

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230267

Amending Chapter 88, Code of Ordinances, by repealing Section 88-321, Short Term Rental Regulations, and enacting in lieu thereof a new section of like number and subject matter; repealing Sections 88-110-03, 88-120-03, 88-130-04 and 88-140-03, Uses, and enacting in lieu thereof new sections of like number and subject matter; repealing Section 88-260-03, Use Regulations and Lot and Building Standards (Urban Redevelopment) and Section 88-280-04, Use Regulations and Lot and Building Standards (Master Planned Development), and enacting in lieu thereof new sections of like number and subject matter; repealing Section 88-810-1582, Short Term Rental Intermediary; and appropriating \$1,000.00 for the purpose of educating the public about the new regulations; all in order to establish the zoning districts in which short-term rentals are permitted to be located and effectuate the transfer of the regulation of short term rentals from Chapter 88 to Chapter 56 of the Code of Ordinances; and recognizing this ordinance as having an accelerated effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-110-03, Uses; Section 88-120-03, Uses; Section 88-130-04, Uses; and Section 88-140-03, Uses; and enacting in lieu thereof new sections of like number and subject matter, in order to identify the zoning districts where short term rentals are permitted and to transfer the regulation of such uses to Chapter 56 of the Code of Ordinances, said sections to read as follows:

88-110-03 USES

88-110-03-A. USE TABLE

Uses are allowed in R zoning districts in accordance with Table 110-1, below.

88-110-03-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 110-1 lists the groups, categories, and types allowed in one or more R districts.

88-110-03-C. PERMITTED USES

Uses identified with a "P" in Table 110-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-110-03-D. SPECIAL USES

Uses identified with an "S" in Table 110-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-110-03-E. PROHIBITED USES

Uses not listed in the table and those identified with a "-" are expressly prohibited.

88-110-03-F. USE STANDARDS

The "use standards" column of Table 110-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-110-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 110-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
 - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
 - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

Table Residential											110-1 Table
Districts											Use
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT										Use Standards
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	
RESIDENTIAL											
Household Living	P	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	S	88-350
» Group homes	-	-	-	-	-	-	P	P	P	P	88-350
» Nursing home	S	S	S	S	S	S	P	P	P	P	88-350

PUBLIC/CIVIC												
Bicycle-Sharing Facilities	P	P	P	P	P	P	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	-	-	-	-	-	-	P	P	P	P		
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Day Care												
» Home-based (1—5)	P	P	P	P	P	P	P	P	P	P	P	
» Family (up to 10)	P	P	P	P	P	P	P	P	P	P	P	88-330-01
» Group (up to 20)	P	S	S	S	S	S	P	P	P	P		88-330-02
» Center (21+)	P	-	-	-	-	-	-	-	-	-	-	88-330-02
Detention and Correctional Facilities	S[1]	-	-	-	-	-	-	-	-	-	-	88-335
Halfway House	S	-	-	-	-	-	-	-	-	-	-	88-352
Hospital	-	-	-	-	-	-	-	-	S	S		
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S		88-365
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		88-365
» Homes Association Amenities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		88-805-03-H
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		88-365
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	S		88-365
» Fire station	P	P	P	P	P	P	P	P	P	P		88-365
» Police station	P	P	P	P	P	P	P	P	P	P		88-365

School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	P	P	88-425-08-B
COMMERCIAL												
Animal Service												
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	-	-	
Entertainment Venues and Spectator Sports	S	-	-	-	-	-	-	-	-	-	-	
Funeral and Interment Service												
» Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	S	S	88-345
» Crematory	S	S	S	S	S	S	S	S	S	S	S	88-345
» Undertaking	-	-	-	-	-	-	-	-	S	S		
Lodging												
» Bed and breakfast	S	-	-	S	S	S	S	S	S	S	S	88-320
» Recreational vehicle park	S[1]	-	-	-	-	-	-	-	-	-	-	
» Short term rental, non resident	Not permitted.											
» Short term rental, resident	Permitted in all R Districts in accordance with Chapter 56 and 88-321.											
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative, Professional or General	-	-	-	-	-	-	S	S	S	S		

88-120-03 USES

88-120-03-A. USE TABLE

Uses are allowed in O and B zoning districts in accordance with Table 120-1, below.

