	21 days	Tue 11/29/22	Fri 1/6/23																					
169	City Hall	Storm	Storm Shelter	15 days	Tue 11/29/22	Thu 12/22/22																					
170	City Hall	Storm	Waterproofing	3 days	Tue 11/29/22	Thu 12/1/22																					
171	City Hall	Storm	Insulation	2 days	Fri 12/2/22	Mon 12/5/22																					
172	City Hall	Storm	Brick Veneer	10 days	Tue 12/6/22	Thu 12/22/22																					
173	City Hall		City Hall - Exterior	6 days	Tue 12/27/22	Fri 1/6/23																					
174	City Hall	Site	Tuckpointing	4 days	Tue 12/27/22	Tue 1/3/23																					
175	City Hall	Site	Window Replacement	2 days	Thu 1/5/23	Fri 1/6/23																					
176			City Hall - Rough-In	102 days	Wed 9/14/22	Thu 2/9/23																					
177	City Hall	Third	Rough-In - 3rd Floor	8 days	Wed 9/14/22	Fri 9/23/22																					
178	City Hall	Third	Selective Demo - 3rd Floor	2 days	Wed 9/14/22	Thu 9/15/22																					
179	City Hall	Third	Wall Framing - 3rd Floor	1 day	Fri 9/16/22	Fri 9/16/22																					
180	City Hall	Third	Mech./Elec./Plumb. Wall Rough-In - 3rd Floor	5 days	Mon 9/19/22	Fri 9/23/22																					
181	City Hall	Third	Mech./Elec./Plumb. Overhead Rough-In - 3rd Floor	5 days	Fri 9/16/22	Thu 9/22/22																					
182	City Hall	Second	Rough-In - 2nd Floor	17 days	Fri 9/16/22	Mon 10/10/22																					
183	City Hall	Second	Selective Demo - 2nd Floor	2 days	Fri 9/16/22	Mon 9/19/22																					
184	City Hall	Second	Wall Framing - 2nd Floor	5 days	Tue 9/20/22	Mon 9/26/22																					
185	City Hall	Second	Mech./Elec./Plumb. Wall Rough-In - 2nd Floor	5 days	Tue 9/27/22	Mon 10/3/22																					
186	City Hall	Second	Mech./Elec./Plumb. Overhead Rough-In - 2nd Floor	10 days	Tue 9/27/22	Mon 10/10/22																					
187	City Hall	First	Rough-In - 1st Floor	28 days	Tue 9/20/22	Thu 10/27/22																					
188	City Hall	First	Selective Demo - 1st Floor	3 days	Tue 9/20/22	Thu 9/22/22																					
189	City Hall	First	Floor Slab Infill - 1st Floor	5 days	Fri 9/23/22	Thu 9/29/22																					
190	City Hall	First	Wall Framing - 1st Floor	10 days	Fri 9/23/22	Thu 10/6/22																					
191	City Hall	First	Mech./Elec./Plumb. Overhead Rough-In - 1st Floor	20 days	Fri 9/30/22	Thu 10/27/22																					
192	City Hall	First	Mech./Elec./Plumb. Wall Rough-In - 1st Floor	15 days	Fri 10/7/22	Thu 10/27/22																					
193	City Hall	Basement	Rough-In - Basement	40 days	Fri 9/23/22	Thu 11/17/22																					
194	City Hall	Basement	Selective Demo - Basement	4 days	Fri 9/23/22	Wed 9/28/22																					
195	City Hall	Basement	Wall Framing - Basement	5 days	Thu 9/29/22	Wed 10/5/22																					
196	City Hall	Basement	Mech./Elec./Plumb. Wall Rough-In - Basement	10 days	Thu 10/6/22	Wed 10/19/22																					
197	City Hall	Basement	Mech./Elec./Plumb. Overhead Rough-In - Basement	15 days	Fri 10/28/22	Thu 11/17/22																					
Task Critical Near Critical																											
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ID	Phase (Text1)	Area1	Task Name	Duration	Start	Finish	D	Half 1, 2022	F	M	A	M	J	Half 2, 2022	A	S	O	N	D	Half 1, 2023	F	M	A	M	J	Half 2, 2023	
198	City Hall	Storm	Storm Shelter	8 days	Tue 1/31/23	Thu 2/9/23																					
199	City Hall	Storm	Wall Framing - Storm Shelter	2 days	Tue 1/31/23	Wed 2/1/23																					
200	City Hall	Storm	Mech./Elec./Plumb. Wall Rough-In - Storm Shelter	3 days	Thu 2/2/23	Mon 2/6/23																					
201	City Hall	Storm	Mech./Elec./Plumb. Overhead Rough-In - Storm Shelter	3 days	Tue 2/7/23	Thu 2/9/23																					
202			City Hall - Finishes	164 days	Fri 8/5/22	Thu 3/30/23																					
203	City Hall	Third	Finishes - 3rd Floor	45 days	Mon 9/26/22	Tue 11/29/22																					
204	City Hall	Third	Hang/Tape/Finish Drywall - 3rd Floor	15 days	Mon 9/26/22	Fri 10/14/22																					
205	City Hall	Third	Prime & 1st Coat Paint - 3rd Floor	5 days	Mon 10/17/22	Fri 10/21/22																					
206	City Hall	Third	Ceiling Grid - 3rd Floor	5 days	Mon 10/24/22	Fri 10/28/22																					
207	City Hall	Third	Lights/Grilles/ Registers - 3rd Floor	5 days	Mon 10/31/22	Fri 11/4/22																					
208	City Hall	Third	Millwork - 3rd Floor	5 days	Mon 10/31/22	Fri 11/4/22																					
209	City Hall	Third	Door Frame Install - 3rd Floor	5 days	Mon 11/7/22	Fri 11/11/22																					
210	City Hall	Third	Install Doors - 3rd Floor	5 days	Mon 11/14/22	Fri 11/18/22																					
211	City Hall	Third	Ceiling Tile - 3rd Floor	5 days	Mon 11/7/22	Fri 11/11/22																					
212	City Hall	Third	Flooring - 3rd Floor	5 days	Mon 11/14/22	Fri 11/18/22																					
213	City Hall	Third	Final Paint - 3rd Floor	5 days	Mon 11/21/22	Tue 11/29/22																					
214	City Hall	Second	Finishes - 2nd Floor	95 days	Mon 10/10/22	Fri 2/24/23																					
215	City Hall	Second	Hang/Tape/Finish Drywall - 2nd Floor	20 days	Mon 10/10/22	Fri 11/4/22																					
216	City Hall	Second	Prime & 1st Coat Paint - 2nd Floor	10 days	Mon 11/7/22	Fri 11/18/22																					
217	City Hall	Second	Ceiling Grid - 2nd Floor	15 days	Mon 11/21/22	Tue 12/13/22																					
218	City Hall	Second	Millwork & Fixtures - 2nd Floor	10 days	Mon 11/21/22	Tue 12/6/22																					
219	City Hall	Second	Door Frame Install - 2nd Floor	5 days	Wed 12/7/22	Tue 12/13/22																					
220	City Hall	Second	Install Doors - 2nd Floor	5 days	Wed 12/14/22	Tue 12/20/22																					
221	City Hall	Second	Lights/Grilles/ Registers - 2nd Floor	15 days	Wed 12/14/22	Fri 1/6/23																					
222	City Hall	Second	Ceiling Tile - 2nd Floor	10 days	Mon 1/9/23	Fri 1/20/23																					
223	City Hall	Second	Flooring - 2nd Floor	20 days	Mon 1/23/23	Fri 2/17/23																					
224	City Hall	Second	Final Paint - 2nd Floor	5 days	Mon 2/20/23	Fri 2/24/23																					
225	City Hall	First	Finishes - 1st Floor	104 days	Mon 10/31/22	Thu 3/30/23																					
226	City Hall	First	Hang/Tape/Finish Drywall - 1st Floor	20 days	Mon 10/31/22	Tue 11/29/22																					
227	City Hall	First	Prime & 1st Coat Paint - 1st Floor	10 days	Wed 11/30/22	Tue 12/13/22																					
228	City Hall	First	Ceiling Grid - 1st Floor	14 days	Wed 12/14/22	Thu 1/5/23																					
229	City Hall	First	Lights/Grilles/ Registers - 1st Floor	15 days	Fri 1/6/23	Thu 1/26/23																					
230	City Hall	First	Millwork & Fixtures - 1st Floor	10 days	Wed 12/14/22	Thu 12/29/22																					
231	City Hall	First	Door Frame Install - 1st Floor	5 days	Fri 12/30/22	Fri 1/6/23																					
232	City Hall	First	Install Doors - 1st Floor	5 days	Mon 1/9/23	Fri 1/13/23																					
Task Critical Near Critical																											
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233	City Hall	First	Plumbing Fixtures - 1st Floor	5 days	Fri 1/27/23	Thu 2/2/23															Plumbing Fixtures - 1st Floor					
234	City Hall	First	Ceiling Tile - 1st Floor	10 days	Fri 2/3/23	Thu 2/16/23															Ceiling Tile - 1st Floor					
235	City Hall	First	Flooring - 1st Floor	15 days	Fri 2/17/23	Thu 3/9/23															Flooring - 1st Floor					
236	City Hall	First	Final Paint - 1st Floor	10 days	Fri 3/10/23	Thu 3/23/23															Final Paint - 1st Floor					
237	City Hall	First	City Hall - Final Clean	5 days	Fri 3/24/23	Thu 3/30/23															City Hall - Final Clean					
238	City Hall	Basement	Finishes - Basement	66 days	Thu 10/20/22	Thu 1/26/23																				
239	City Hall	Basement	Hang/Tape/Finish Drywall - Basement	10 days	Thu 10/20/22	Wed 11/2/22															Hang/Tape/Finish Drywall - Basement					
240	City Hall	Basement	Prime & 1st Coat Paint - Basement	8 days	Thu 11/3/22	Mon 11/14/22															Prime & 1st Coat Paint - Basement					
241	City Hall	Basement	Ceiling Grid - Basement	10 days	Fri 11/18/22	Mon 12/5/22															Ceiling Grid - Basement					
242	City Hall	Basement	Lights/Grilles/ Registers - Basement	10 days	Tue 12/6/22	Mon 12/19/22															Lights/Grilles/ Registers - Basement					
243	City Hall	Basement	Ceiling Tile - Basement	5 days	Tue 12/20/22	Wed 12/28/22															Ceiling Tile - Basement					
244	City Hall	Basement	Millwork, Lockers & Fixtures - Basement	10 days	Tue 12/6/22	Mon 12/19/22															Millwork, Lockers & Fixtures - Basement					
245	City Hall	Basement	Door Frame Install - Basement	5 days	Mon 1/9/23	Fri 1/13/23															Door Frame Install - Basement					
246	City Hall	Basement	Install Doors - Basement	5 days	Mon 1/16/23	Fri 1/20/23															Install Doors - Basement					
247	City Hall	Basement	Flooring - Basement	15 days	Thu 12/29/22	Thu 1/19/23															Flooring - Basement					
248	City Hall	Basement	Final Paint - Basement	5 days	Fri 1/20/23	Thu 1/26/23															Final Paint - Basement					
249	City Hall	Storm	Finishes - Storm Shelter	32 days	Fri 2/10/23	Mon 3/27/23																				
250	City Hall	Storm	Hang/Tape/Finish Drywall - Storm Shelter	10 days	Fri 2/10/23	Thu 2/23/23															Hang/Tape/Finish Drywall - Storm Shelter					
251	City Hall	Storm	Prime & 1st Coat Paint - Storm Shelter	3 days	Fri 2/24/23	Tue 2/28/23															Prime & 1st Coat Paint - Storm Shelter					
252	City Hall	Storm	Ceiling Grid - Storm Shelter	4 days	Wed 3/1/23	Mon 3/6/23															Ceiling Grid - Storm Shelter					
253	City Hall	Storm	Lights/Grilles/ Registers - Storm Shelter	3 days	Tue 3/7/23	Thu 3/9/23															Lights/Grilles/ Registers - Storm Shelter					
254	City Hall	Storm	Ceiling Tile - Storm Shelter	1 day	Fri 3/10/23	Fri 3/10/23															Ceiling Tile - Storm Shelter					
255	City Hall	Storm	Millwork, Lockers & Fixtures - Storm Shelter	5 days	Fri 3/10/23	Thu 3/16/23															Millwork, Lockers & Fixtures - Storm Shelter					
256	City Hall	Storm	Door Frame Install - Storm Shelter	3 days	Fri 3/17/23	Tue 3/21/23															Door Frame Install - Storm Shelter					
257	City Hall	Storm	Install Doors - Storm Shelter	3 days	Wed 3/22/23	Fri 3/24/23															Install Doors - Storm Shelter					
258	City Hall	Storm	Flooring - Storm Shelter	3 days	Fri 3/17/23	Tue 3/21/23															Flooring - Storm Shelter					
259	City Hall	Storm	Final Paint - Storm Shelter	2 days	Wed 3/22/23	Thu 3/23/23															Final Paint - Storm Shelter					
260	City Hall	Storm	Final Clean - Storm Shelter	2 days	Fri 3/24/23	Mon 3/27/23															Final Clean - Storm Shelter					
261	City Hall	Equipment	Equipment	117 days	Fri 8/5/22	Tue 1/24/23																				
262	City Hall	Equipment	Plumbing Fixtures	15 days	Fri 8/5/22	Thu 8/25/22															Plumbing Fixtures					
263	City Hall	Equipment	Mechanical Equipment	10 days	Mon 10/17/22	Fri 10/28/22															Mechanical Equipment					
264	City Hall	Equipment	Electrical Gear	5 days	Mon 10/31/22	Fri 11/4/22															Electrical Gear					
265	City Hall	Equipment	Generator	2 days	Mon 1/23/23	Tue 1/24/23															Generator					
322			Close Out	677 days	Mon 8/3/20	Thu 4/6/23																				
327			Punch List	81 days	Mon 12/12/22	Thu 4/6/23																				

