



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
July 11, 2019

Department Administration

Director Approval Kelly Passauer

AGENDA ITEM Consider text amendments to Appendix B-Zoning of the City Code relating to:

1. Article IV. Rules and Definitions.
2. Article VI. Supplementary District Regulations
3. Article X. Special provisions applying to miscellaneous conditional uses; and
4. Appendix A. “Listing of Permitted and Conditional Uses” including, but not limited to “Bed and breakfast”, “Boarding and rooming houses” and other new additional uses.

SUMMARY RECOMMENDATION Approve the text amendment.

BACKGROUND On June 4, 2019 the Planning Commission held a public hearing regarding the above listed item. The Planning Commission recommended the following modifications on a unanimous vote which included the nature and effect of such proposed amendment and determinations as described by staff at the meeting:

1. Modify “Bed and breakfast” in the permitted and conditional use table to add O/P as a conditional use and C-4 as a permitted use.
2. Modify “Boarding and rooming houses” in the permitted and conditional use table to:
 - a. Add A-1, R-1, R-2, R-3 and C-1 as conditional uses,
 - b. Add C-2 and C-4 as permitted uses, and
 - c. Modify R-4 and R-5 from permitted uses to conditional uses.
3. Add “Short term rentals not elsewhere listed” to the permitted and conditional use table to include:
 - a. A-1, R-1, R-2, R-3, R-4, R-5, O/P and C-1 as conditional uses, and
 - b. C-2, C-3 and C-4 as permitted uses.
4. Add the definition: “Short term rentals -- means a property or space offered for rent to transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel.”

See table below (proposed changes in yellow):

Proposed Land Use Category	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	
Bed and breakfast	C	C	C	C	C	C	C	C	P	P	P			
Boarding and rooming houses	C	C	C	C	PC	PC	C	C	P	P	P			
Short term rentals not elsewhere listed	C	C	C	C	C	C	C	C	P	P	P			

Below is the excerpt from the June 4, 2019 Planning Commission minutes regarding the requirements of Section 1604.2 Amendments to text which was included in the motion approved by the Planning Commission:

“Zoning Administrator Passauer stated as included in the staff report that the recommended modifications are consistent with the intent and purpose of the zoning regulations and will align the permitted and conditional uses for these similar type uses. A chart showing the zones being modified and a zoning map identifying where the zones were located was included in the Powerpoint presented. It was noted that this use was recommended in the residential districts as a conditional use only to further protect the property owners within the notification area and provide them an opportunity to voice any concerns prior to a conditional use being approved in those residential zones. It was also noted that this amendment was made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected, as the short terms rentals such as AirBnB’s and VRBO’s were a new concept to Independence.

“With no further discussion, the public hearing was closed.

“On a motion by Barb Emert, seconded by Tony Royse, the Planning Commission accepted the text amendment as recommended by City staff which included the nature and effect of such proposed amendment and determinations as described by staff. The motion carried 7-0.”

BUDGET IMPACT Short term rentals are subject to sales tax and transient guest tax. There will be additional revenues generated from City sales tax.

SUGGESTED MOTION I move to approve the recommendation of the Planning Commission and adopt an ordinance making the following modifications to Appendix B-Zoning of the City Code:

1. Modify “Bed and breakfast” in the permitted and conditional use table to add O/P as a conditional use and C-4 as a permitted use.
2. Modify “Boarding and rooming houses” in the permitted and conditional use table to:
 - a. Add A-1, R-1, R-2, R-3 and C-1 as conditional uses,
 - b. Add C-2 and C-4 as permitted uses, and
 - c. Modify R-4 and R-5 from permitted uses to conditional uses.
3. Add “Short term rentals not elsewhere listed” to the permitted and conditional use table to include:
 - a. A-1, R-1, R-2, R-3, R-4, R-5, O/P and C-1 as conditional uses, and
 - b. C-2, C-3 and C-4 as permitted uses.

4. Add the definition: “Short term rentals -- means a property or space offered for rent to transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel.”

SUPPORTING DOCUMENTS

1. June 4, 2019 Approved Minutes of the Planning Commission
2. Proposed Ordinance