

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO CONSERVATION, HISTORIC DISTRICT AND HISTORIC LANDMARK OVERLAY.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on October 24, 2023, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 0-5; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 4, 2023, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

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

SECTION 1. That Sections 14-906-07 through 14-906-09 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

14-906-07 Nomination for designation of conservation districts

Property owners within a proposed district may request initiation by the Heritage Commission or City Council for consideration of a historic or conservation district nomination. Nomination of a potential historic or conservation district may also be initiated by the Heritage Commission or the City Council.

Nominations for designation of historic or conservation districts shall be made to the Heritage Commission and may be submitted by a member of the Heritage Commission, owner of record of the nominated property, or the City Council, or any other person or organization with the consent of the owners of at least 51 percent of the affected parcels in the proposed district, exclusive of all publicly owned property, streets and alleys. Rescission of any signature on the petition to designate a property within a district must be submitted in writing to the Historic Preservation Division in the Community Development Department no later than 15 days prior to the public meeting of the Heritage Commission. Any request for rescission after that date will be considered invalid and the signature of consent will remain.

Once a district is nominated for designation, at least two public meetings shall be held for information gathering and discussion. Upon determination to proceed with the district nomination, a designation report shall be prepared and submitted for review during a public hearing by the Heritage Commission. All ~~affected~~ **affected** property owners within a proposed historic or conservation districts shall be initially

notified of this meeting for consideration of the potential designation via ~~certified~~ **regular** mail. All further notification of public hearings shall be posted at City Hall.

~~The Historic Preservation Manager shall be available to assist with preparing any designation report.~~

14-906-08 Procedure

Upon receipt of an application for /CD zoning or upon initiation of a /CD zoning application by the City Council or Heritage Commission, the following procedures apply:

14-906-08-A. Unless otherwise expressly stated, the rezoning procedures of Article ~~14-701~~ 14-700 apply.

14-906-08-B. A recommendation must be made by the Heritage Commission to the ~~Planning Commission~~ **City Council** concerning all /CD zoning applications.

14-906-08-C. Public hearings on /CD zoning applications must be held by the ~~Planning Commission and~~ City Council.

14-906-08-D. ~~Following its hearing, the Planning~~ **The Heritage** Commission must adopt, by resolution, a recommendation that /CD district zoning be approved or denied. The ~~Planning~~ **Heritage** Commission's recommendation must be in the form of a resolution and be submitted to the City Council. The resolution must be accompanied by a staff report ~~containing the following information:~~ **and all other related supporting documentation**.

1. An explanation of the how the area meets the selection criteria contained in Section 14-906-02;
- ~~2. In the case of an area found to meet the criteria in Section 14-906-02, a description of the general pattern of development, including streets, lots and buildings in the area; district specific development and design standards to guide redevelopment and development within the district;~~
3. A map showing the recommended boundaries of the /CD district;
- ~~4. A record of the proceedings before the Planning Commission; and~~
- ~~5. An explanation of the planning and zoning implications related to the designation of the proposed area and district specific development and design standards;~~

14-906-08-E. Following the public hearings by the ~~Planning~~ **Heritage** Commission, the ~~City Council~~ must hold a public hearing and act to approve or deny the application for /CD district zoning. The City Council shall hold a new evidence only public hearing as provided in Section ~~14-701~~ **14-700** of the City Code.

14-906-09 Interim control

No building permit shall be issued by the Building Department for alteration, construction, demolition or removal of a nominated landmark or of any property or structure within a nominated Historic District or Conservation District from the date of the meeting of the Heritage Commission at which a nomination form is first presented until the final disposition of the nomination through a negative recommendation by the Heritage Commission ~~or the Planning Commission~~ or by the vote of the City Council. During this period the City Council may authorize such alteration, construction, demolition, or removal when it adopts a formal resolution declaring that the proposed work is necessary for public health, welfare, or safety. During this period the applicant for the permit shall have the opportunity to explain to the City Council the reasons why the permit should be issued promptly. In no event shall the delay be for more than 180 days.

SECTION 2. That Sections 14-907-04, 14-907-05, 14-907-07, 14-907-09 and 14-907-10 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-907-04 Development/design standards

In establishing an /HD district, the Heritage Commission ~~and Planning Commission are~~ **is** authorized to propose and the City Council is authorized to adopt, district-specific development and design standards to guide development and redevelopment within the subject /HD district. When development and design standards have been approved, each application for new construction or alteration of an existing building within the designated /HD must comply with those standards. When there are conflicts between the standards of the underlying base zoning district and adopted /HD district design/development standards, the /HD design/development standards will govern.