Task

Critical

Near Critical

Independence EMS/Fire/City Hall Wed 3/9/22

Page: 6/7

McCOWN

GORDON

CONSTRUCTION

TRADE PARTNER PARTICIPATION

CITY HALL | INDEPENDENCE, KS

GMP | 03/24/2022

DESCRIPTION	LOW BIDDER IS LOCAL PARTICIPANT	ADDITIONAL COST INCLUDED TO USE RECOMMENDED PARTICIPANT	% DIFFERENCE	NOTES
Total Participants Invited to Bid	328			
Total Participant Bids Received	73			
Final Clean	No	-	-	
Selective Demolition	Yes	-	-	
Earthwork	No	-	-	
Utilities	No	-	-	
Landscaping & Irrigation	No	\$ 109	0.37%	Utilize local participant
Site Improvements	No	-	-	
PC, resinous, and sealed concrete	No	-	-	
Flatwork Concrete	No	-	-	
Masonry	No	-	-	
Steel	No	-	-	
Rough Carpentry	No	-	-	
Finish Carpentry & Millwork	No	-	-	
Waterproofing	No	-	-	
Roofing	No	\$ 4,372	3.08%	Utilize same roofing contractor as Phase 1
HM, Doors, & Hardware	No	-	-	
Glass & Glazing	No	-	-	
Overhead & Coiling Doors	No	-	-	
Drywall & Acoustical Ceilings	No	-	-	
Carpet & Resilient	No	-	-	
Painting & Wallcoverings	No	-	-	
Specialties	No	-	-	
Conveying Equipment	No	-	-	
Fire Protection	No	-	-	
HVAC & Plumbing	No	-	-	
Electrical	No	\$ 8,971	0.77%	Utilize local participant



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider adopting an ordinance establishing regulations for Tiny Houses.

SUMMARY RECOMMENDATION City Staff recommends accepting the recommendation of the Planning Commission and adopting the proposed ordinance.

BACKGROUND City Staff has been working with the Housing Director and the Planning and Zoning Board regarding tiny houses. The City has received multiple inquiries about tiny houses and if they could be built inside the City limits. City Staff has been working with Stinson LLP to assist us with the changes as requested from the December Planning and Zoning meeting. The goals were to draft an Ordinance that provided the following:

1. Tiny houses must be on permanent foundations (Ordinance, Section 1).
2. A tiny house for use by the property owners' family is a permitted accessory use(Ordinance, Section 2).
3. A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.
4. Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.
5. The revisions to Section 507 allow for a Tiny Houses/PUD. The minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units are determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h).

On March 01, 2022, the Planning and Zoning Board reviewed the Ordinance and approved allowing a dwelling 400 square feet in floor area or less on a permanent foundation. Other uses allowed were for a permitted accessory-use for a family member, and for short-term rentals with a conditional use permit. All of the tiny houses, whether permitted or granted under conditional use, must be constructed and installed in accordance with the current versions of all applicable codes as adopted by the City of Independence. The Planning Commission recommended approving the ordinance as prepared with a modification to the Minimum Average Land Area by Unit Type and PUD District table. This modification has been made in

the final draft provided to the City Commission.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance amending the Independence Zoning Ordinance pertaining to regulations for Tiny Houses.

SUPPORTING DOCUMENTS

1. Independence, KS - Ordinance re Tiny Houses - Revisions of Applicable Code Provisions in Track Changes
2. Publication Summary (Ordinance Amending Zoning Ordinance - Tiny Houses)
3. City of Independence - Ordinance Amending Zoning Code (Tiny Houses)
4. Ordinance 4383 - Amending Zoning Code (Tiny Houses)
5. Planning Commission Draft 03012022 Minutes

Ordinance Establishing Regulations for Tiny Houses: Revised Language Shown in Redline Format

A. Section 1 of the Ordinance:

403.0. Definitions.

~~403.1.~~ 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 principle 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 as 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 nonproject 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 greater 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 a 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 chance of being equalled 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: That board which 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, communication 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 facility 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 sections 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, lodginghouse, 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 the 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 home owner 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 platted 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 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 of 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 which 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.

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 the 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 longterm 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 with 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 lot 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.

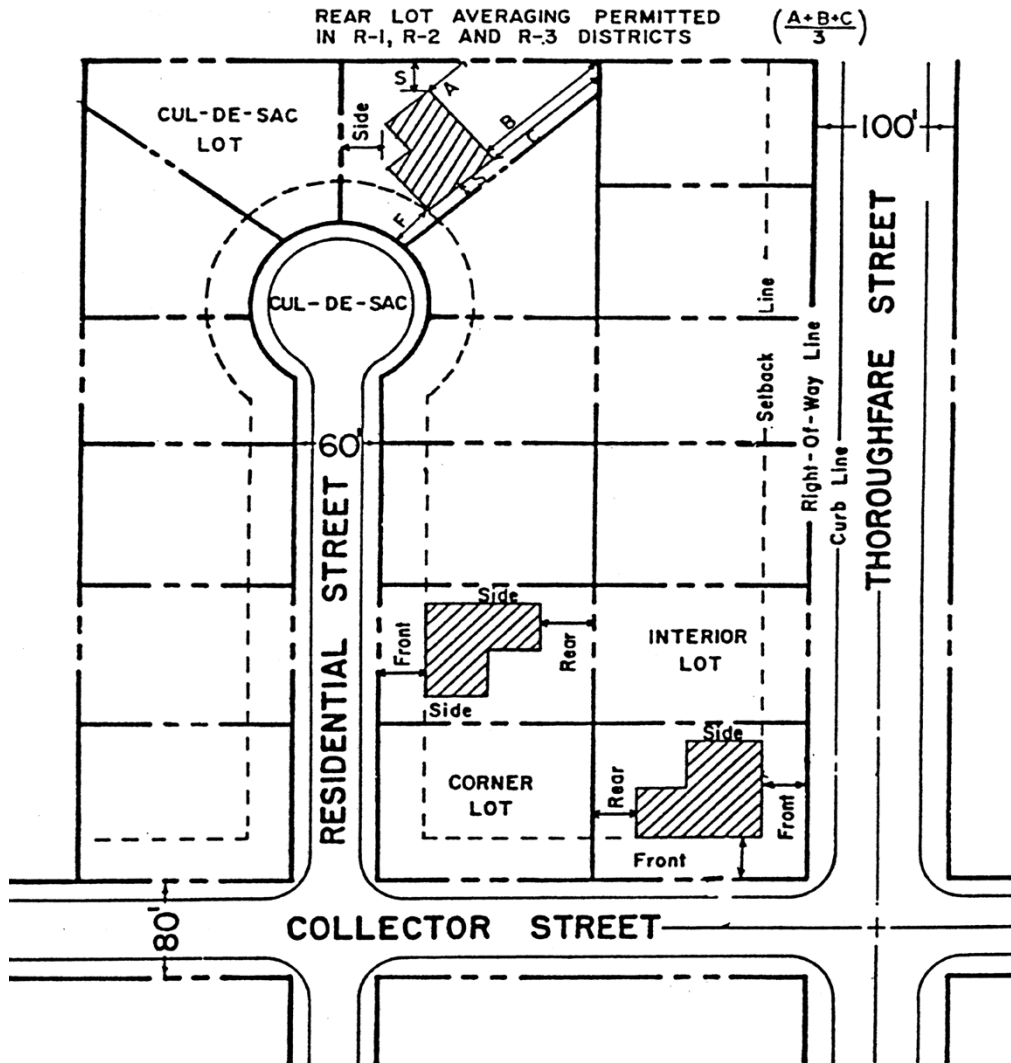
Zone or district: A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdiction 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.

YARD REGULATIONS



B. Section 2 of the Ordinance:

507.0. Residential planned unit developments.

507.1. *Intent:* In accordance with [K.S.A. 12-725 et seq. applicable law](#), the residential planned unit development is intended to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the type of living environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.

- e. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
- f. An environment of stable character in harmony with surrounding development.
- g. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A residential planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements shall be equal to those in the corresponding district R-1 to R-5 inclusive. The uses permitted shall also be the same as in the equivalent district R-1 to R-5 inclusive.

Variations and departures from normal practice may, however, be permitted provided that the city finds that such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, each building need not face on a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101. [Variations and departures from normal practice will likely be especially prevalent with Tiny Houses/PUDs, which, given the size limitations on tiny houses, involve a higher residential density than other types of residential developments with proportionally smaller open space, and different needs regarding roadways, parking, open space, landscaping, etc.](#)

507.2. Design standards and conditions for residential planned unit developments:

- a. *Location:* A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change. The residential PUD shall be designated as follows:

Planned Unit Development	Corresponding District
R-1/PUD	R-1 large lot single-family district
R-2/PUD	R-2 single-family district
R-3/PUD	R-3 low density multifamily district
R-4/PUD	R-4 medium density multifamily district
R-5/PUD	R-5 high density multifamily district
Tiny Houses/PUD	R-1 – R-5 Districts, Tiny Houses Only

- b. *Permitted uses:* The uses permitted by right in a residential PUD ([other than a Tiny Houses/PUD](#)) shall be only those designated in the corresponding districts R-1, R-2, R-3, R-4 and R-5 as set out in appendix "A" of these regulations. [The only use allowed in a Tiny Houses/PUD are Tiny Houses.](#)
- c. *Conditional uses:* The uses conditionally permitted shall only be those designated in the corresponding districts R-1 to R-5 inclusive, as set out in appendix "A" of these regulations; [provided, however, that the only use allowed in a Tiny Houses/PUD are Tiny Houses.](#)

- d. *Minimum PUD size:* Two acres, except for a Tiny Houses/PUD which has a minimum size of one acre. However, the city commission may vary ~~said the applicable~~ minimum area where such an alteration would not have a negative impact on adjacent property.
- e. *Height limitations:* The height limitations for structures in residential PUDs shall be the same as those for corresponding residential districts. However, the city commission may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD shall not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Off-street parking:* The minimum off-street parking requirements set forth in article VII of this ordinance shall be complied with.
- h. *Number of permitted dwelling units:* ~~The Only tiny houses are allowed in Tiny Houses/PUDs. In all other residential PUDs, the~~ number and type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, for all residential PUDs the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents provided necessary setback be maintained to allow emergency access in case of fire or natural disaster. The maximum number of permitted dwelling units within a residential ~~planned-unit-development (PUD)~~ shall be computed as follows:

Permitted dwelling units <u>residential PUDs other than Tiny Houses/PUDs</u>	=	Residential area of the PUD divided by minimum average land area per dwelling unit permitted in the applicable PUD.
<u>Permitted dwelling units for Tiny Houses/PUDs</u>	≡	<u>Twice the number of dwelling units permitted by application of the formula, above, to the corresponding underlying zoning district (R-1, R-2, etc.)</u>

1. *Residential area:* The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the area of nonresidential land.

Nonresidential land shall include street pavement, parking lot pavement, and land allocated to schools, churches, accessory commercial development and other nonresidential uses.

Residential area shall include land allocated to dwellings, accessory buildings, recreational community facilities serving the homeowners and open space.
2. *Minimum land area:* The minimum average land area for the purposes of the described compilation shall be:

MINIMUM AVERAGE LAND AREA BY UNIT TYPE AND PUD DISTRICT

Dwelling Unit Type	PUD District				
	R-1/PUD	R-2/PUD	R-3/PUD	R-4/PUD	R-5/PUD

Single-family	10,000 sf	7,200 sf	7,200 sf	7,200 sf	7,200 sf
Two-family			4,000 sf	4,000 sf	4,000 sf
Three-family			3,000 sf	3,000 sf	3,000 sf
Low-rise multifamily				2,000 sf	2,000 sf
High-rise multifamily					900 sf

- i. *Common open space:* Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. Such open space shall be owned and maintained in common by the residents through a homeowners' association. The residential PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the city if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.
- j. *Staged development:* The residential PUD may be developed in stages. In such case, the owner of the planned development shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - (1) The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the residents of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties;
 - (2) The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over [to] the established PUD homes association.
- k. *Landscaping and screening requirements:* The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
- l. *Homes association:* The developer shall provide for a homes association for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. Such homes association shall be established in the initial phase of development.
- m. *Financial guarantees:* The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

n. *Design standards for tiny houses: Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.*

507.3. *Application for approval of residential PUDs:* Processing procedures for residential PUDs are set forth in article XIV of this ordinance.

