



PLANNING AND ZONING COMMISSION
MUNICIPAL CENTER
200 S. HOLDEN ST.
WARRENSBURG, MO 64093

MEETING AGENDA
NOVEMBER 6, 2023
5:30 PM

1. Call To Order
2. Roll Call
3. Minutes Of Previous Meetings

3.I. August 7, 2023

Documents:

[08-07-23 MINUTES.PDF](#)

4. Requests And Petitions Presented
5. Motions, Resolutions, And Recommendations

5.I. An Ordinance Amending Chapter 27 Of The Code Of City Ordinances Of The City Of Warrensburg, Missouri, Regarding Bed And Breakfast Inns And Short-Term Rentals

Documents:

[BNB AND SHORT-TERM RENTAL PZ DOCUMENTS.PDF](#)

6. Other Business And Appearances By The Public
7. Comments Of Commissioners And Staff
8. Adjournment

The public is invited to speak during the Request and Petitions Presented agenda item. Please sign-up on the sheet in the back of the chamber.

- People wishing to speak for the proposal will be heard first.
- People wishing to speak against the proposal will be heard second.
- People will be heard in the order they are signed up on the sign-in sheet.
- **Individuals are encouraged to limit comments to 3 minutes.**
- After all comments from the public have been heard the applicant will be given an

opportunity to address the Planning and Zoning Commission again.

- After all the comments are received, the Planning and Zoning Commission will close the public comment portion of the meeting and consider the matter for action.



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
August 7, 2023

1. Call to Order

The meeting was called to order by Chair Shari Bax at 5:30 p.m. at the Warrensburg Municipal Center.

2. Roll Call

Roll was called, and members Bruce Uhler, Max Ridenhour, Jan Jones, Don Nimmer, Andy Kohl, Shari Bax, Katharine Norton, and Dewayne Jackson were present. Member Jeff Terry was absent. Also present were Barbara Carroll, Director of Community Development, and Kristin Dyer, City Planner.

3. Minutes of Previous Meetings

3.1 July 3, 2023

Members reviewed the minutes from July 3, 2023. Jackson moved to approve the minutes. Nimmer seconded. Approved 8-0.

4. Election of Officers

Carroll introduced the annual election of the Planning and Zoning Commission officers, which are the Chair, Vice-Chair/Secretary, and Historic Preservation Commission Representative. They each serve for a one-year term.

Kohl nominated Bax to serve as Chair. Nimmer seconded. Bax called for any further nominations. Kohl moved to close the nominations. Jones seconded and with general affirmation and no objections, Bax was approved as Chair.

Nimmer nominated Kohl to serve as Vice-Chair/Secretary. Jones seconded. Bax called for any further nominations. Nimmer moved to close the nominations. Jones seconded and with general affirmation and no objections, Kohl was approved as Vice-Chair/Secretary.

Jones nominated Uhler for Historic Preservation Commission representative. Ridenhour seconded. Bax called any further nominations. Jones moved to close the nominations. Ridenhour seconded and with general affirmation and no objections, Uhler was approved as Historic Preservation Commission representative.

5. Requests and Petitions Presented

5.1 Request for Conditional Use Permit for Land Use 1.620 Bed and Breakfast Inn and Other Temporary Residences Renting by the Day or Week in an R3: Low-Density Multifamily Residence District
315 W. South St.

Carroll stated the applicant proposes to use the residence as a short-term rental. Warrensburg's current zoning code classifies a "short-term rental" as a bed and breakfast use, and it is further complicated by the State of Missouri's regulations regarding home-based businesses. Carroll clarified, if the homeowner or manager resides at the location then it is a home-based business and has few restrictions, but if

the property owner or manager does not reside at the location, such as in this application, then it is classified as Land Use 1.620. Carroll stated a building permit has been issued for a remodel of the structure which will be used as a single-family dwelling if the CUP is not approved. Staff has reviewed the plans submitted and has generated the following list of items that will need to be addressed in order to pass a final inspection for the building permit.

1. The driveway must be hard-surfaced, either concrete or asphalt.
2. The height of the carport cannot exceed the height of the primary structure or exceed 35 ft.
3. Any new signs require a separate sign permit application. For signs in residential districts, the property can have either one (1) yard sign or one (1) wall sign limited to four (4) square feet in surface display area.