14-907-05 Nomination for designation of historic districts

Nominations for designation of historic districts shall be made to the Heritage Commission and may be submitted by a member of the Heritage Commission, owner of record of the nominated property, or the City Council, or any other person or organization with the consent of the owners of at least 51 percent of the affected parcels in the proposed district, exclusive of all publicly owned property, streets, and alleys. Rescission of any signature on the petition to designate a property within a district must be submitted in writing to the Historic Preservation Division in the Community Development Department no later than 15 days prior to the public meeting of the Heritage Commission. Any request for rescission after that date will be considered invalid and the signature of consent will remain.

Once a district is nominated for designation, at least two public meetings shall be held by the City staff for information gathering and discussion. Upon determination to proceed with the district nomination, a designation report shall be prepared and submitted for review during a public hearing by the Heritage Commission.

All affected property owners within proposed historic districts shall be initially notified by City staff of this meeting for consideration of the potential designation via ~~certified~~ **regular** mail. The mailed notice shall include the date, time and place of the Heritage Commission meeting and a general description of the request. All further notification of public hearings shall be posted at City Hall.

~~The Historic Preservation Manager shall be available to assist with preparing any designation report.~~

14-907-07 Report and recommendation of Heritage Commission

14-907-07-A. Generally. The Heritage Commission shall, within 60 days from the receipt of a completed nomination in proper form as determined by the Historic Preservation Manager, hold a public hearing on the proposal. Public notice of the hearing shall be given, including posting on the property or within the proposed district. Written notice shall be given to the owners of property under consideration for designation, as outlined below. Written notice under this article shall be considered sufficient when it is mailed to the owner of record. The Heritage Commission shall adopt, by resolution, a recommendation that the nominated district does or does not meet the criteria for designation. The resolution shall be accompanied by supporting documentation, including, but not limited ~~to,~~ **to** a staff report and designation report.

If the recommendation for historic designation is approved, it shall be an amendment to the zoning district map which creates a designation using the boundaries as proposed in the staff report. The designation shall be /HD for Historic Districts.

~~14-907-09 Action by Planning Commission~~

~~Upon recommendation of the Heritage Commission, the Planning Commission shall hold a public hearing in accordance with the rezoning procedures of Section 14-701. The Planning Commission shall adopt by resolution a recommendation to the City Council. In its resolution the Planning Commission shall approve or deny the recommendation of the Heritage Commission.~~

~~If the Planning Commission approves the recommendation for historic designation, it shall be an amendment to the zoning district map which creates a designation using the boundaries proposed by the Heritage Commission. The designation shall be /HD for Historic Districts. When the Planning Commission acts favorably on a proposed designation it shall forward the proposed designation and the Heritage Commission's reported recommendation for historic designation to the City Council at the same time for consideration.~~

~~If the Planning Commission denies the recommendation of the Heritage Commission, the Planning Commission shall state all reasons for denial and these shall be forwarded along with all supporting documentation and the Heritage Commission's recommendation to the City Council for its consideration.~~

14-907-10 Action by City Council

The City Council shall act after receiving the recommendation of ~~the Planning Commission and~~ the Heritage Commission that the nominated Historic District be designated and that the zoning district map be amended. The City Council shall hold a new evidence only public hearing as provided in Section ~~14-701~~ **14-700** of the City Code. The Designation Ordinance shall include a legal description of the boundaries of the proposed district, information on the significance of the property or properties, a statement of significance for the designation, and information about any specific features being protected. The establishment of the overlay district shall not affect other zoning rules and regulations for the property which remain in full force and effect. The Council may approve or disapprove the proposed ordinance and the amendment to the zoning district map.

~~If the report and recommendation from the Planning Commission is against a proposed designation, the City Council may accept either the Planning Commission's or the Heritage Commission's recommendation. The City Council shall hold a full public hearing before considering the proposed designation ordinance. The Council may approve or disapprove the proposed ordinance and amendment to the zoning district map.~~

After the decision of the Council, the City Clerk shall provide written notification of the action of the City Council to the nominator and the owner(s) of record of the nominated property. The notice shall include a copy of the designation ordinance and the zoning map amendment passed by the City Council and shall be sent within 15 calendar days of the City Council action. ~~A copy of each designation ordinance and zoning map amendment shall be sent to the Heritage Commission, the Planning Commission and other interested City departments.~~ In the case of a denial by the City Council, a nomination for designation may not be resubmitted for one calendar year **from the date of denial**.