C. Section 3 of the Ordinance:

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 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.

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.

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

D. Section 4 of the Ordinance:

Section 612.0 Tiny houses.

Tiny houses, whether a permitted or conditional use under these regulations, must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

CITY OF INDEPENDENCE, KANSAS

Summary of Ordinance No. [REDACTED]

On March 24, 2022, the Governing Body of the City of Independence, Kansas passed Ordinance No. [REDACTED] to amend Sections 403.0, 507.0 and 607.0 and adopt new Section 612.0 of the Independence Zoning Ordinance pertaining to regulations for tiny houses.

The complete text of Ordinance No. [REDACTED] may be obtained or viewed free of charge at the office of the City Clerk, 811 West Laurel Street, Independence, Kansas 67301. A reproduction of Ordinance No. [REDACTED] is available at www.independenceks.gov for at least one week following the publication date of this Summary.

The undersigned hereby certifies, as prescribed by K.S.A. 12-3007, that the foregoing Summary of Ordinance No. [REDACTED] is legally accurate and sufficient.

Dated: March 24, 2021.

Jeffrey A. Chubb, City Attorney

CITY OF INDEPENDENCE, KANSAS

ORDINANCE NO. 43__

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE PERTAINING TO REGULATIONS FOR TINY HOUSES; AMENDING AND REPEALING EXISTING SECTIONS 403.0, 507.0 AND 607.0, AND ADOPTING NEW SECTION 612.0 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 principle 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 as 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 nonproject 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 greater 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 a 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 chance of being equalled 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: That board which 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, communication 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 facility 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 sections 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, lodginghouse, 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 the 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 home owner 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 platted 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 which 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.

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 the 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 longterm 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 with 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 lot 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.

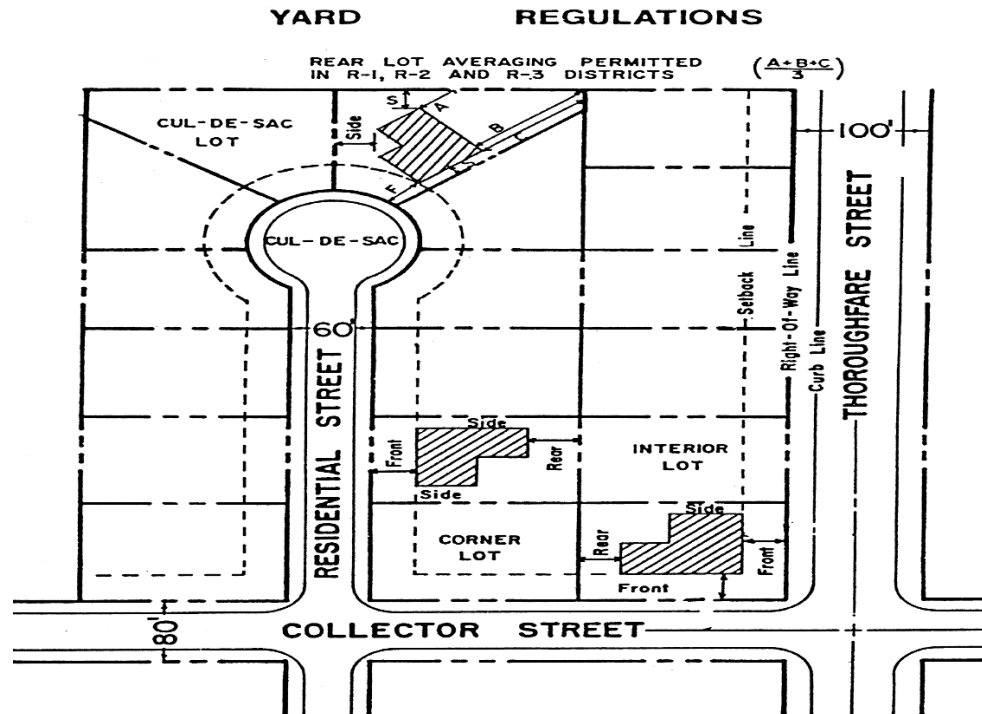
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing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

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdiction 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 507.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

507.0. Residential planned unit developments.

507.1. Intent: In accordance with applicable law, the residential planned unit development is intended to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the type of living environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
- f. An environment of stable character in harmony with surrounding development.

- g. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A residential planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements shall be equal to those in the corresponding district R-1 to R-5 inclusive. The uses permitted shall also be the same as in the equivalent district R-1 to R-5 inclusive.

Variations and departures from normal practice may, however, be permitted provided that the city finds that such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, each building need not face on a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101. Variations and departures from normal practice will likely be especially prevalent with Tiny Houses/PUDs, which, given the size limitations on tiny houses, involve a higher residential density than other types of residential developments with proportionally smaller open space, and different needs regarding roadways, parking, open space, landscaping, etc.

507.2. Design standards and conditions for residential planned unit developments:

- a. *Location:* A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change. The residential PUD shall be designated as follows:

Planned Unit Development	Corresponding District
R-1/PUD	R-1 large lot single-family district
R-2/PUD	R-2 single-family district
R-3/PUD	R-3 low density multifamily district
R-4/PUD	R-4 medium density multifamily district
R-5/PUD	R-5 high density multifamily district
Tiny Houses/PUD	R-1 – R-5 Districts, Tiny Houses Only

- b. *Permitted uses:* The uses permitted by right in a residential PUD (other than a Tiny Houses/PUD) shall be only those designated in the corresponding districts R-1, R-2, R-3, R-4 and R-5 as set out in appendix "A" of these regulations. The only use allowed in a Tiny Houses/PUD are Tiny Houses.
- c. *Conditional uses:* The uses conditionally permitted shall only be those designated in the corresponding districts R-1 to R-5 inclusive, as set out in appendix "A" of these regulations; provided, however, that the only use allowed in a Tiny Houses/PUD are Tiny Houses.
- d. *Minimum PUD size:* Two acres, except for a Tiny Houses/PUD which has a minimum size of one acre. However, the city commission may vary the applicable minimum area where such an alteration would not have a negative impact on adjacent property.
- e. *Height limitations:* The height limitations for structures in residential PUDs shall be the same as those for corresponding residential districts. However, the city commission may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD shall not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Off-street parking:* The minimum off-street parking requirements set forth in article VII of this ordinance shall be complied with.
- h. *Number of permitted dwelling units:* Only tiny houses are allowed in Tiny Houses/PUDs. In all other residential PUDs, the number and type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, for all residential PUDs the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents provided necessary setback be maintained to allow emergency access in case of fire or natural disaster. The maximum number of permitted dwelling units within a residential PUD shall be computed as follows:

Permitted dwelling units residential PUDs other than Tiny Houses/PUDs	=	Residential area of the PUD divided by minimum average land area per dwelling unit permitted in the applicable PUD.
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Permitted dwelling units for Tiny Houses/PUDs	=	Twice the number of dwelling units permitted by application of the formula, above, to the corresponding underlying zoning district (R-1, R-2, etc.)
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1. *Residential area:* The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the area of nonresidential land.

Nonresidential land shall include street pavement, parking lot pavement, and land allocated to schools, churches, accessory commercial development and other nonresidential uses.

Residential area shall include land allocated to dwellings, accessory buildings, recreational community facilities serving the homeowners and open space.

2. *Minimum land area:* The minimum average land area for the purposes of the described compilation shall be:

MINIMUM AVERAGE LAND AREA BY UNIT TYPE AND PUD DISTRICT

Dwelling Unit Type	PUD District				
	R-1/PUD	R-2/PUD	R-3/PUD	R-4/PUD	R-5/PUD
Single-family	10,000 sf	7,200 sf	7,200 sf	7,200 sf	7,200 sf
Two-family			4,000 sf	4,000 sf	4,000 sf
Three-family			3,000 sf	3,000 sf	3,000 sf
Low-rise multifamily				2,000 sf	2,000 sf
High-rise multifamily					900 sf

- i. *Common open space:* Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. Such open space shall be owned and maintained in common by the residents through a homeowners' association. The residential PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably

necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the city if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.

- j. *Staged development:* The residential PUD may be developed in stages. In such case, the owner of the planned development shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - 1. The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the residents of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties;
 - 2. The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over [to] the established PUD homes association.
- k. *Landscaping and screening requirements:* The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
- l. *Homes association:* The developer shall provide for a homes association for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. Such homes association shall be established in the initial phase of development.
- m. *Financial guarantees:* The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the development

plan and to protect the public interest in the event of abandonment of said plan before completion.

- n. *Design standards for tiny houses:* Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

507.3. Application for approval of residential PUDs: Processing procedures for residential PUDs are set forth in article XIV of this ordinance.

SECTION 3. Existing Section 607.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

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 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.

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*.

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

SECTION 4. New Section 612.0 is hereby added to the Independence Zoning Ordinance to read as follows:

612.0 Tiny houses.

Tiny houses, whether a permitted or conditional use under these regulations, must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

SECTION 5. Existing Sections 403.0, 507.0 and 607.0 of the Independence Zoning Ordinance are hereby repealed.

SECTION 6. 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 the 24th day of March, 2022. **APPROVED** by the Mayor.

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk

CITY OF INDEPENDENCE, KANSAS

ORDINANCE NO. 4383

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE PERTAINING TO REGULATIONS FOR TINY HOUSES; AMENDING AND REPEALING EXISTING SECTIONS 403.0, 507.0 AND 607.0, AND ADOPTING NEW SECTION 612.0 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 principle 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 as 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 nonproject 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 greater 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 a 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 chance of being equalled 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: That board which 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, communication 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 facility 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 sections 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, lodginghouse, 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 the 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 home owner 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 platted 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 which 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.

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 the 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 longterm 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 with 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 lot 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.

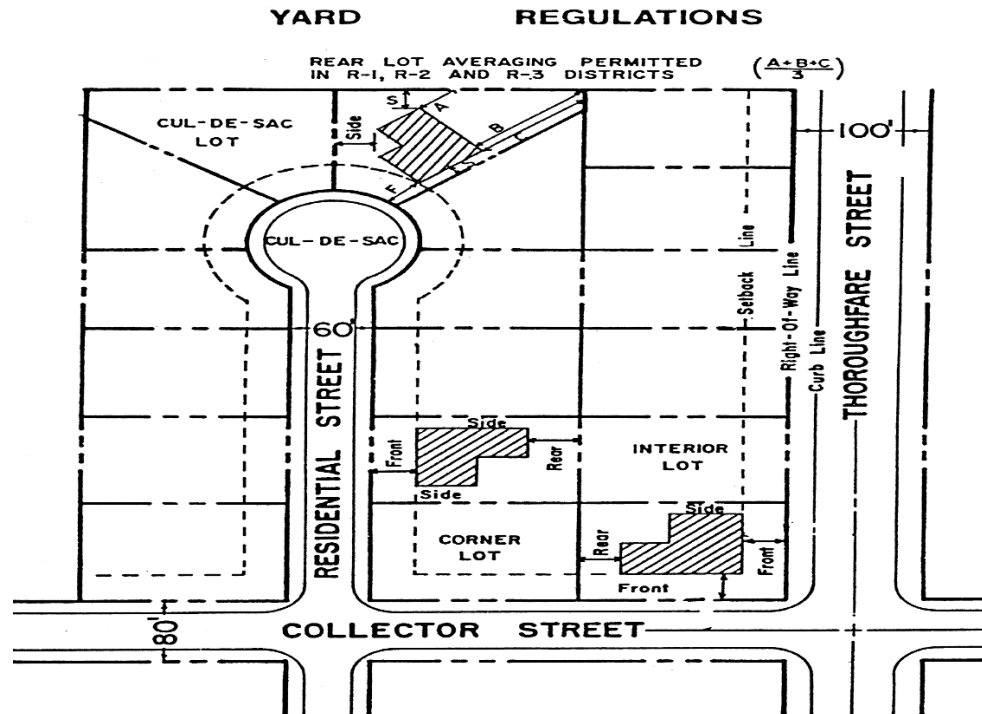
Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing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

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdiction 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 507.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

507.0. Residential planned unit developments.

507.1. Intent: In accordance with applicable law, the residential planned unit development is intended to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the type of living environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
- f. An environment of stable character in harmony with surrounding development.