Staff recommended approval of the CUP with two conditions:

1. Staff be granted the authority to approve the final site plan.
2. Staff review items listed above must be satisfactorily addressed in order to pass the final inspection for BLDR 3170-2023.

The Planning and Zoning Commission discussed short-term rentals, construction related sign regulations, permanent sign regulations in residential districts, and if any fire code or life safety requirements apply to short-term rentals currently.

6. Motions, Resolutions, and Recommendations

- 6.I Request for Conditional Use Permit for Land Use 1.620 Bed and Breakfast Inn and Other Temporary Residences Renting by the Day or Week in an R3: Low-Density Multifamily Residence District
315 W. South St.

Kohl moved to approve the Conditional Use Permit with the following conditions:

1. Staff be granted the authority to approve the final site plan.
2. Staff review items listed above must be satisfactorily addressed in order to pass the final inspection for BLDR 3170-2023.

Jackson seconded. Approved 8-0 on a roll call vote. Bax read the Findings and Recommendations.

7. Other Business and Appearances by the Public

- 7.I Discussion of Planning Officials Training Program Videos, "Comprehensive Plans" & "Zoning/Ordinances"

Staff and the Planning and Zoning Commission held a brief discussion about the videos the members had viewed individually before the meeting.

8. Comments of Commissioners and Staff

Bax reminded the Planning and Zoning Commission there is a special election August 8, 2023 at the Elks Lodge.

Carroll stated at this time, there are no applications for the September meeting; however, if there is an application for September, the Planning and Zoning Commission agreed to meet on Tuesday, September 5, at 5:30 p.m.

9. Adjournment

Jackson moved to adjourn the meeting. Kohl seconded. With no objections, the meeting adjourned at 6:15 p.m.

Date: _____

_____ Chair



PLANNING AND ZONING COMMISSION
AGENDA REPORT
November 2, 2023

ITEM 5.I: An Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Bed and Breakfast Inns and Short-Term Rentals

BACKGROUND:

In recent months, staff from Community Development, Finance, the Fire Department, and the Warrensburg Visitors and Convention Bureau have reviewed existing, local regulations and state and national trends for regulating short-term rentals such as Airbnbs. The review included zoning and business licensing regulations. Staff has drafted two ordinances for consideration by City Council. One addresses zoning regulations in Chapter 27 of the Code of City Ordinances, and the second ordinance addresses licensing regulations in Chapter 22 of the Code of City Ordinances. The Planning and Zoning Commission only needs to consider and forward a recommendation to the City Council on the Chapter 27 zoning ordinance. A copy of the Chapter 22 licensing ordinance is enclosed with this packet for informational purposes only. The proposed ordinances include regulations on short-term rental registration, annual inspections, and life-safety requirements.

Zoning Ordinance Information

When City Council adopted the current zoning ordinance in 1992, short-term rentals did not exist in the way they do now, and as such, short-term rentals are not a land use identified in Section 27-200 Table of Uses in the current zoning ordinance. Presently, short-term rentals are regulated based on whether they are owner-occupied or non-owner occupied. If the short-term rental is owner-occupied, then it is regulated as a home-based business in Section 27-203 *Home-based businesses in residential districts*. If the owner or manager does not occupy the short-term rental, then it is classified under Land Use 1.620 *Bed and breakfast inns and other temporary residences renting by the day or week* or Land Use 1.630 *Hotels, motels, and similar businesses or institutions providing overnight accommodations*. Land Use 1.620 is allowed by right in the Central Business District and General Business District and by Conditional Use Permit in R2, R3, and R4 districts. While Conditional or Special Use Permits were a common requirement for short-term rentals in the beginning as a travel option, as the concept has evolved cities tend to allow them by right and focus on regulating the activities more than the use.

The proposed ordinance revises the existing definition of a bed and breakfast inn and creates a new definition for short-term rental. In addition, it revises the zoning districts each use is allowed into to be more in keeping with trends throughout Missouri. Bed and breakfast inns and short-term rentals would be allowed by Conditional Use Permit in an R1 District and allowed by right in R2, R3, R4, BO, CB, and GB Districts. The proposed ordinance does not change the number of required parking spaces; however, it clarifies that parking is based on the number of “bedrooms to be rented” instead of “rooms to be rented.”

RECOMMENDATION:

Staff recommends the Commission recommends approval of the proposed ordinance.