SECTION 3. That Sections 14-908-03, 14-908-05, 14-908-06 and 14-908-08 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-908-03 Report and recommendation of Heritage Commission

The Heritage Commission shall, within 60 days from the receipt of a completed nomination in proper form as determined by the Historic Preservation Manager, hold a public hearing on the proposal. Public notice of the hearing shall be given, including posting on the property. Written notice shall be given to the

owner(s) of the property under consideration for designation. Written notice under this section shall be considered sufficient when it is mailed to the owner of record. The Heritage Commission shall adopt by resolution a recommendation that the nominated landmark does or does not meet the criteria for designation. The resolution shall be accompanied by supporting documentation, including, but not limited to, a staff report and designation report.

If the recommendation for historic designation is approved, it shall be an amendment to the zoning district map which creates a designation using the boundaries as proposed in the staff report. The designation shall be /HL for individual landmark properties.

14-908-05 Action by Planning Commission

~~The Planning Commission shall act within 30 days of receipt of the recommendation of the Heritage Commission to designate a landmark. The Planning Commission shall hold a public hearing and adopt by resolution a recommendation to the City Council. In its resolution the Planning Commission shall approve or deny the recommendation of the Heritage Commission.~~

~~**14-908-05-A.** If the Planning Commission approves the recommendation for historic designation, it shall be an amendment to the zoning district map which creates a designation using the boundaries proposed by the Heritage Commission. In consideration of this amendment, the Planning Commission shall follow the same procedures as found in Section 14-906. The designation shall be /HL for individual landmark properties. When the Planning Commission acts favorably on a proposed designation it shall forward the proposed designation and the Heritage Commission's reported recommendation for historic designation to the City Council at the same time for consideration.~~

~~**14-908-05-B.** If the Planning Commission denies the recommendation of the Heritage Commission, the Planning Commission shall state all reasons for denial and these shall be forwarded along with all supporting documentation to the City Council for consideration.~~

14-908-06 Action by City Council.

~~**14-908-06-A.** The City Council shall act within 60 calendar days after receiving the recommendation of the Planning Commission and the Heritage Commission that the nominated landmark property be designated and that the zoning district map be amended. The City Council shall hold a new evidence only public hearing as provided in Section 14-700 of the City Code. The designation ordinance shall include a legal description of the boundaries of the landmark, information on the significance of the property, a statement of significance for the designation, and information about any specific features being protected. The establishment of the overlay district shall not affect the other zoning rules and regulations for the property that shall remain in full force and effect. The Council may approve or disapprove the proposed ordinance and the amendment to the zoning district map.~~

~~**14-908-06-B.** If the report and recommendation from the Planning Commission is against a proposed designation, the City Council may accept either the Planning Commission's or the Heritage Commission's recommendation. The City Council shall hold a full public hearing before considering the proposed designation ordinance. The Council may approve or disapprove the proposed ordinance and amendment to the zoning district map.~~

~~**14-908-06-C.** After the decision of the Council, the City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator and the owner(s) of record of the nominated property. The notice shall include a copy of the designation ordinance and the zoning map amendment passed by the City Council and shall be sent within 15 calendar days of the City Council action. A~~

~~copy of each designation ordinance and zoning map amendment shall be sent to the Heritage Commission, the Planning Commission, and other interested City departments.~~ In the case of a denial by the City Council, a nomination for designation may not be resubmitted for one calendar year **from the date of denial.**

14-908-08 /HL properties established

The following /HL districts are established landmark properties:

Truman Heritage District Home and Neighborhood
Palestine Missionary Baptist Church—138 East Farmer
Owens-McCoy House—410 West Farmer
Twyman/McGuire/Harper House—803 West Waldo
Bullene Choplin House—702 North Delaware
Bryant House—519 South Main
Hughes Childers House—801 South Main
Pitcher Hinde Johnson House—627 South Liberty
Porter Chiles House—522 West Maple
Noel House—409 North Pleasant
Prewitt Wright House—611 Maple
Lobb Cemetery—2515 Lobb Cemetery Road
Vaile Mansion—1500 North Liberty
Bingham-Waggoner Estate—313 W. Pacific
Missouri Pacific/Truman Depot—1111 W. Pacific
1827 Log Courthouse—107 West Kansas
Woodlawn Cemetery—701 South Noland
Pioneer Spring Cabin Site—201 North Dodgion
Chicago & Alton Depot—318 West Pacific
Fire House #1—223 North Main
Truman Memorial Building—416 West Maple
Kirby-Kille House—9867 East Winner Road
Ginger Rogers Birthplace—100 West Moore
Woodson/Sawyer House—1604 W. Lexington
Hiram Young Community Service Center—501 Dodgion
Raasch House—9725 East Winner Road
Schowengerdt/Walker House—13407 East 35th Street S.

Silver Heart Inn-1114 South Noland Road

SECTION 4. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 5. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed by this ordinance and words underscored and bolded are being added by this ordinance.