- g. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A residential planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements shall be equal to those in the corresponding district R-1 to R-5 inclusive. The uses permitted shall also be the same as in the equivalent district R-1 to R-5 inclusive.

Variations and departures from normal practice may, however, be permitted provided that the city finds that such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, each building need not face on a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101. Variations and departures from normal practice will likely be especially prevalent with Tiny Houses/PUDs, which, given the size limitations on tiny houses, involve a higher residential density than other types of residential developments with proportionally smaller open space, and different needs regarding roadways, parking, open space, landscaping, etc.

507.2. Design standards and conditions for residential planned unit developments:

- a. *Location:* A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change. The residential PUD shall be designated as follows:

Planned Unit Development	Corresponding District
R-1/PUD	R-1 large lot single-family district
R-2/PUD	R-2 single-family district
R-3/PUD	R-3 low density multifamily district
R-4/PUD	R-4 medium density multifamily district
R-5/PUD	R-5 high density multifamily district
Tiny Houses/PUD	R-1 – R-5 Districts, Tiny Houses Only

- b. *Permitted uses:* The uses permitted by right in a residential PUD (other than a Tiny Houses/PUD) shall be only those designated in the corresponding districts R-1, R-2, R-3, R-4 and R-5 as set out in appendix "A" of these regulations. The only use allowed in a Tiny Houses/PUD are Tiny Houses.
- c. *Conditional uses:* The uses conditionally permitted shall only be those designated in the corresponding districts R-1 to R-5 inclusive, as set out in appendix "A" of these regulations; provided, however, that the only use allowed in a Tiny Houses/PUD are Tiny Houses.
- d. *Minimum PUD size:* Two acres, except for a Tiny Houses/PUD which has a minimum size of one acre. However, the city commission may vary the applicable minimum area where such an alteration would not have a negative impact on adjacent property.
- e. *Height limitations:* The height limitations for structures in residential PUDs shall be the same as those for corresponding residential districts. However, the city commission may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD shall not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Off-street parking:* The minimum off-street parking requirements set forth in article VII of this ordinance shall be complied with.
- h. *Number of permitted dwelling units:* Only tiny houses are allowed in Tiny Houses/PUDs. In all other residential PUDs, the number and type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, for all residential PUDs the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents provided necessary setback be maintained to allow emergency access in case of fire or natural disaster. The maximum number of permitted dwelling units within a residential PUD shall be computed as follows:

Permitted dwelling units residential PUDs other than Tiny Houses/PUDs	=	Residential area of the PUD divided by minimum average land area per dwelling unit permitted in the applicable PUD.
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Permitted dwelling units for Tiny Houses/PUDs	=	Twice the number of dwelling units permitted by application of the formula, above, to the corresponding underlying zoning district (R-1, R-2, etc.)
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1. *Residential area:* The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the area of nonresidential land.

Nonresidential land shall include street pavement, parking lot pavement, and land allocated to schools, churches, accessory commercial development and other nonresidential uses.

Residential area shall include land allocated to dwellings, accessory buildings, recreational community facilities serving the homeowners and open space.

2. *Minimum land area:* The minimum average land area for the purposes of the described compilation shall be:

MINIMUM AVERAGE LAND AREA BY UNIT TYPE AND PUD DISTRICT

Dwelling Unit Type	PUD District				
	R-1/PUD	R-2/PUD	R-3/PUD	R-4/PUD	R-5/PUD
Single-family	10,000 sf	7,200 sf	7,200 sf	7,200 sf	7,200 sf
Two-family			4,000 sf	4,000 sf	4,000 sf
Three-family			3,000 sf	3,000 sf	3,000 sf
Low-rise multifamily				2,000 sf	2,000 sf
High-rise multifamily					900 sf

- i. *Common open space:* Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. Such open space shall be owned and maintained in common by the residents through a homeowners' association. The residential PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably

necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the city if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.

- j. *Staged development:* The residential PUD may be developed in stages. In such case, the owner of the planned development shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - 1. The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the residents of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties;
 - 2. The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over [to] the established PUD homes association.
- k. *Landscaping and screening requirements:* The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
- l. *Homes association:* The developer shall provide for a homes association for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. Such homes association shall be established in the initial phase of development.
- m. *Financial guarantees:* The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the development

plan and to protect the public interest in the event of abandonment of said plan before completion.

- n. *Design standards for tiny houses:* Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

507.3. Application for approval of residential PUDs: Processing procedures for residential PUDs are set forth in article XIV of this ordinance.

SECTION 3. Existing Section 607.0 of the Independence Zoning Ordinance is hereby amended to read as follows:

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 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.

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*.

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

SECTION 4. New Section 612.0 is hereby added to the Independence Zoning Ordinance to read as follows:

612.0 Tiny houses.

Tiny houses, whether a permitted or conditional use under these regulations, must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

SECTION 5. Existing Sections 403.0, 507.0 and 607.0 of the Independence Zoning Ordinance are hereby repealed.

SECTION 6. 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 the 24th day of March, 2022. **APPROVED** by the Mayor.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

MINUTES

Call to Order

The Planning and Zoning Commission meeting was called to order by Kendall Neill.

Planning Commissioners Present

Michelle Anderson (by phone)
Anthony Royse (by phone)
Kendall Neill
Mary Jo Meier
Andy McLenon
Rachel Lyon
Lisa Richard
Tim Haynes
Brent Littleton came in at 6:30 PM

Planning Commissioners Absent

None

Staff Present

Kelly Passauer, City Manager
David Cowan, Assistant City Manager
April Nutt, Housing Director
Jeff Chubb, City Attorney
Lydia Collins, Administrative Aide

Visitors Present

John Mautino with Stinson LLP (by phone)

Minutes

- a. Consider approving minutes of the February 1, 2022, meeting.

Motion

Andy McLenon moved to approve the minutes of the February 1, 2022 meeting. Kendall Neill seconded the motion. Motion carried 8-0.

Reorganization

- a. Election of Chair – Andy McLenon nominated Kendall Neill for Chair, Rachel Lyon seconded. Motion carried.

- b. Election of Vice Chair – Lisa Richard nominated Rachel Lyon for Vice Chair, Tim Haynes seconded. Motion carried.
- c. Election of Secretary – Kendall Neill nominated Tim Haynes for Secretary, Rachel Lyon seconded. Motion carried.

Planning Commission

- a. A public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

At the February 1, 2022, meeting you set the date of March 1, 2022, for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

History:

At the December 7, 2021, meeting the Planning Commission provided feedback on what they would like to see regarding a text amendment regarding Tiny Houses. The City requested the assistance of Stinson LLP to assist us with this text amendment. Below and attached is the information they provided:

Attached for review are drafts of the following documents: i) a proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"; and ii) a comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments). The latter can either be incorporated into the proposed Ordinance as an exhibit or inserted directly into the body of the ordinance, depending upon your preference. The revisions to Section 507 are currently set up as an exhibit for ease of review.

The goal was to follow the apparent consensus from the December Planning and Zoning meeting. Accordingly, the Ordinance provides as follows:

1. Tiny houses must be on permanent foundations (Ordinance, Section 1).
2. A tiny house for use by the property owners' family is a permitted accessory use (Ordinance, Section 2).
3. A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such a use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.

4. Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.
5. The revisions to Section 507 allow for a Tiny Houses/PUD. Minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units is determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h). Please note that the numbers only reflect a general assessment of what I thought might be appropriate. Adjusting zoning ordinances to accommodate tiny houses appears to be a relatively new concept, and there isn't much in the way of relevant examples.

Attachments:

Proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"

A comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments).)

Hearing Notice

Chair Kendall Neill opened the Public Hearing.

John Mautino explained the proposed ordinance and revisions to be made to allow tiny houses.

Tony Royse verified that the only place other than with a mother-in-law house that would be permitted would be in a PUD.

Lisa Richard asked how density is determined for a PUD.

John Mautino said there is a formula for each district for a residential area. There is a minimum land area for each district. The residential area is divided by the average land area per dwelling unit.

Lisa Richard said they should be single-family and the motion should be changed accordingly.

Kelly Passauer said R3, R4, and R5 districts on the district regulations in the code designate single-family as 7,200 square feet per family. It is in the district code but not in the PUD table. The table needs to be amended to add the 7,200 square feet on those so that it equals the district regulations.

Kelly Passauer asked John Mautino if a mother-in-law house is allowed for one property owner and then the lot is sold, would that tiny house become a non-conforming use.

John Mautino said it would become a conditional accessory use. I do not know if the conditional use would transfer.

Kelly Passauer asked if it would be a permitted accessory use if it was used for the property owner's family.

John Mautino said it could only be used for the current property owner's family, transferred for the same use when sold. It could not be used as a rental without a conditional use permit.

Kendall Neill said they could use it as an Air B & B, but they would have to apply for a conditional use permit.

April Nutt asked if a conditional use is used for an Air B & B can I later turn it into a traditional rental property and get a conditional use for that, for long-term use.

John Mautino said no, they cannot use it long-term, only short-term.

Lisa Richard moved to recommend the Governing Body adopt an ordinance implementing the text amendments to Article B. – Zoning on the subject of tiny houses as prepared by Anna Krstulic, Stinson LLP and to add 7,200 square feet in the table for minimum average land area by unit type in PUD districts in the R3, R4 and R5 zones. Tim Haynes seconded. Motion carried.

b. Introduction of members

Each member introduced themselves.

c. Orientation by City Attorney Jeff Chubb

City Attorney Jeff Chubb led an orientation session with the Planning Commission.

d. Consider initiating a public hearing on April 5, 2022 to consider a text amendment to the zoning code relating to dwellings in a C-3, Central Business District.

Background:

Currently the permitted and conditional use table (shown below) does not allow any type of dwelling in the C-3, Central Business District that is not already grandfathered in without a conditional use permit.

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Dwelling, elderly	1100				P	P					C			
Dwelling, in nonresidential structure	1190							C	C		C			
Dwelling, mobile home not on permanent foundation	1151					C	C							
Dwelling, mobile home on permanent foundation	1152					C	C							
Dwelling, multifamily	1130				P	P	P	P			C			
Dwelling, single-family attached	1113				P	P	P	P			C			
Dwelling, single-family detached	1111	C	P	P	P	P	P				C			
Dwelling, two-family	1120				P	P	P				C			

The lack of quality housing is a major deterrent to growing the population of Independence. The Historic Downtown District located in the C-3, Central Business District Zone is the heart and soul of Independence. A mixed-use concept with an integral upper story housing component is vital to the future sustainability of the downtown.

*"Downtown housing appeals to different age groups, young, middle-aged, and seniors, as well as different income levels. The individuals renting or buying these upper story units appreciate the ambiance, arts and cultural opportunities, shopping venues, restaurants, and service businesses that exist in revitalized downtown districts."-- **Five Projects with Unique Challenges and Creative Solutions***

(https://www.iowaeda.com/UserDocs/Summary_UpperStoryHousingCaseStudies.pdf)

*"During a time when communities of all sizes are facing a workforce housing shortage, these spaces can provide high-quality, affordable options, meaning that fewer new subdivisions or expensive new roads or utilities need to be developed. And given the proximity to downtown pharmacies, groceries and parks, many empty-nesters and retirees are choosing to live downtown as well. These spaces are often perfect for single professionals who aren't ready or don't have the time to own or maintain a single-family home on a large lot." -- **Upper-floor***

housing on Main Street (<https://wedc.org/blog/upper-floor-housing-on-main-street/>)

One of the top three challenges to revitalizing upper story residential in a downtown area includes architectural and code compliance which consists of a "...complex mix of local, state and federal zoning, land use, ADA and building codes..." -- **Addressing the Top 3 Challenges to Revitalizing Upper Story Residential** (<https://www.vierbicher.com/addressing-the-top-3-challenges-to-revitalizing-upper-story-residential/>)

To encourage redevelopment of the downtown area, the City previously established a neighborhood revitalization zone that provides a rebate of increased property taxes after the improvements are made over a specified period of time. In addition, the Housing Authority has implemented a grant program to specifically encourage upper story housing. Most recently, on February 24, 2022 the City Commission adopted a resolution establishing Rural Housing Incentive Districts to encourage housing development within

the community. The Downtown Historic District was included as one of the Rural Housing Incentive Districts for the development of upper-story housing units. To further support these efforts, it is recommended that a text amendment be considered that would allow upper story housing in the C-3, Central Business District as a permitted use, which would not require a conditional use permit.

Kelly Passauer explained that the code for a C-3 central business district requires a conditional use permit for any type of downtown dwelling. The City and the Housing Authority are encouraging an upper housing initiative in the downtown area. The hearing would be to modify the language to allow upper story housing in the central business district as a permitted use.

Questions and concerns were brought up about boarding houses being permitted, other stories (such as the first floor and basement), being permitted, fire codes and parking. Boarding houses, while permitted, have other codes associated that have to be followed as well as fire codes being followed. Staff recommended all upper stories be permitted and reminded the board that there are no off-street parking requirements in a C-3 district.