Attachments:

1. Findings & Recommendations
2. Proposed Ordinance amending Ch. 27
3. A portion of the existing §27-200 of the Code of City Ordinances
4. Matrix of use requirements for other Missouri cities
5. Proposed Ordinance amending Ch. 22

**PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION**

Request to consider An Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Bed and Breakfast Inns and Short-Term Rentals

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On November 6, 2023, the Planning & Zoning Commission considered An Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Bed and Breakfast Inns and Short-Term Rentals.
2. The proposed ordinance _____ will _____ will not further the goals and objectives of the City's Comprehensive Plan.
3. The proposed ordinance _____ will _____ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.
4. The proposed ordinance _____ will _____ will not cause substantial injury to the value of property in the community.
5. Additional Comments: _____

Concerning the proposed ordinance, the Planning and Zoning Commission:

___ Recommends Approval

___ Disapproves _____

Passed by the Planning & Zoning Commission this _____ day of November, 2023.

Chair

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI REGARDING BED & BREAKFAST INNS AND SHORT-TERM RENTALS

WHEREAS, the City Council of the City of Warrensburg held a public hearing on November 13, 2023, regarding establishing a definition, land use, location, and parking requirements for bed and breakfast inns and short-term rentals:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 27-6 Definitions is amended to add the following definitions leaving all other provisions of Section 27-6 in effect, unaltered:

Bed and breakfast inn. A private, owner- or manager-occupied establishment offering overnight accommodation for 29 days or less to transient guests for a fee. Bed and breakfast inns shall provide a shared living space and may provide for one or more meals. See Section 27-234 for regulations pertaining to bed and breakfast inns and short-term rentals.

Short-term rental. The rental of a dwelling unit in a residential or mixed-used structure where the owner is not residing on the premises during occupancy for 29 days or less. See Section 27-234 for regulations pertaining to bed and breakfast inns and short-term rentals.

Section 2. That Section 27-200 Table of Permissible Uses, Land Use 28.000 is added as follows, leaving all other provisions of Section 27-200 in effect, unaltered:

| | ZONING DISTRICTS | | | | | | | | | | |
|--|------------------|----|----|----|-----|----|----|----|----|----|----|
| | R1 | R2 | R3 | R4 | RMH | BO | NB | CB | GB | LI | HI |
| 1.600 Miscellaneous, rooms for rent situations | | | | | | | | | | | |
| 1.620 Bed and breakfast inn, short-term rental | C | Z | Z | Z | | Z | | Z | Z | | |

Section 3. That Section 27-406 Table of Parking Requirements, Land Use 28.000 is added as follows, leaving all other provisions of Section 27-406 in effect, unaltered:

| | |
|----------|--|
| Land Use | Off-Street Parking Requirement |
| 1.620 | 1 space for each bedroom room to be rented plus additional space (in accordance with other sections) of this table for restaurants or other facilities. |

Section 4. That Section 27-234 Bed and breakfast inns be deleted in its entirety and be replaced to read as follows:

Sec. 27-234. Bed and breakfast inns and short-term rentals.

Bed and breakfast inns and short-term rentals, as defined in section 27-6, shall meet the following performance standards in addition to all other zoning requirements in order to operate within the City of Warrensburg:

- (a) Bed and breakfast inns and a short-term rental shall be located in the existing primary structure. Accessory structures shall not be used for sleeping or accommodation purposes.
- (b) No short-term rental shall be rented or used for the sole purpose of receptions, parties, weddings, or similar events.
- (c) In residential districts, no alteration of the principal building shall be made that changes the character or appearance of the building so as to be inconsistent with the appearance of dwellings in the immediate area around the bed and breakfast inn or short-term rental.
- (d) One (1) sign pertaining to the bed and breakfast inn is allowed in residential districts. The sign shall be attached flat against the building, shall not be illuminated, and shall not exceed (4) square feet in area. No signs are allowed for a short-term rental in a residential district. Signs in commercial districts shall comply with regulations set forth in section 27-500 sign regulations.

Section 5. If any clause, section, or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 6. It is intended that Sections 1 through 4 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 7. That this ordinance shall become effective immediately upon its passage.

Read two (2) times and passed by title this ____ day of _____, 2023.

