

NOTICE OF OPEN MEETING

Public Notice is hereby given that the Planning & Zoning Commission of the City of Excelsior Springs Special Meeting **at 6:00 PM, April 14, 2025** to consider and act upon the matters on the following agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at the time.

The tentative agenda of this meeting is as follows.

Planning & Zoning Commission City of Excelsior Springs

A G E N D A



Planning & Zoning Commission Meeting
6:00 PM
Monday, April 14, 2025
City Council Chambers
201 E. Broadway
Excelsior Springs, MO

-
1. CALL TO ORDER
 2. ROLL CALL
 3. ZTA-25-002 APPLICATION FOR A ZONING TEXT AMENDMENT TO SECTION 404.015 REASONABLE ACCOMMODATIONS FROM LAND USE REGULATIONS.
 - A. ZTA-25-002
 4. COMMENTS OF VISITORS
 5. STAFF COMMENTS
 6. COMMISSION COMMENTS
 7. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the City Manager's office, 201 East Broadway. Phone (816) 630-0752.

If any accommodations are required in order to attend this meeting (i.e. qualified interpreter, large print, reader, hearing assistance), please notify the City Manager's office no later than 48 hours prior to the beginning of the meeting.

Date and Time of Posting: DATE AND TIME: April 9, 2025 at 3:45 pm



Planning & Zoning Staff Report

April 14, 2025

ZONING TEXT AMENDMENT: SECTION 404.015 REASONABLE ACCOMMODATIONS FROM LAND USE REGULATIONS

Case #: ZTA-25-002	Location: Citywide
Applicant: City of Excelsior Springs	Application Type: Zoning Text Amendment
Staff: Mallory Brown	Code Section: 404.015

HISTORY

The City of Excelsior Springs does not currently have a process for someone to request reasonable accommodations from land use regulations. To be consistent with the Americans with Disabilities Act and the Fair Housing Act, a proposed process to request reasonable accommodations from land use regulations has been created. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual or individuals with a disability flexibility in applying land use and zoning regulations. The flexibility can include modification or waiver of specific requirements when it is necessary to eliminate barriers to housing opportunities.

PROPOSED CODE AMENDMENT

This application is for a Zoning Text Amendment to Chapter 404 Permits, Enforcement, Amendments, and Penalties, adding Section .015 to the Excelsior Springs Municipal Code.

The proposed text to be added to Section 404.015 is shown in the redline below.

Section 404.015. Reasonable accommodations.

It is the policy of the City, consistent with the Americans with Disabilities Act and the Fair Housing Act, to provide reasonable accommodations in the application of its land use regulations for persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability flexibility in the application of land use and zoning regulations or policies, including the modification or waiver of certain requirements, when it is necessary to eliminate barriers to housing opportunities. The purpose of this section is to establish a process for making and acting upon requests for reasonable accommodation.

(1) Any person who requests reasonable accommodation in the form of modification in the application of a zoning regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents may apply to the Community Development Director on a form provided by the City.

a. The term "person" includes any individual with a disability, his or her representative or a developer or provider of housing for an individual with a disability.

b. The application shall include a detailed explanation of why the modification is reasonable and necessary to make the specific housing available to the person, including information establishing that the applicant is disabled under applicable laws, supporting documentation demonstrating the relationship between the disability and the requested accommodation, as well as other information required by the City to make the determination.

c. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.

(2) The Community Development Director shall review the request and make a recommendation to the City Council. The request shall be evaluated under the following factors:

a. Whether there is a qualifying disability;

b. Whether the request is necessary to allow a disabled person equal opportunity to use and enjoy a dwelling or to live in a particular neighborhood as a person without disabilities;

c. Whether the request is reasonable, considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;

d. Whether the request would constitute a fundamental alteration of the City's regulations, policies, or procedures;

e. Whether the request would impose an undue financial or administrative burden on the City; and

f. Any other factor that may have a bearing on the request, as determined by the City.

(3) The City Council shall consider the request following receipt of the recommendation of the Community Development Director. Notice of the meeting at which the City Council will evaluate the request shall be mailed at least ten days before the meeting to the applicant and owners of all properties located within 200 feet of the property subject to the request.