Attachments:

Hearing Notice

Motion:

Kendall Neill moved to set the date of April 5, 2022 for a public hearing to consider initiating a text amendment to the zoning code relating to dwellings in the C-3, Central Business District. Rachel Lyon seconded.

Andy McLenan moved that we invite downtown building owners to the meeting through a letter. Kendall Neill seconded. Motion carried.

e. Other discussion.

There was no other discussion.

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

There were no items before the Board of Zoning Appeals.

Adjournment

Motion

Brent Littleton moved to adjourn, Tim Haynes seconded. Motion carried 9-0.

Kendall Neill, Chairperson

Rachel Lyon, Secretary



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider placing a temporary barrier around the AT&SF 1050 Steam Locomotive in Riverside Park until a rehabilitation project can be completed.

SUMMARY RECOMMENDATION Authorize request to erect a temporary barrier around the steam locomotive in Riverside Park.

BACKGROUND In 1952, Atchison, Topeka, and Santa Fe Railroad donated an AT&SF 1050 Prairie Type Steam Locomotive to the City of Independence to be placed in Riverside Park. Since then, it has become a favorite pastime of park patrons to climb into the cab of the train, and on top of the steam drum to take photos. Several generations of Independence citizens have enjoyed watching their children and grandchildren climb and play on the same locomotive that they had when they were young.

Over the past 70 years, the locomotive has deteriorated significantly. Areas have rusted away, leaving holes and jagged edges, especially on top of the steam drum. This has created a safety hazard that I feel we must address by fencing off the train until repairs can be made. Three options for rehabilitation have been compiled for the Commission's review. If approved, the amount of time that the locomotive would remain fenced off will depend on the time required to raise funding for a rehabilitation project.

FINANCIAL INFORMATION The estimated cost for the temporary fencing is \$2,500 which would be absorbed in the Park Budget.

SUGGESTED MOTION I move to authorize the request to erect a temporary barrier around the AT&SF 1050 steam locomotive in Riverside Park until a rehabilitation project can be completed.

SUPPORTING DOCUMENTS

1. Locomotive Rehab Options
2. Locomotive Photos
3. Locomotive Restoration Example Photos

Option A

This option includes:

- Abatement and remediation of the train
- Metal work to repair holes and jagged edges
- Site containment for use by sandblasting/painting contractor
- Sandblasting of all paint from locomotive.
- Professional priming and repainting/detail work of locomotive.

Estimated cost of Option A: \$175,000

Will require extensive fundraising.

Estimated time to complete: 1.5 - 2 years

Option B

This option includes:

- Abatement and remediation of the train
- Metal work to repair holes and jagged edges
- Scraping of loose paint chips from locomotive
- Packing of lead paint chips in 50-gallon drums, for disposal by the city.
- Volunteers/park staff applying a coat of paint to the exterior of the locomotive.

Estimated cost of Option B: \$50,000

Will require some fundraising.

Estimated time to complete: 6 – 9 months

Option C

This option includes:

- Abatement and remediation of the train
- Repairing in place asbestos insulation on steam drum
- Metal work to repair holes and jagged edges
- Scraping of loose paint chips from locomotive
- Packing of lead paint chips in 50-gallon drums, for disposal by the city.
- Volunteers/park staff applying a coat of paint to the exterior of the locomotive.

Estimated cost of Option C: \$35,000

Can be completed with current funds.

Estimated time to complete: 3 – 4 months



Holes rusted in floor under cab



Rust and Jagged Edges



Dislodged cover under steam drum, jagged edges



Deteriorated skin on top of steam drum, sharp jagged edges



Hole in engine in top of steam drum



Hole rusted in top of steam drum



Visual representation of Option A



Visual Representation of Options B & C. Photo of last known painting of locomotive (2013)



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider a Request from Brian Bremer to donate property located at 712 East Maple Street to the City with the stipulation that it be developed into a future dog park.

SUMMARY RECOMMENDATION City Staff does not recommend accepting the land donation.

BACKGROUND The City was contacted by Brian Bremer about a vacant lot he owns at 712 E. Maple Street. Mr. Bremer loves animals and would like to donate his property at 712 E. Maple Street to the City of Independence for an additional dog park. Mr. Bremer is willing to donate some labor, materials for fencing and bags for keeping the park clean.

The City staff did visit with Mr. Bremer about our current dog park and he was aware of it and felt an additional park offers a place for the neighborhood and an alternate place if the current park is busy. The staff also visited with him about the land bank and Mr. Bremer was not interested in housing or donating the land for that purpose.

City Staff does not recommend accepting the donation of land. The parcel is currently located between two houses and there would be a large expense in developing the dog park and continual maintenance going forward.

FINANCIAL INFORMATION There would be continual maintenance that would need to be considered in future budgets if this request is approved.

SUGGESTED MOTION I move to not accept the donation of land at 712 East Maple Street.

SUPPORTING DOCUMENTS

1. 712 E. Maple Street - Brian Bremer

From: [Brian Bremer](#)
To: [David Cowan](#)
Subject: Re: City of Independence
Date: Friday, March 11, 2022 2:56:53 PM

I am the owner of the 40ft x 140ft lot at 712 E Maple St Independence, Kansas.
I would love to donate that property to the city of Independence, Kansas with the only contingency that it be used for public use as an "off leash dog park"
I beleive in the people of Independence, historically there are many animal lovers there, evidence shows as there is a free zoo in town

.
I also love animals and have 3 dogs of my own. It has long been a goal of mine to contribute to communities such as yours, and dogs particularly are "pack animals" and they do best when socialized. Dogs need other dogs. This land also has potential for water hookup, and it does get hot in Indy during the summers.

I would like for it to be owned and maintained by the city. For the purpose that it would be owned and maintained as a dog park, and really only for that purpose. I cant contribute money or labor or materials for the fencing. Just the land and an address that I can send poop bags to.

I love your town, its history, and the namesake. Ive had the pleasure to only meet a few people there, my favorite person from Indy is Erin Muskgrove.

I wish you well and I really hope that this can happen. Of all the uses for this lot, I beleive this is the best use.

Thank you for your concideration.

Sincerely,
Brian Anthony Bremer

The parcel # is...

063-099-31-0-10-14-007.00-0

Quick Ref ID R6620

Sent from my iPhone

Brian,
Please email your request.

Thanks,



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 24, 2022**

Department Airport

Director Approval John Garris

AGENDA ITEM Consider authorizing an application for FAA Terminal Replacement Grant.

SUMMARY RECOMMENDATION Authorize application for grant.

BACKGROUND Under the Bipartisan Infrastructure Law, \$5 billion was set aside for terminal work, with not less than 10% of that set aside for smaller airports like Independence Municipal Airport. With help from our consultant, Lochner, and local architect, HB&K, a draft application has been created.

Although the draft indicates a total cost of the project of \$2.7 million (over multiple years) the actual cost to be submitted with the grant is likely to be \$3 million. Other changes in language used in the grant are likely, but are not anticipated to be significant or material.

This particular grant has a very high match rate: if selected for the \$3 million grant, the City would pay only 5%, or \$150,000 to replace the aging terminal with a larger, more energy efficient terminal to better serve the public. \$100,000 had already been budgeted for renovation of the interior of the terminal, so, if awarded, an entirely new terminal could be constructed for only \$50,000 additional cost.

FINANCIAL INFORMATION Funding for the additional match could come from Airport Funds, SUST, or Economic Development Funds.

SUGGESTED MOTION I move to approve application for the FAA Terminal Replacement Grant and for execution of any required documentation for the application.

SUPPORTING DOCUMENTS

1. IDP DRAFT FAA Form 5100-144 Terminal Bldg. Reconst. App_FOR REVIEW_REV01

Bipartisan Infrastructure Law, Airport Terminal and Tower Project Information

General

Airport Name: Independence Municipal Airport
LOCID: IDP
State Code: KS
Point of Contact's Name: John Garriss
Point of Contact's Title: City Engineer / Director of Public Works
POC's Phone Number: 620.332.2506
POC's Email Address: engineer@independencesks.gov

Project Overview

Project Type: ☒ Terminal ☐ Tower

Project Description (75 words or less):

The goals for the proposed terminal building reconstruction project are to resolve a number of issues associated with the existing building related to ADA, security, energy efficiency, maintenance, and structural integrity. To complete this project, a phased approach is proposed as described below.

Ph 1 (2022): PIng./Prelim. Engineering Design Phase

Ph 2 (2023): Final Design & Bidding Phase

Ph 3 (2024): Contract Award and Construction Phase

Ph 4 (2025): Installation of Furnishings

Target timeframe dates: Grant Award: 06/20/2022

Construction Start: 04/01/2024

Project Status

Total (Estimated) Project Cost: \$ 2,700,000

Amount of Funding Requested:

Match Available: ☒ Yes ☐ No

Delivery Method (choose one):

☒ Design/Bid ☐ Design/Build ☐ CM at Risk ☐ Other:

Bid or GMP: ☐ Yes ☒ No. If "No," Estimated bid/GMP date: 11/01/2023

Phased Project: ☒ Yes ☐ No. If "Yes," Phase: 1 of 4

Do you have a comprehensive financial plan? ☒ Yes ☐ No

Is the project on an approved ALP?

☒ Yes ☐ No. If "Yes," enter the approval date: 12/16/2014

Is environmental determination complete?

☐ Yes ☒ No. If "Yes," enter the approval date:

Is airspace approval complete?

☐ Yes ☒ No ☐ N/A.

If "Yes," enter the airspace case number:

Current Enplanements: 0

Approved Forecasted Enplanements: 0 **Year:**

Existing Square Footage: 2,700 sq. ft.

Proposed Square Footage: 4,500 sq. ft.

Is this project phased and/or associated with an approved BIL, AIP or PFC project?

☐ Yes ☒ No ☐ N/A

If "Yes," describe:

Program Considerations (Terminal and Tower)

If you check a box below, you must describe how the project satisfies the criteria.
Check all that apply to the proposed project.

☒ **Increase Capacity and Passenger Access.** Description (Maximum Characters: 300):

The existing terminal does not satisfy the minimal needs for itinerate traffic. Space is currently limited, technology deficient, and restrooms do not accomodate multiple users. Overall, the existing terminal was not designed for business-related activities and levels in support of Textron clients.

☒ **Replacing Aging Infrastructure.** Description (Maximum Characters: 300):

The existing terminal building is 20 years old and has reached the end of its designed service life. It meets minimal code but not enhanced with today's technology expectations, nor green energy sytems to help address climate change, and warrants upgrade for the next generation of aviation.

☒ **Achieves Compliance with Americans with Disabilities Act and Expands Accessibility for Persons with Disabilities.** Description (Maximum Characters: 300):

The proposed terminal building design improves on ADA access specifically in the restrooms and access in the parking lot and lounge areas. As a public building used to coordinate emergency readiness and response, ADA access and communications will be a key feature in the terminal upgrade.

☒ **Improves Airport Access for Historically Disadvantaged Populations.**

Description (Maximum Characters: 300):

The 2020 census identified three census tracts in IDP warranting emphasis per EO 13985, Advancing Racial Equity and Support for Underserved Communities. This project will assist in mitigating the 30-40% poverty between the ages 18-34 by creating sustained employment opportunities.

☒ **Improves Energy Efficiency.** Description (Maximum Characters: 300):

The City will commit toward designing and applying for renewable energy programs to sustain the terminal operation and commit to achieving LEED building certification. In Kansas, commerical vendors are afforded options of solar, wind, natural gas or geo-thermal energy.

☒ **Improves Airfield Safety through Terminal or Tower Relocation.**

Description (Maximum Characters: 300):

By siting the new terminal building further east of the operational aircraft apron, and by incorporating new security barriers and markings, the risk of pedestrians inadvertently straying into operational areas while aircraft are either serviced or operating at IDP will be significantly lowered.

☒ **Encourages Actual and Potential Competition.** Description (Maximum Characters: 300):

The new terminal building will create opportunities for users like NetJets Inc., who have shown direct interest in serving IDP with a strategically-placed flight kitchen hub for system operations. Terminal enhancements are a necessity in securing and sustaining aviation clients.

☒ **Good Paying Jobs.** Description (Maximum Characters: 300):

Kansas DOT Aviation studied and measured direct economic contributors to IDP citing 2,142 full-time jobs, \$103M direct payroll with \$751M direct and indirect economic output primarily due to the largest general aviation aircraft manufacturer (Cessna-Textron) on IDP property. Terminal development helps stabilize the economic output and offsets unpredictable swings in activity.

Program Considerations (Tower Only)

If the project is for a tower, also complete this section of the form.

Project Type. The project type for this grant application (choose one or both):

☐ **Airport Owned, FAA Operated Tower**

☐ **Contract Tower Program**

Siting Study. Has a Siting Study been completed for the Air Traffic Control Tower Project?"