Jim Kushner, Mayor

ATTEST:

City Clerk

| DESCRIPTION OF USES | ZONING DISTRICTS | | | | | | | | | | |
|---|------------------|----|----|----|-----|----|----|----|----|----|----|
| | R1 | R2 | R3 | R4 | RMH | BO | NB | CB | GB | LI | HI |
| 1.000 RESIDENTIAL | | | | | | | | | | | |
| 1.100 Single-Family Dwellings | | | | | | | | | | | |
| 1.110 Single-family detached, one dwelling unit per lot | | | | | | | | | | | |
| 1.111 Site-built and modular structures | Z | Z | Z | Z | Z | | | C | C | | |
| 1.112 Class "A" Manufactured home | | | | | Z | | | | | | |
| 1.113 Class "B" Manufactured home | | | | | Z | | | | | | |
| 1.114 Class "C" Mobile home (not allowed) | | | | | | | | | | | |
| 1.120 Single-family detached, more than one dwelling unit per lot | | | | | | | | | | | |
| 1.121 Manufactured home park | | | | | Z | | | | | | |
| 1.130 Single-family semi-detached, one dwelling unit per lot | | | | | | | | | | | |
| | | Z | Z | Z | | | | C | C | | |
| 1.140 Single-family attached, one dwelling unit per lot | | | | | | | | | | | |
| | | | Z | Z | | | | C | | | |
| 1.200 Two-Family Dwellings | | | | | | | | | | | |
| 1.210 Two-family conversion | | | | | | | | | | | |
| | | Z | Z | Z | | | | Z | Z | | |
| 1.220 Duplex | | | | | | | | | | | |
| | | Z | Z | Z | | | | C | C | | |
| 1.230 Semi-detached units | | | | | | | | | | | |
| | | Z | Z | Z | | | | C | C | | |
| 1.300 Multi-Family Dwellings | | | | | | | | | | | |
| 1.310 Multi-family conversion | | | | | | | | | | | |
| | | | Z | Z | | | | Z | Z | | |
| 1.320 Multi-family townhouses, rowhouses | | | | | | | | | | | |
| | | | Z | Z | | Z | | C | C | | |
| 1.330 Multi-family apartments, street level | | | | | | | | | | | |
| | | | Z | Z | | Z | | C | C | | |
| 1.335 Multi-family apartments, basement, second or higher floors | | | | | | | | | | | |
| | | | Z | Z | | Z | | Z | C | | |
| 1.340 Attached units, street level | | | | | | | | | | | |
| | | | Z | Z | | Z | | C | C | | |
| 1.345 Attached units, basement, second or higher floors | | | | | | | | | | | |
| | | | Z | Z | | Z | | Z | C | | |
| 1.400 Homes emphasizing special services, treatment, or supervision | | | | | | | | | | | |
| 1.410 Group home | | | | | | | | | | | |
| | Z | Z | Z | Z | Z | | | | | | |
| 1.420 Board and care nursing home, Boarding home for sheltered care | | | | | | | | | | | |
| | | C | C | C | C | | Z | Z | Z | | |
| 1.500 Shared Residential Facilities | | | | | | | | | | | |
| 1.510 Community residence | | | | | | | | | | | |
| | | | Z | Z | | | | Z | C | | |
| 1.520 Fraternity, sorority | | | | | | | | | | | |
| | | | | C | | | | C | C | | |
| 1.530 Homeless shelter | | | | | | | | | | | |
| | | | Z | Z | | | | Z | C | | |
| 1.600 Miscellaneous, rooms for rent situations | | | | | | | | | | | |
| 1.610 Rooming houses, boarding houses | | | | | | | | | | | |
| | | | | Z | | | | Z | | | |
| 1.620 Bed and breakfast inns and other temporary residences renting by the day or week | | | | | | | | | | | |
| | | C | C | C | | C | C | Z | Z | | |
| 1.630 Hotels, motels, and similar businesses or institutions providing overnight accommodations | | | | | | | | | | | |
| | | | | | | C | C | Z | Z | | |
| 1.640 Camping areas, travel trailer parks, RV parks | | | | | | | | | | | |
| | | | | | | | | C | | | |
| 2.000 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT | | | | | | | | | | | |
| 2.100 Business where no storage; or only storage or display within fully enclosed building | | | | | | | | | | | |
| 2.110 Miscellaneous | | | | | | | | | | | |
| | | | | | | | Z | Z | Z | Z | |
| 2.120 Healthcare merchandise and equipment | | | | | | | | | | | |
| | | | | | | Z | Z | Z | Z | Z | |
| 2.130 Furniture stores | | | | | | | | | | | |
| | | | | | | | | Z | Z | Z | |

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI REGARDING BED & BREAKFAST INNS AND SHORT-TERM RENTALS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 22-64 Specific fees for certain enterprises is amended to add the following item leaving all other provisions of Section 22-64 in effect, unaltered:

(17) BED & BREAKFAST INN and SHORT-TERM RENTAL, per year.....\$125.00

Section 2. That Section 22-81. Additional requirements, Bed and Breakfast Inns and Short-term Rentals, as those terms are defined in Chapter 27, is established to read as follows:

Sec. 22-81. Bed and breakfast inns and short-term rentals.