88-120-03-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 120-1 lists the groups, categories, and types allowed in one or more O or B districts.

88-120-03-C. PERMITTED USES

Uses identified with a "P" in Table 120-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-120-03-D. SPECIAL USES

Uses identified with an "S" in Table 120-1 may be allowed if reviewed and approved in accordance with any special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-120-03-E. PROHIBITED USES

Uses not listed in the table and those identified with a "-" are expressly prohibited.

88-120-03-F. USE STANDARDS

The "use standards" column of Table 120-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-120-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
 - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and

- b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within $\frac{1}{4}$ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

88-120-03-H. SPECIAL STANDARDS FOR PROPERTIES LOCATED WITHIN THE AREA KNOWN AS THE COUNTRY CLUB PLAZA

Additional restrictions on uses located within the area known as the Country Club Plaza, which is the area bounded by Summit Street, Jefferson Street, and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and JC Nichols Parkway on the east; and Ward Parkway on the south ("Country Club Plaza") are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral four "[4]" are prohibited within the Country Club Plaza.
2. Uses identified with a bracketed numeral five "[5]" require special use permit approval if located within the Country Club Plaza. (Refer to special use permit procedures in 88-525.)
3. Detached houses are prohibited within the Country Club Plaza.

Table 120-1 Office, Business, and Commercial Districts Use Table							
USE (refer to 88-805 Use Groups and Categories)	GROUP Use Groups and Categories	ZONING DISTRICT					Use Standards
Use » specific use type	Category	O	B1	B2	B3	B4	
RESIDENTIAL							
Household Living							
» Detached houses		P	P	P	P	P	88-120-03-H.3
» In any other residential building type		-	P	P	P	P	88-323
» In mixed-use building		P	P	P	P	P	
Group Living		P	P	P	P	P[5]	
PUBLIC/CIVIC							
Bicycle Sharing Facilities		P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization		P	P	P	P	P[5 for Ground Floor Uses]	
College/University		P	P	P	P	P[5 for Ground Floor Uses]	
Day Care							
» Home-based (1—5)		P	P	P	P	P[5 for Ground Floor Uses]	

» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
Library/Museum/Cultural Exhibit	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
COMMERCIAL						
Adult Business						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
Animal Service						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315
Artist Work or Sales Space	-	P	P	P	P	

Building Maintenance Service	-	-	-	P	P[5]	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
Communications Service Establishments	P	-	P	P	P[5]	
Drive-Through Facility	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
Entertainment Venues and Spectator Sports						
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—499 capacity)	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	-	-	-	S	P[5]	
Financial Services (except as noted below)	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
Food and Beverage Retail Sales	-	P	P	P	P	
Funeral and Interment Service						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	-	S	S	S	S	88-345-02
» Undertaking	-	S	P	P	P[5]	88-345
Gasoline and Fuel Sales	-	S[3]	S[3]	S[3]	P[3][5]	88-323
Lodging						
» Bed and Breakfast	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1][4]	
» Short term rental, non resident	-	P	P	P	P	Chapter 56

» Short term rental, resident	-	P	P	P	P	Chapter 56
Mobile Vendor Park	-	-	-	P	P	88-358
Office, Administrative, Professional or General	P	P	P	P	P[5 for Ground Floor Uses]	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory	-	-	S[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a	

					parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	88-323
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-	-	
Recycling Service						
» Limited	-	-	-	-	S[1][4]	
Self-Storage Warehouse	-	-	-	-	P[2][4]	88-323, 88-369
Warehousing, Wholesaling, Storage, Freight Movement						
» Indoor	-	-	-	-	P[2][4]	88-323, 88-378
» Outdoor	-	-	-	-	-	88-378
AGRICULTURAL						
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
Agriculture, Crop	P	P	P	P	P[4]	88-312-01
Agriculture, Urban						
» Home Garden	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P[4]	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	P	P[4]	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
» Freestanding	-	-	P[1]	P[1]	P[1][4]	88-385
» Co-located antenna	P	P	P	P	P[5]	88-385

88-130-04 USES

88-130-04-A. USE TABLE

Uses are allowed in the D zoning districts in accordance with Table 130-1, below.