☐ Yes ☐ No

If you check a box below, also describe how the project satisfies the criteria.
Check all that apply to the proposed project.

☐ **Relocating.** Description (Maximum Characters: 300):

☐ **Reconstructing.** Description (Maximum Characters: 300):

☐ **Repairing.** Description (Maximum Characters: 300):

☐ **Improving Airport Owned Tower.** Description (Maximum Characters: 300):

Certifications

By electronically signing this document, I hereby certify that we have followed, or will follow, all procurement processes required under 2 CFR 200, including but not limited to:

- Davis Bacon
- Buy American
- Consultant Selection

Name:

Signature:

Date (if not in signature):

Title:



"Delivering Excellence"

January 10, 2022

Electrical Board Minutes

Present: Travis Blankinship, Joe Long, Danny Johnston, Dennis Royer, Rick Kiister, David Cowan, and Tyler Henry

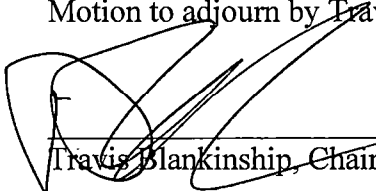
Approval of Minutes: Danny Johnston motion to approve November 01, 2021 minutes
Second Travis
Approved – 5 No – 0

Old Business:

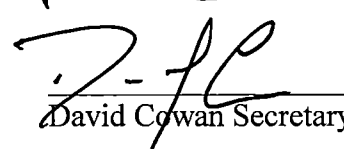
- Updating NEC to 2014
 - Tyler discussed updating to the 2014 NEC and the proposed 2015 IBC. Tyler pointed out the electrical changes that would occur in construction. Most of the changes were related to arc fault, GFCI, and fire protection.
 - David reviewed the difference between 2011 NEC and 2014 NEC with the board and discussion was held.
 - Travis requested Tyler to prepare a spread sheet of the difference for the February meeting and let the Board review them. He would also like to see what codes are currently exempted in the Ordinance with the 2011 NEC and if we want to exempt them with adoption of the 2014 NEC.
 - Asked about the steps of approval, David commented that after the February meeting we will need to involve the City Attorney as we start drafting the Ordinance. He will the prepare a draft for the Board to review and we will then present it to the City Council for approval. Timeline would be probably May 2022 for approval by the council.
- New Business
 - There was no discussion in new business

Motion to adjourn by Travis, second by Danny

Approved – 5 No – 0


Travis Blankinship, Chair

3-7-22
Date


David Cowan Secretary



Report
CITY OF INDEPENDENCE
March 24, 2022

Department Admin

Director Approval John Garris

AGENDA ITEM City Projects Report

BACKGROUND Attached is the monthly projects report.

SUPPORTING DOCUMENTS

1. Project Status 3-2022

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	Communication Tower	Build new communication tower for emergency services north of historic City Hall.	\$1,000	TBD	TBD	Pre-design.	RFP written.	Consultant out for bid, 3/18 opening.	TBD	TBD
2	Evidence Building	Buildout of existing building for evidence storage.	\$150		HBK	Pre-design.	Contract written.	Contract finalized, first meeting scheduled.	TBD	TBD
3	Public Works Building	New building for Water, Street, and Sanitation	\$1,000		HBK	Pre-design.	Finalize contract.	First meeting scheduled.	2Q23	4Q23
4	Zoo and Park Power	Move power feed for Zoo and Park underground	\$300		PEC	Pre-design.	RCA approved, contract award.	Field data collection started.	1Q22	2Q23
5	Zoo Master Plan	Create Master Plan for the future of the Zoo.	\$80		PGAV	Planning in progress.	PGAV working on deliverables from first meetings.	Second meeting set for early April.	4Q21	3Q22
6	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall.	\$600	TBD	Treanor	Design in progress.	Field review held.	Options chosen, preliminary design.	TBD	TBD
7	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Design in progress.	Plans complete - City review followed by KDOT review.	KDOT design review meeting scheduled.	1Q23	2Q23
8	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	\$220	\$150	TranSystems	Design in progress.	Plans complete - City review followed by KDOT review.	KDOT design review meeting scheduled.	1Q23	2Q23
9	SE Improvements	Improvements to Lift Station for Reliability	\$170		TranSystems	Design in progress.	Preliminary design review.	Complete design.	2Q22	4Q22
10	Central Park	New soccer fields, revamp existing ball fields.	\$7,500	TBD	Indigo	Design in progress.	Finished storm sewer camera work. Working 3D modeling, receive final report on storm sewer, review sports lighting proposals.	Complete 3d modeling, finalize storm sewer, review sports lighting proposals with City.	TBD (Bid on Hold)	TBD (Bid on Hold)
11	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	\$10,000		Treanor	Design in progress.	Reviewing water issues, parking lot north of City Hall.	Bid date moved, price due to City on 3/22 for 3/24 Commission review.	1Q22	1Q23
12	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,400		PEC	Design in progress.	90% plan review in early February, planning RR encroachment log.	100% plans in mid April, prepare for bidding.	2Q22	4Q22
13	Water Plant Master Plan	Create Master Plan for water treatment system.	\$6,000		PEC	Design in progress.	Review 60% plans for wall bracing.	90% plans early April.	1Q22	4Q26
14	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000		TranSystems	Pre-bid.	Received easements from surveyor.	Receive final loan document, prepare RCA required for signing loan (TBD - waiting on KDHE). Communicated with KDHE, verified complete submission.	2Q22	4Q22
15	CDBG	Lakeview lift station, I and I abatement.	\$1,400	\$700	TranSystems	Pre-bid.	Received easements from surveyor.	Receive final loan document, prepare RCA required for signing loan (TBD - waiting on KDHE). Communicated with KDHE, verified complete submission.	2Q22	4Q22
16	Airport Taxiway	Remove Taxiway B, Rehabilitate Taxiway D and Terminal Apron	\$750	\$720	Lochner	Preconstruction.	Hold.	Hold. (June 2022 start to accommodate Textron production schedule).	2Q22	3Q22
17	Wayfinding Signs	Design and installation of wayfinding signs in the City	\$340		Avia	Preconstruction.	Production/fabrication of signs.	Production/fabrication of signs.	3Q22	3Q22
18	Water Park	Recoating of towers and slides	\$150		N/A	Preconstruction.	RCA approved, contract award.	Contract finalization.	2Q22	2Q22
19	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,100	TranSystems	In construction.	Hold preconstruction.	Under construction, waiting on C/O #1, earthwork started.	1Q22	2Q22
20	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,100	\$1,600	TranSystems	In construction.	Construction started. RCA for water change order approved.	Water done, starting on storm sewer, earthwork.	1Q22	3Q22
21	KDOT: 10th & Main	Complete rebuild, 8th to 10th	\$1,700	\$1,000	TranSystems	In construction.	Preconstruction held.	In construction, Change Order Number 1 in progress.	1Q22	2Q22?
22	Kiddy Land Sidewalk	Sidewalk at Kiddie Land	\$250		TranSystems	In construction.	In construction.	In construction. April completion?	4Q21	2Q22
23	Kiddy Land Restroom	Restroom.	\$150		BG Consult.	In construction.	Preparing for construction.	Progress meeting held.	1Q21	2Q22
24	ADA 2021	Five+ locations - Dog Park, Big Cheese Lot, 100 Block W., 14th and Chestnut, North 10th, Cottonwood, Zoo, 10th St., Alley Work	\$100		TranSystems	In construction.	Construction in progress.	Construction in progress, adding scope.	Jul-21	1Q22
A	Airport Terminal	Upgrades/Remodel	\$100	TBD	In-House	Hold.	May replace with grant.	Hold.		
B	KDOT KAIP Grants	Upgrades/Remodel of Terminal, Pavement Sealing.	\$900	\$790	Lochner	Prepare Grant.	Apply for grant, wait.	Hold.	3Q22	2Q23
C	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Third meeting in March.	Third meeting in March.	TBD	TBD
D	Transp. Alt. Grant	8' sidewalk to Wal-Mart	TBD		TranSystems	Hold.	Hold.	Submitted.	TBD	TBD
E	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems	Hold.	Apply for grant, wait.	Hold.	TBD	TBD
F	KDOT CCLIP	Main Street - 8th to 2nd, two projects	\$1,500	\$1,200	TranSystems	Prepare Grant.	New.	Apply for grant, wait.		
G	KDOT Cost Share	Sycamore Rebuild	\$1,000	\$300	TranSystems	Prepare Grant.	RCA approved.	Apply for grant, wait.	TBD	TBD
H	FAA Terminal	New terminal.	\$2,700	\$2,565	Lochner/HBK	Prepare Grant.	New.	RCA for grant.	2023	2025
I	Zoo/Memorial Hall	Maintenance projects.	TBD		HBK	Review	New.	Determine scope.	TBD	TBD

Green shade denotes changed/new information from last month.



Report
CITY OF INDEPENDENCE
March 24, 2022

Department Finance

Director Approval Lacey Lies

AGENDA ITEM January and February 2022 Sales Tax Reports

BACKGROUND The City of Independence collects 3% in sales tax for the City. 1% for General Fund Support, 1% Educational Sales Tax, and 1% Special Use Sales Tax. The monthly sales tax reports are meant to represent 1% SUST dollars collected, but the information can be applied to the other 2% collected as well.

SUPPORTING DOCUMENTS

1. January 2022 Sales Tax Report
2. February 2022 Sales Tax Report



January 2022 Sales Tax Report

City of Independence Kansas

Office of the Finance Director

March 17, 2022



Sales Tax Report for January 2022

One Percent Sales Tax – General Fund

The attached spreadsheet and graphs provide comparisons by fiscal year of the **one (1) percent** sales tax levied for City purposes; another one percent is levied for the Special Use Sales Tax Allocation, and another one percent for Education.

NOTE: the “receipts” reported from the State of Kansas to the City for any given month are from sales generated two months prior. For example, the January receipts shown in this report were from sales in November 2021.

January 2022 is the second month in the FY2022 Sales Tax Revenue account.

- **January** receipts totaled **\$185,340**, which is an **INCREASE of \$22,088** from January 2021, or **up 13.5%** (see Graph 2, “January 1% Sales Tax 10 Year History”).
- January 2022 receipts are the **HIGHEST January** receipts in the 10-year history (see Graph 2, “January 1% Sales Tax 10 Year History”).
- Annualized FY2022 sales tax collected (with one month reported) is **\$2,224,079, or \$174,079 over** our **budgeted** amount of \$2,050,000; or **8.5% higher** than the budget. This would be \$19,223 under our FY2021 **actual collections** of \$2,243,303.
- With one month reported, we have **collected 9%** of the FY2022 budgeted amount of \$2,050,000.
- The **Compensating Use** sales tax portion made up **15.4%** of the \$185,347 total (\$28,475) (see Graph 5 “2022 1% Sales Tax – Monthly/Compensating Use Sales Tax and Sales Tax.”).

THANK YOU
For Shopping Local!