For the purpose of ensuring the safety, health, and general welfare of the public, all bed and breakfast inns and short-term rentals, as those terms are defined in Chapter 27, shall comply with the following performance standards and license requirements:

- (a) The City shall require proof from the applicant that the applicant has no delinquent real property taxes, personal property taxes, or state or local sales taxes or local lodging tax.
- (b) At the time of application, all applicants shall provide evidence that regular and sufficient refuse or trash collection service has been contracted for the premise for which the license is being sought .
- (c) An applicant seeking a business license for a bed and breakfast inn or short-term rental shall permit inspection of the premises covered by the license to verify compliance with the following requirements. Successful completion of an annual inspection of the premises being covered by the licenses issued under this chapter is required to renew the license annually.
 - (1) Local contact information for the owner or manager shall be provided in each guest room for a bed and breakfast or dwelling unit for a short-term rental.
 - (2) A map identifying escape routes shall be posted in each guest room of a bed and breakfast inn or dwelling unit of a short-term rental.
 - (3) Smoke detectors shall be located on each habitable floor, inside each sleeping room, and immediately outside of each sleeping area.

- (4) Carbon monoxide detectors are required where a bed and breakfast or short-term rental has an attached garage that opens directly into the dwelling unit or contains any type of fuel-burning appliance. The detectors shall be located outside each separate sleeping area and in the immediate vicinity of the sleeping rooms.
 - (5) Each dwelling unit shall have a minimum of one 2A:10BC fire extinguisher and otherwise meet requirements for fire extinguisher number and placement in accordance with the city's adopted fire code.
 - (6) At least one window in each sleeping room shall serve as an emergency escape and rescue opening, shall open directly to a public way and shall be in accordance with the city's adopted residential building code.
 - (7) Fuel-fired appliances shall be provided with adequate combustion air for normal operation. Fuel-fired appliances shall be prohibited in sleeping rooms, bathrooms, toilet rooms and storage closets or in areas that open into the same and shall operate in accordance with the manufacturer's installation instructions and the city's adopted mechanical and fuel gas code.
 - (8) Doors from an attached garage that open directly into the bed and breakfast inn or short-term rental shall be equipped with an automatic closing device.
 - (9) Compliance with the city's adopted building code, fire code, and other development codes is required for the general maintenance of all structural, mechanical, electrical and plumbing systems.
 - (10) Compliance with the Code of City Ordinances including the requirements of Chapter 6 Article VIII Property Maintenance Code, Chapter 11 Garbage and Trash, Chapter 13 Nuisances, Chapter 25 Vegetation, and Chapter 27 Zoning.
- (d) Inspections for renewal applications of existing licensed locations shall be required to submit a request for inspection by the month of January of the current renewal year and be approved by May 31 for renewal approval. The license fee shall include the first inspection, and one (1) follow up inspection if necessary, if completed prior to the last day of February for the upcoming license year for renewals, and the first inspection and one (1) follow up inspection if necessary for new license applications. Additional inspections required for license issuance beyond the initial inspection and one (1) follow up inspection will incur an additional inspection fee to be set from time to time by resolution of the city.

Section 3. Any Bed and Breakfast Inn or Short Term Rental operating as of October 1, 2023 shall obtain a license hereunder on or before June 1, 2025. Any Bed and Breakfast Inn or Short Term Rental commencing operations after November 14, 2023 shall obtain a license hereunder before commencing operations.

Section 4. If any clause, section, or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 5. This ordinance shall be in full force and effect from and after its passage. It is intended that the provisions of Sections One and Two of this Ordinance be incorporated into the Code of Ordinances of the City.

Read two (2) times and passed by title this ____ day of _____, 2023.

Jim Kushner, Mayor

ATTEST:

City Clerk