88-130-04-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The

first column of Table 130-1 lists the groups, categories, and types allowed in one or more D districts.

88-130-04-C. PERMITTED USES

Uses identified with a "P" in Table 130-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-130-04-D. SPECIAL USES

Uses identified with an "S" in Table 130-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-130-04-E. PROHIBITED USES

Uses not listed in the use table and those identified with a "-" are expressly prohibited.

88-130-04-F. USE STANDARDS

The "use standards" column of Table 130-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-130-04-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 130-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
 - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
 - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

USE (refer to 88-805 Use Groups and Categories)	GROUP	Zoning District			Use Standards
Use » specific use type	Category	DC	DX	DR	
<u>RESIDENTIAL</u>					
<u>Household Living</u>					
» Single-family home		P	P	P	
» In single-purpose residential building		P	P	P	88-323
» In mixed-use building		P	P	P	
<u>Group Living</u>		S	S	S	
<u>PUBLIC/CIVIC</u>					
<u>Bicycle Sharing Facilities</u>		P	P	P	88-322
<u>Club, Lodge, or Fraternal Organization</u>		P	P	P	
<u>Table</u>	130-1	P	P	P	
<u>Downtown Districts Use Table</u>					
<u>Day Care</u>					
» Home-based (1—5)		P	P	P	
» Family (up to 10)		P	P	P	
» Group (up to 20)		P	P	S	
» Center (21+)		P	P	S	
<u>Hospital</u>		S	S	S	
<u>Library/Museum/Cultural Exhibit</u>		P	P	P	
<u>Park/Recreation (except as noted below)</u>		P	P	P	
» Community center		P	P	P/S	88-365
<u>Religious Assembly</u>		P	P	P	
<u>Safety Service</u>					
» Fire Station		P	P	P	88-365
» Police Station		P	P	P	88-365
» Ambulance service		P	P	P	88-365
<u>School</u>		P	P	P/S	88-365
<u>Utilities and Services (except as noted below)</u>					
» Basic, minor		P	P	P	88-425-08-B
<u>COMMERCIAL</u>					

<u>Adult Business</u>				
» Adult media store	P[1]	P[1]	-	88-310-03
» Adult motion picture theater	P[1]	P[1]	-	88-310-02
» Sex shop	P[1]	P[1]	-	88-310-02
<u>Animal Service</u>				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	-	88-315
» Stable	-	S	-	88-315
» Veterinary	P	P	S	88-315
<u>Artist Work or Sales Space</u>				
<u>Building Maintenance Service</u>				
<u>Business Equipment Sales and Service</u>				
<u>Business Support Service (except as noted below)</u>				
» Day labor employment agency	-	S[1]	-	
<u>Communications Service Establishments</u>				
<u>Drive-Through Facility</u>				
	S[2]	S[2]	-	88-338 & 88-340
<u>Eating and Drinking Establishments (except as noted below)</u>				
» Tavern or nightclub	P	P	S	
<u>Entertainment Venues and Spectator Sports</u>				
» Indoor small venue (1—149 capacity)	P	P	S	
» Indoor medium venue (150—499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
<u>Financial Services (except as noted below)</u>				
» Pawn shop	-	S[1]	-	
» Short-term loan establishment	-	P[1]	-	88-325
<u>Food and Beverage Retail Sales</u>				
<u>Funeral and Interment Service</u>				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	88-345