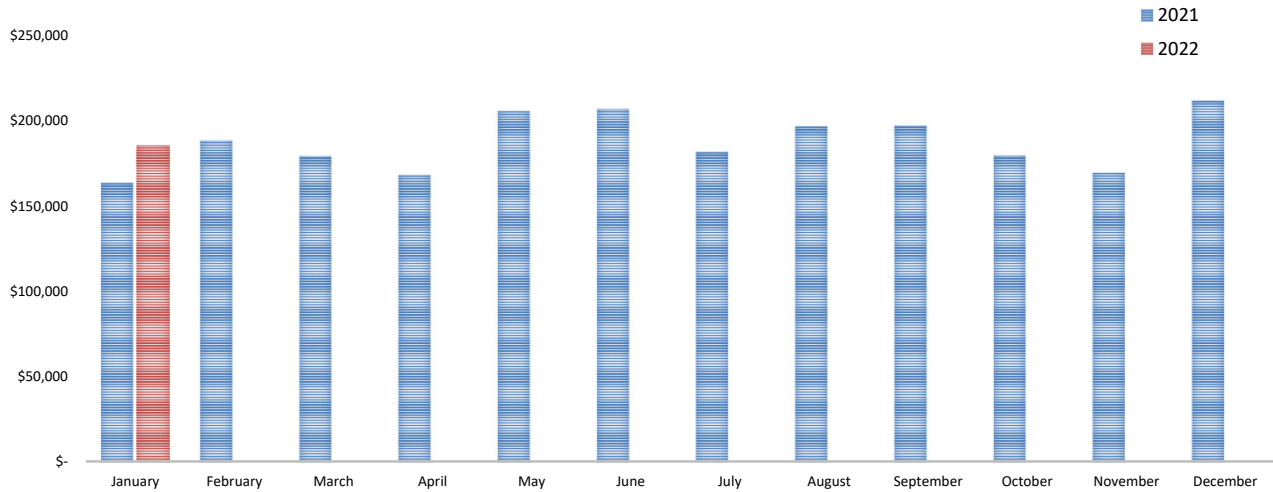


City of Independence Sales Tax - 1% City

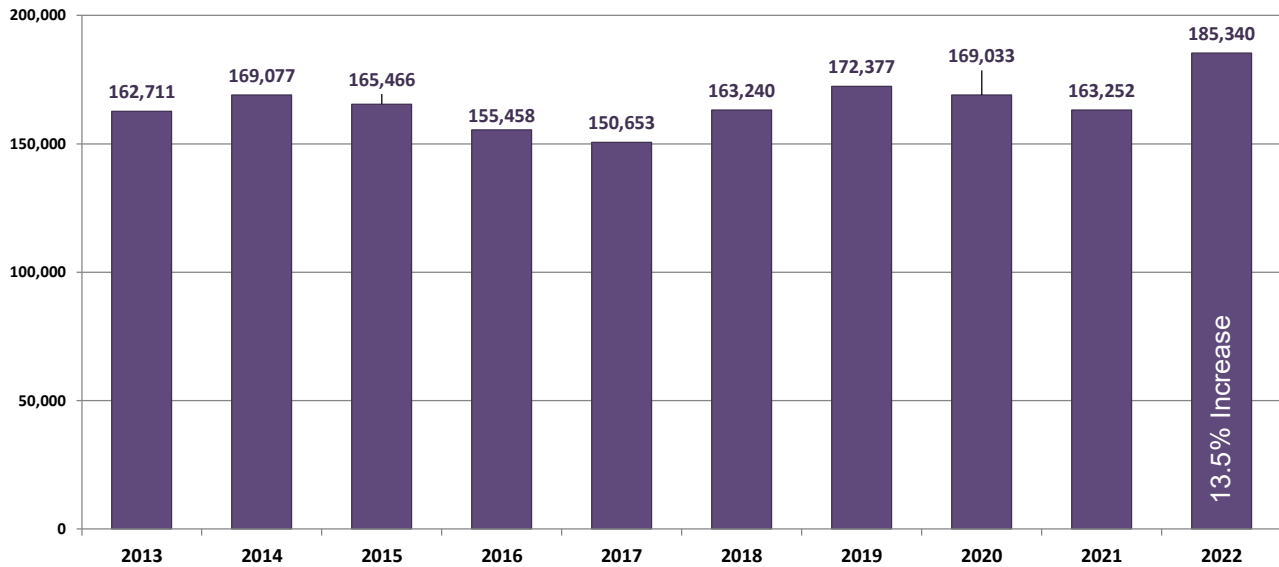
Comparison and History January - January 2022

	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	% Change	% Change
Month	2016	2017	2018	2019	2020	2021	2022	FY 20-21	YTD
January	155,458	150,653	163,240	172,377	169,033	163,252	185,340	13.5%	13.5%
February	178,180	179,791	165,834	178,399	200,053	187,879			-47.2%
March	150,239	139,664	146,833	167,292	149,607	178,907			-65.0%
April	155,915	160,947	155,702	139,790	172,804	167,798			-73.4%
May	175,729	166,595	183,899	187,854	166,798	205,282			-79.5%
June	156,021	145,881	147,180	158,263	179,353	206,304			-83.3%
July	167,882	164,178	167,392	169,308	179,594	181,396			-85.6%
August	155,386	164,255	174,341	180,142	221,770	196,182			-87.5%
September	160,338	146,156	159,813	186,618	166,847	196,679			-89.0%
October	164,757	155,995	163,360	164,463	177,190	179,011			-90.0%
November	158,752	158,730	160,797	159,872	183,599	169,058			-90.9%
December	150,228	166,874	166,699	159,474	169,275	211,556			-91.7%
									
Total:	\$ 1,928,886	\$ 1,899,720	\$ 1,955,089	\$ 2,023,851	\$ 2,135,922	\$ 2,243,303	\$ 185,340		
% change		-2%	3%	4%	6%	10.8%	-91.7%		
Annual Budget					\$ 2,135,922	\$ 2,243,303	\$ 2,224,079	\$ (19,223)	
					\$ 1,931,101	\$ 1,935,000	\$ 2,050,000	\$ 115,000	
Collections Over (under) Budget					\$ 204,821	\$ 308,303	\$ 174,079		
Projected % Over PY Actual							-0.9%		
YTD % of Budget Collected							9.0%		
Projected % Over Budget							8.5%		

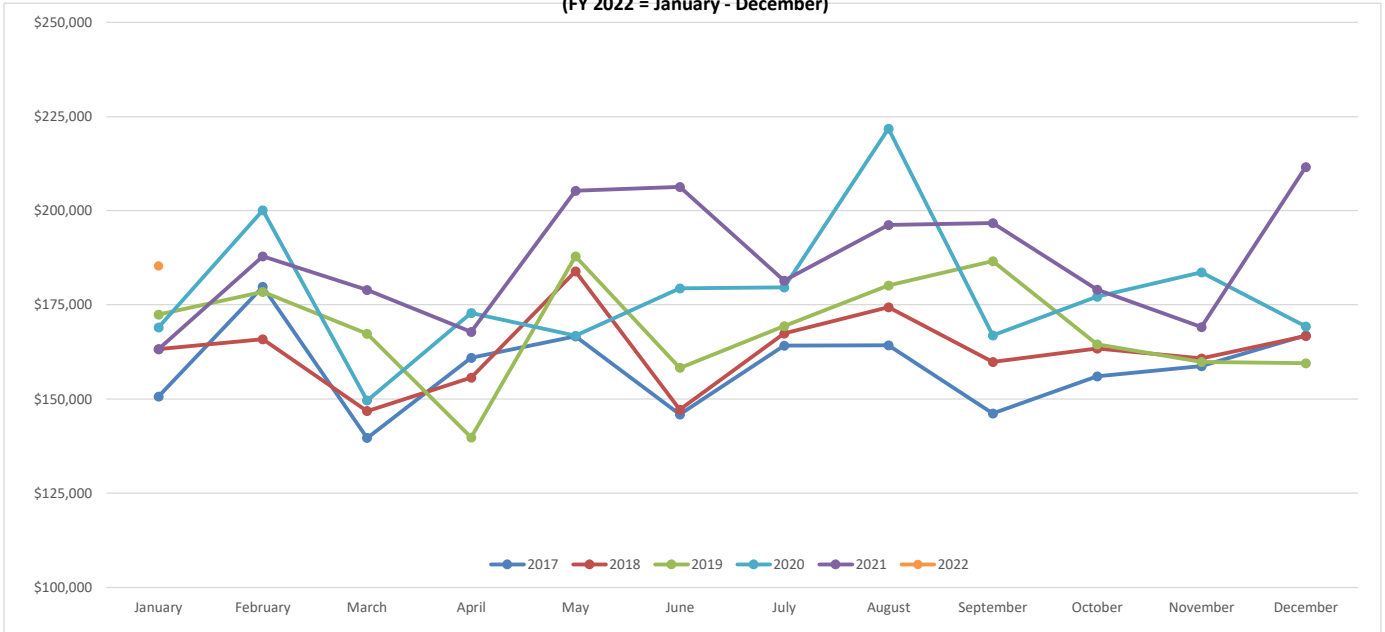
Sales Tax FY 2021 - FY2022 Comparison



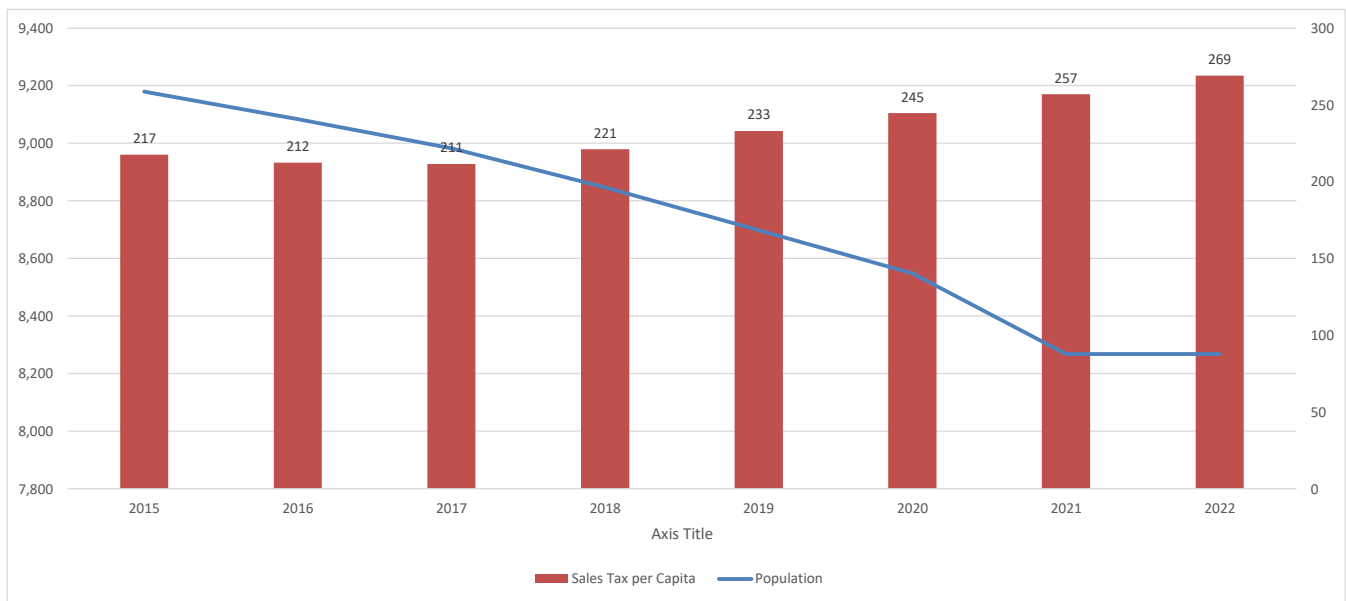
January 1% Sales Tax 10 Year History FY 2013 - FY2022



Sales Tax History Comparison - FY 2017 - FY2022
(FY 2022 = January - December)

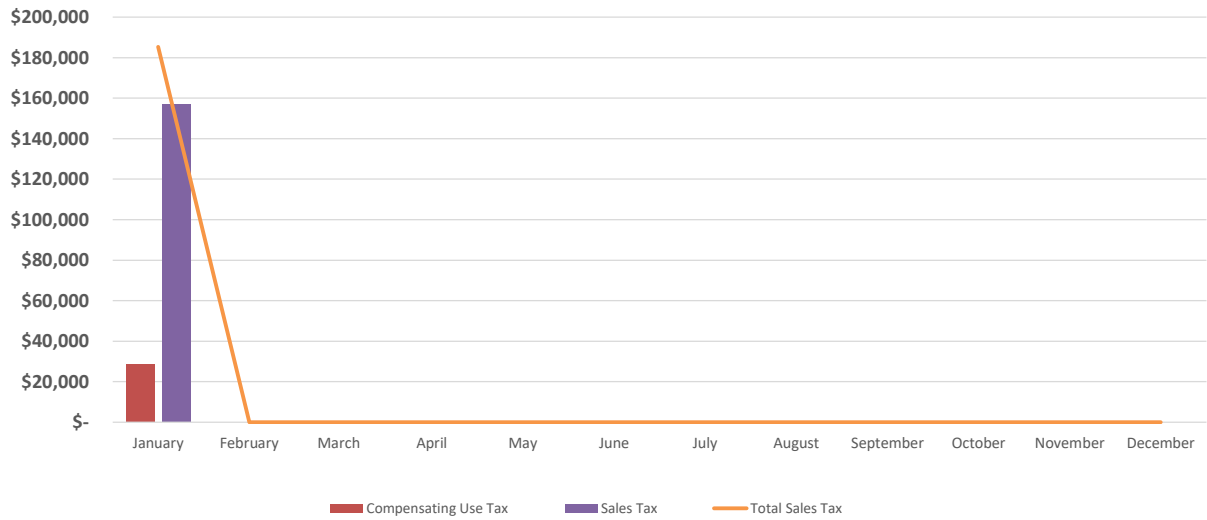


Sales Tax per Capita and Population Trend



2022 Sales Tax - One Percent General Fund

Compensating Use Sales Tax and Sales Tax





LOVE *where you* **LIVE.**

SHOP LOCAL.

IndependentWeStand.org

February 2022 Sales Tax Report

City of Independence Kansas

Office of the Finance Director

March 17, 2022



Sales Tax Report for February 2022

One Percent Sales Tax – General Fund

The attached spreadsheet and graphs provide comparisons by fiscal year of the **one (1) percent** sales tax levied for City purposes; another one percent is levied for the Special Use Sales Tax Allocation, and another one percent for Education.

NOTE: the “receipts” reported from the State of Kansas to the City for any given month are from sales generated two months prior. For example, the February receipts shown in this report were from sales in December 2021.

