

City of Lee's Summit

Development Services Department

January 19, 2018

TO: Planning Commission

PREPARED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **PUBLIC HEARING – Appl. #PL2017-260 – UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #64 – Article 2 Definitions, Article 9 Uses Permitted with Conditions and Article 10 Special Use Permits, establishing regulations for Short Term Rentals; City of Lee's Summit, applicant**

Last year, the City processed a code enforcement case for a Short Term Rental (STR) located in the Monarch View subdivision. The complaint brought to light the following issues related to STRs: increased traffic, noise, interior safety of the unit, and compatibility. The applicant pursued a special use permit (PL2017-116) for a “bed and breakfast homestay” and was denied by both the Planning Commission and the City Council.

The current standards in the UDO only address traditional bed and breakfasts. We have two defined uses called “bed and breakfast homestay” and “bed and breakfast inn”. Both require special use permits; limit a guest’s stay to no more than 14 days; compliance with building and fire codes; require fire inspections; require health department approval for food preparation; require screened parking; and have approval criteria related to general compatibility with surrounding uses and the Comprehensive Plan. The homestay allows up to three (3) rooms while, the inn allows 12.

Like most communities, our ordinance does not contemplate day to day rentals of individual rooms in homes throughout the city. The draft ordinance in this report addresses community concerns related to STRs. After the owner of the Monarch View STR attempted to gain approval for a special use permit (SUP) for a bed and breakfast homestay, staff was directed by Council to draft an ordinance and present it to the Community and Economic Development Committee (CEDC). The record of staff’s efforts at the committee level and a public meeting are included below.

August 9, 2017 CEDC meeting

Staff presented some initial research and commentary on findings regarding STRs and how other communities are dealing with these uses. The CEDC requested staff gather feedback from the community on STRs and continue to research potential regulations regarding these uses.

September 12, 2017 public meeting

Staff mailed notices to HOA presidents and known operators of STRs to obtain feedback and public comments and concerns. The following is a summary of public comments:

- STRs jeopardize the definition of a single-family home
- Concerns about who the renters are, in light of the presence of neighborhood children
- General annoyance to neighbors
- Need to restrict boat and trailer parking, plus signs on the property
- Concerns about the impact on traffic and parking
- Concerns about STRs used for parties
- Monarch View HOA is making changes to their CCRs to address STRs, however it’s a timely process that won’t garner approval until 2019

- Vogue Condos representative states they don't allow STRs at the Vogue and are very much opposed to it in the downtown—parking is already an issue
- HOAs need City assistance to escalate disciplinary action for STRs
- Concerns about the homeowner not living in the home
- Problems stated by the president of Monarch View: enforcement; follow-up to make sure they do what they say they are going to do; location of the rentals; doesn't like homeowner not living in the home; safety; parking; disturbances; who are these renters?
- Residents with young children are scared
- Fairfield Woods board member stated they have changed their restrictions to not allow renters
- Timber Creek president says they have it spelled out in their CCRs that they don't want AirBnBs
- Bed and breakfast inn owner spoke—there is a good SUP process in place; it's a safe process; inspections are performed; fire code compliance is required; they work closely with the health dept; they pay taxes; we need to be proactive with these issues and come to a balance.
- Downtown resident concerned because they are in an old part of town with no HOAs—doesn't want all the big beautiful homes to turn in to bed and breakfasts
- Clarification needed for HOAs regarding state laws
- The right location for STRs needs to be identified
- Discussion regarding legalities of HOA regulations vs city's regulations, and vs. State regulations
- Citizen states "these rentals just scares [him] to death"
- Citizen stated that there are many other subdivisions besides Monarch View who feel the same way they do about STRs.

September 13, 2017 CEDC meeting

Staff provided a summary of the special public meeting held on Tuesday September 12, 2017, and continued the pursuit of creating regulations regarding STRs within the community.

September 25, 2017

Staff distributed a draft ordinance to members of the public who attended the September 12, 2017, public outreach meeting. A summary of reactions to the draft ordinance is as follows:

- There should be more of a defined time limit for the length of stay, 2-14 days
- The area near the downtown locational requirement should be enlarged
- STRs should allow for a family to rent a home
- STRs should not be concentrated in the downtown area
- Owner occupancy is too restrictive. Consider requiring the owner to live within 50 feet of the rental instead of on the same property
- The limitation to 4 guests is too restrictive and should be changed to 5-6.
- STRs should have to be rented for an entire 7 day period, with a limitation on 6 weekly rentals per year
- Off-street parking must be provided
- Require background checks

- Consider STRs a business
- Owner is subject to arrest for excessive noise
- There could be a conflict with requiring a business license as most HOAs prohibit businesses

October 11, 2017 CEDC meeting

Staff presented a draft ordinance. The Committee had the following concerns:

- Locational requirements are too restrictive
- Length of stay should be seven days or less
- Safety of the rooms

Staff made changes to the draft ordinance to address the concerns of the CEDC. This ordinance was presented to CEDC at their December 13, 2017, meeting and received unanimous support to move forward to the Planning Commission.