<u>Gasoline and Fuel Sales</u>	<u>S[3]</u>	<u>S[3]</u>	-	<u>88-323</u>
<u>Lodging</u>				
» <u>Bed and Breakfast</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» <u>Hotel/motel</u>	<u>P[2]</u>	<u>P[2]</u>	<u>S[2]</u>	<u>88-323</u>
» <u>Short term rental, non-resident</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 56</u>
» <u>Short term rental, resident</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 56</u>
<u>Mobile Vendor Park</u>	<u>P</u>	<u>P</u>	-	<u>88-358</u>
<u>Office, Administrative, Professional or General</u>				
<u>Office, Medical</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» <u>Blood/plasma center</u>	<u>S</u>	<u>S</u>	-	
<u>Parking, Accessory</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-323</u>
<u>Parking, Non-accessory</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
<u>Personal Improvement Service</u>				
<u>Repair or Laundry Service, Consumer</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<u>Research Service</u>				
<u>Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» <u>Outdoor Retail Sales - Class A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-366-01</u>
<u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u>				
	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Sports and Recreation, Participant</u>				
» <u>Indoor</u>	<u>P</u>	<u>P</u>	<u>S</u>	
» <u>Outdoor</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Vehicle Sales and Service</u>				
» <u>Car wash/cleaning service</u>	<u>S[1]</u>	<u>S[1]</u>	-	
» <u>Heavy equipment sales/rental</u>	-	<u>S[1]</u>	-	
» <u>Light equipment sales/rental (indoor)</u>	<u>S[2]</u>	<u>S[2]</u>	-	<u>88-323</u>
» <u>Light equipment sales/rental (outdoor)</u>	<u>S[1]</u>	<u>S[1]</u>	-	
» <u>Motor vehicle repair, limited</u>	<u>S[2]</u>	<u>S[2]</u>	-	<u>88-323</u>
» <u>Motor vehicle repair, general</u>	-	<u>S[2]</u>	-	<u>88-323</u>
» <u>Vehicle storage/towing</u>	-	<u>S[1]</u>	-	<u>88-375</u>
<u>INDUSTRIAL</u>				
<u>Manufacturing, Production and Industrial Service</u>				

» <u>Artisan</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>88-318</u>
» <u>Limited</u>	<u>S</u>	<u>S</u>	<u>S</u>	
» <u>General</u>	<u>S</u>	<u>S[2]</u>	-	<u>88-323</u>
<u>Recycling Service</u>				
» <u>Limited</u>	-	<u>S[1]</u>	-	
<u>Self-Storage Warehouse</u>	-	<u>S[2]</u>	-	<u>88-323</u> <u>88-369</u>
<u>Warehousing, Wholesaling, Storage, and Freight Movement</u>				
» <u>Indoor</u>	<u>S[2]</u>	<u>S[2]</u>	=	<u>88-323</u> <u>88-378</u>
» <u>Outdoor</u>		<u>S[2]</u>	-	<u>88-323</u> <u>88-378</u>
<u>AGRICULTURAL</u>				
<u>Agriculture, Animal</u>	-	<u>P/*</u>	-	<u>Chapter 14</u>
<u>Agriculture, Crop</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-01</u>
<u>Agriculture, Urban</u>				
» <u>Home Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-A</u>
» <u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-B</u>
» <u>Community Supported Agriculture (CSA)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-C</u>
<u>ACCESSORY</u>				
<u>Wireless Communication Facility</u>				
» <u>Freestanding</u>	-	-	-	
» <u>Co-located antenna</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-385</u>

88-140-03 USES

88-140-03-A. USE TABLE

Uses are allowed in M zoning districts in accordance with Table 140-1, below.

88-140-03-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 140-1 lists the groups, categories, and types allowed in M districts.

88-140-03-C. PERMITTED USES

Uses identified with a "P" in Table 140-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-140-03-D. SPECIAL USES

Uses identified with an "S" in Table 140-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-140-03-E. PROHIBITED USES

Uses not listed and those identified with a "-" are expressly prohibited.

88-140-03-F. USE STANDARDS

The "use standards" column of Table 140-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-140-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 140-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
 - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
 - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

Table					140-1	
Manufacturing Districts Use Table						
USE (refer to 88-805 Use Groups and Categories)	GROUP	Zoning District				Use Standards
Use » specific use type	Category	M1	M2	M3	M4	
RESIDENTIAL						
Household Living						
» Single-family home	S	=	=	=		
» In single-purpose residential building	P	S	=	=		
» In mixed-use building	P	S	=	=		
Group living	S	=	=	=		