February 2022 is the second month in the FY2022 Sales Tax Revenue account.

- **February** receipts totaled **\$227,272**, which is an **INCREASE of \$39,393** from February 2021, or **up 21%** (see Graph 2, “February 1% Sales Tax 10 Year History”).
- February 2022 receipts are the **HIGHEST February** receipts in the 10-year history, by 13.6% (see Graph 2, “February 1% Sales Tax 10 Year History”).
- Annualized FY2022 sales tax collected (with two months reported) is **\$2,475,669, or \$425,669 over** our **budgeted** amount of \$2,050,000; or **20.8% higher** than the budget. This would be \$232,366 over our FY2021 **actual collections** of \$2,243,303.
- With two months reported, we have **collected 20.1%** of the FY2022 budgeted amount of \$2,050,000.
- The **Compensating Use** sales tax portion made up **17.3%** of the \$227,272 total (\$39,332) (see Graph 5 “2022 1% Sales Tax – Monthly/Compensating Use Sales Tax and Sales Tax.”).

THANK YOU
For Shopping Local!

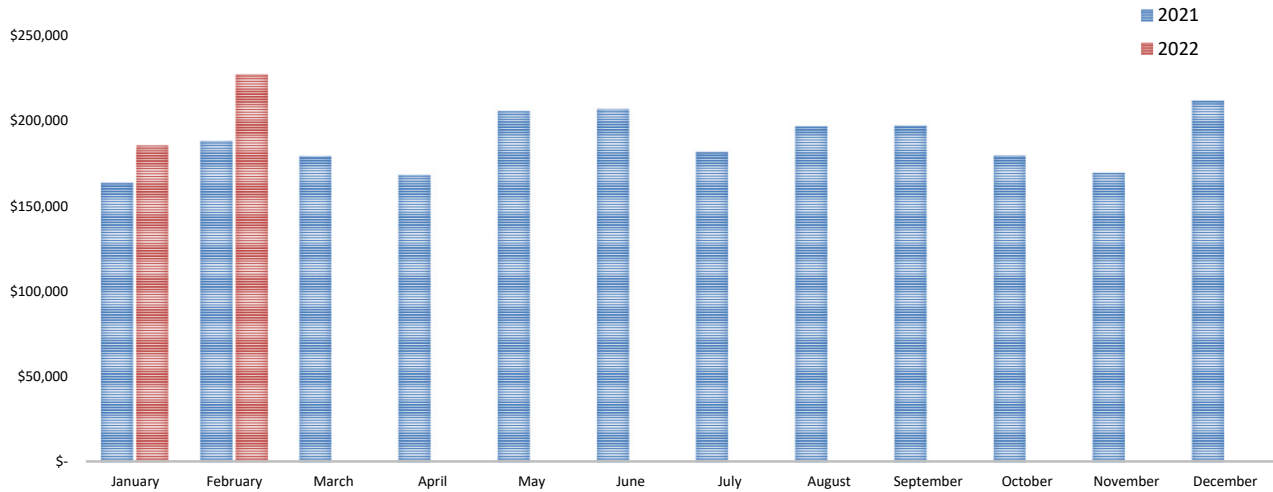


City of Independence Sales Tax - 1% City

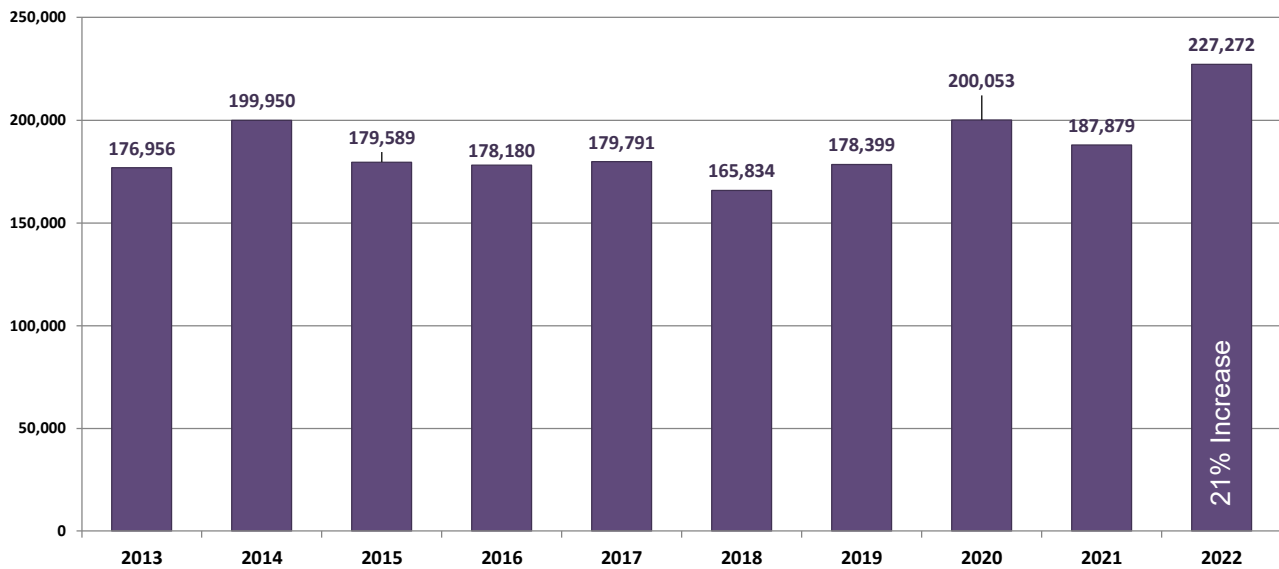
Comparison and History January - February 2022

	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	% Change	% Change
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March	150,239	139,664	146,833	167,292	149,607	178,907			-22.2%
April	155,915	160,947	155,702	139,790	172,804	167,798			-40.9%
May	175,729	166,595	183,899	187,854	166,798	205,282			-54.3%
June	156,021	145,881	147,180	158,263	179,353	206,304			-62.8%
July	167,882	164,178	167,392	169,308	179,594	181,396			-68.0%
August	155,386	164,255	174,341	180,142	221,770	196,182			-72.3%
September	160,338	146,156	159,813	186,618	166,847	196,679			-75.5%
October	164,757	155,995	163,360	164,463	177,190	179,011			-77.8%
November	158,752	158,730	160,797	159,872	183,599	169,058			-79.7%
December	150,228	166,874	166,699	159,474	169,275	211,556			-81.6%
									
Total:	\$ 1,928,886	\$ 1,899,720	\$ 1,955,089	\$ 2,023,851	\$ 2,135,922	\$ 2,243,303	\$ 412,611		
% change		-2%	3%	4%	6%	10.8%	-81.6%		
Annual Budget					\$ 2,135,922	\$ 2,243,303	\$ 2,475,669	\$ 232,366	
					\$ 1,931,101	\$ 1,935,000	\$ 2,050,000	\$ 115,000	
Collections Over (under) Budget					\$ 204,821	\$ 308,303	\$ 425,669		
Projected % Over PY Actual							10.4%		
YTD % of Budget Collected							20.1%		
Projected % Over Budget							20.8%		

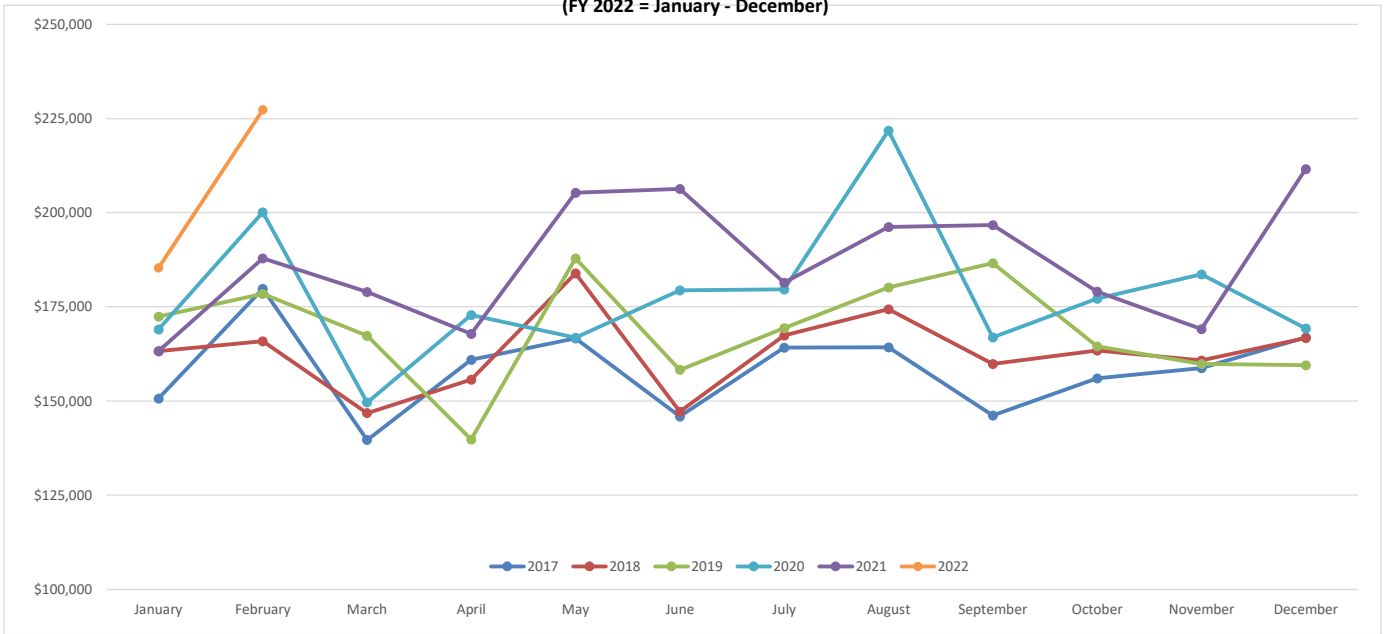
Sales Tax FY 2021 - FY2022 Comparison



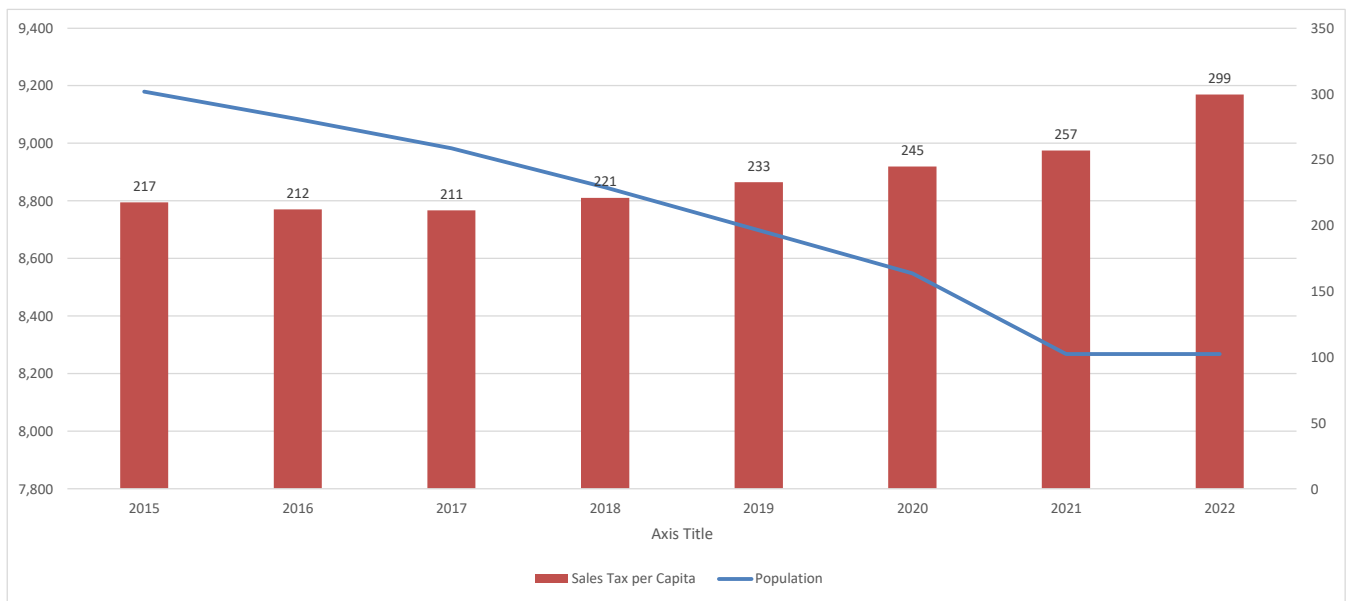
February 1% Sales Tax 10 Year History FY 2013 - FY2022



Sales Tax History Comparison - FY 2017 - FY2022 (FY 2022 = January - December)



Sales Tax per Capita and Population Trend



2022 Sales Tax - One Percent General Fund

Compensating Use Sales Tax and Sales Tax