Recommendation

Staff recommends **APPROVAL** of UDO Amendment #64 as presented in the staff letter dated January 19, 2018.

Public Notification

Neighborhood meeting conducted: n/a
Newspaper notification published: January 6, 2018
Stakeholders emailed: January 9, 2018

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed UDO Amendment. The City Council takes final action on the UDO Amendment.

Unified Development Ordinance

| Applicable Section(s) | Description |
|-----------------------|-----------------------------|
| 4.210 | UDO Text Amendment |
| 4.150 and 4.190 | Public Hearings and Notices |

Comprehensive Plan

| Focus Areas | Goals, Objectives and Policies |
|-------------------------|--------------------------------|
| Overall Area Land Use | Objective 1.1 |
| | Objective 1.4 |
| Residential Development | Objective 3.3 |
| Commercial Development | Objective 4.1 |
| | Objective 4.3 |

Draft Ordinance

Article 2 - Short Term Rentals - A portion of a dwelling unit rented for a period not to exceed seven (7) days.

Article 9 - Uses Permitted With Conditions

Short Term Rentals

- a. Location:
 1. Parcels greater than one (1) acre in size or
 2. Located within the Old Town Master Development Plan area as shown in the Comprehensive Plan or
 3. Located within ¼ mile of commercial or PMIX zoned property.
 4. Short Term Rentals are only allowed in Single- Family Dwelling Units or Two-Family Dwelling Units (Duplex).
- b. The owner or a local representative must occupy a dwelling unit on the same parcel or an adjacent parcel;
- c. A maximum of two (2) rooms shall be rented;
- d. A maximum of four (4) guests are permitted;
- e. The owner must obtain a Business License with the City;
- f. The owner shall pay License Taxes in accordance with Chapter 28; Division 7;
- g. The owner or local representative must provide their contact information to the City;
- h. Chapter 17, Article IX , Section 17-254, Regulations Regarding Control of Noise and Sound, must be posted in each room for rent;
- i. Units must be provided with:
 1. A functioning fire extinguisher;
 2. A smoke detector in each bedroom;
 3. Child-proofed electrical outlets;
 4. A map identifying escape routes;
 5. Emergency contact information for the owner.

Use Table Updated to make Short Term Rentals Conditional for R-1, RP-2, RP-3, RP-4, PMIX, AG, PRO, and CBD

Section 10.170 Bed and Breakfast Inn

A bed and breakfast inn property shall be subject to the following conditions and restrictions:

- A. Ownership. The owner of the residence is not required to reside on the premises. If the owner does not live on the premises, a resident manager or resident employee shall be required, while guests are present.

Analysis of the UDO Text Amendment

The amendment drafted by staff creates locational criteria to restrict STRs to areas within a ¼ mile of commercial or mixed use zoning, areas within the Old Town Master Plan and parcels greater than one acre in size. This was done to assist in creating compatibility with single family subdivisions while still allowing STRs in areas where guests could walk to retail businesses. The Comprehensive Plan speaks to preserving a predictable land use pattern while maintaining compatibility through Objectives 1.1 and 1.4. The requirement to have an owner or representative at the property and a copy of the City noise ordinance in each room helps to discourage guest from creating excessive noise, another concern raised during public comment.

The ordinance also limits the total rental rooms to two (2) and the number of guests to four (4) to prevent large numbers of guests from generating traffic and parking concerns.

Staff consulted the Fire Department on the draft ordinance and with their suggested change each unit must contain smoke detectors, outlet covers, fire extinguishers, owner contact info, carbon monoxide detectors and a map showing the a route out of the home in case of an emergency. These provisions insure a safe stay for guests of STRs.

Code and Ordinance Requirements

The items in the box below are specific to this application in order to bring the application into compliance with the Codes and Ordinances of the City.

Fire

1. A carbon monoxide detector shall be required in accordance with applicable fire codes.
2. References to applicable building and fire codes shall be updated.

Attachments:

1. Research done for August 9, 2017 CEDC meeting
2. Map of areas where STRs are allowed within ¼ mile of commercial or PMIX zoning