(4) The Mayor shall preside over the hearing, provided that the Mayor is authorized to appoint a hearing officer to assist in the hearing's procedural matters. The applicant shall have the right to be represented by legal counsel. The applicant and the Community Development Director, or designee, may present evidence and call witnesses. Testimony shall be taken under



ZTA AMENDMENT: REASONABLE ACCOMMODATION

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oath or affirmation. A record of the proceedings shall be kept by a certified court reporter. All documents, exhibits, and other evidence presented shall be maintained as part of the official record. The applicant shall bear the burden of proof to demonstrate, by a preponderance of the evidence, that the requested accommodation is reasonable and necessary to afford equal housing opportunity. At the conclusion of the hearing, the City Council shall deliberate and issue a written decision within 30 days.

(5) An approved request is granted only to an individual and does not run with the land unless the City Council determines that the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or the accommodation is to be used by another individual with a disability.

RECOMMENDATION FROM PROFESSIONAL STAFF

Staff recommends the Planning and Zoning Commission recommend approval to the City Council for the proposed Zoning Text Amendment to Section 404.015 to add a process to request reasonable accommodation from land use regulations.

ATTACHMENT

- a) Draft Zoning Text Amendment
- b) Public Hearing Notice
- c) Request for Reasonable Accommodations Application Form

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 - b. The application shall include a detailed explanation of why the modification is reasonable and necessary to make the specific housing available to the person, including information establishing that the applicant is disabled under applicable laws, supporting documentation demonstrating the relationship between the disability and the requested accommodation, as well as other information required by the City to make the determination.
 - c. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.
- (2) The Community Development Director shall review the request and make a recommendation to the City Council. The request shall be evaluated under the following factors:
 - a. Whether there is a qualifying disability;
 - b. Whether the request is necessary to allow a disabled person equal opportunity to use and enjoy a dwelling or to live in a particular neighborhood as a person without disabilities;
 - c. Whether the request is reasonable, considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
 - d. Whether the request would constitute a fundamental alteration of the City's regulations, policies, or procedures;
 - e. Whether the request would impose an undue financial or administrative burden on the City; and

- f. Any other factor that may have a bearing on the request, as determined by the City.
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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, April 14, 2025 at 6:00 p.m. the Excelsior Springs Planning and Zoning Commission will conduct a public hearing on the following matter at The Hall of Waters, Council Chambers, 201 E. Broadway Excelsior Springs, MO or join by zoom at Zoom.us – Meeting ID: 831 3363 5337 – Passcode: 156892

- **ZTA-25-002** – Application by the City of Excelsior Springs to amend the Zoning Regulations to provide a process for applicants to apply to the City Council for Reasonable Accommodations pursuant to the Fair Housing Amendments Act and Title II of the Americans with Disabilities Act. (*Public Hearing*)

For more information, call 816-630-0756.

FOR THE PLANNING & ZONING COMMISSION by Mallory Brown, Director of Community Development

PUBLICATION FOR: One Time on March 28, 2025



Request for Reasonable Accommodation from Land Use Regulations

This form is to be used by individuals or entities requesting a reasonable accommodation from land use regulations on the basis of disability.

1. Applicant Information

Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

2. Property Information

Property Address: _____

Assessor's Parcel Number (APN): _____

Zoning District: _____

Current Use of Property: _____

3. Relationship to Property

☐ Property Owner

☐ Tenant

☐ Developer/Builder

☐ Authorized Representative (attach authorization)

☐ Other: _____

4. Basis for Request

This request is made pursuant to the federal Fair Housing Act, Americans with Disabilities Act, and/or state law requiring reasonable accommodation for individuals with disabilities.

Describe the disability-related need for the accommodation:

5. Description of Accommodation Requested

Specify the land use regulation from which you are requesting accommodation, and describe the modification sought:

6. Purpose of Accommodation

Explain how the requested accommodation is necessary to afford equal opportunity to use and enjoy the housing:

7. Supporting Documentation (attach as applicable)

- ☐ Documentation verifying the disability (not required to disclose the nature of the disability)
- ☐ Evidence of necessity and nexus between disability and accommodation
- ☐ Authorization from property owner (if applicable)
- ☐ Site plan, photos, or supporting materials

8. Declaration

I certify that the information provided is true and correct to the best of my knowledge. I understand that the City may require additional information to process this request.

Signature of Applicant: _____

Date: _____