<u>PUBLIC/CIVIC</u>					
<u>Bicycle Sharing Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-322</u>
<u>Club, Lodge, or Fraternal Organization</u>	<u>P</u>	<u>P</u>	-	-	
<u>College/University</u>	<u>P</u>	<u>P</u>	-	-	
<u>Day Care</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	
<u>Detention and Correctional Facilities</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>88-335</u>
<u>Halfway House</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>88-352</u>
<u>Hospital</u>	<u>P</u>	-	-	-	
<u>Park/Recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Religious Assembly</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Safety Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Schools</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Utilities and Services (except as noted below)</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
» Basic, minor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-425-08-B</u>
<u>COMMERCIAL</u>					
<u>Adult Business</u>					
» Adult media store	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-310</u>
» Adult motion picture theater	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-310</u>
» Sex shop	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-310</u>
<u>Animal Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-315</u>
<u>Artist Work or Sales Space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Building Maintenance Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Business Equipment Sales and Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Business Support Service (except as noted below)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» Day labor employment agency	<u>S[1]</u>	<u>S[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
<u>Communications Service Establishments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Drive-through Facility</u>	<u>P[2]</u>	<u>P[2]</u>	-	-	<u>88-340</u>
<u>Eating and Drinking Establishments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Entertainment Venues and Spectator Sports</u>	<u>P</u>	<u>S</u>	<u>S</u>	-	
<u>Financial Services (except as noted below)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» Pawn shop	<u>P[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
» Short-term loan establishment	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-325</u>

<u>Food and Beverage Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Funeral and Interment Service</u>					
» Cemetery/columbarium/mausoleum	=	=	=	=	
» Cremating	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» Undertaking	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Gasoline and Fuel Sales</u>	<u>P[3]</u>	<u>P[3]</u>	<u>P[3]</u>	<u>P[3]</u>	88-323
<u>Lodging (except as noted below)</u>					
» Hotel/motel	<u>S[1]</u>	=	=	=	
» Short term rental, non-resident	<u>P</u>	=	=	=	Chapter 56
» Short term rental, resident	<u>P</u>	=	=	=	Chapter 56
<u>Mobile Vendor Park</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	88-358
<u>Office, Administrative, Professional or General</u>					
<u>Office, Medical</u>	<u>P</u>	<u>P</u>	=	=	
<u>Parking, Accessory</u>					
<u>Parking, Non-accessory</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
<u>Personal Improvement Service</u>					
<u>Repair or Laundry Service, Consumer</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	
<u>Research Service</u>					
<u>Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» Outdoor Retail Sales - Class A	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	88-366-01
» Outdoor Retail Sales - Class B	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	88-366-02
<u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u>					
	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Sports and Recreation, Participant</u>					
	<u>P</u>	<u>S</u>	<u>S</u>	=	
<u>Vehicle Sales and Service</u>					
» Car wash/cleaning service	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
» Heavy equipment sales/rental	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
» Light equipment sales/rental (indoor)	<u>P[2]</u>	<u>P[2]</u>	=	=	88-323
» Light equipment sales/rental (outdoor)	<u>P[1]</u>	<u>P[1]</u>	=	=	
» Motor vehicle repair, limited	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	88-323
» Motor vehicle repair, general	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	88-323
» Vehicle storage/towing	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	88-375

<u>INDUSTRIAL</u>					
<u>Junk/Salvage Yard</u>	-	-	S[1]	P[1]	88-425-09
<u>Manufacturing, Production and Industrial Service</u>					
» <u>Artisan</u>	P	P	P	P	88-318
» <u>Limited</u>	P	P	P	P	
» <u>General</u>	S[2]	P[2]	P[2]	P[2]	88-323
» <u>Intensive</u>	-	-	P[1]	P[1]	
<u>Mining/Quarrying</u>	S	S	S	S	88-355
<u>Recycling Service</u>					
» <u>Limited</u>	P[1]	P[1]	P[1]	P[1]	
» <u>General</u>	S	S	S	P	
<u>Self-Storage Warehouse</u>	P[2]	P[2]	P[2]	-	88-323 & 88-369
<u>Warehousing, Wholesaling, Storage, and Freight Movement</u>					
» <u>Indoor</u>	P[2]	P[2]	P[2]	P[2]	88-378
» <u>Outdoor</u>	S[1]	P[1]	P[2]	P[2]	88-378
<u>Waste-Related Use</u>					
» <u>Composting facility</u>	S[1]	S[1]	S[1]	S[1]	88-328
» <u>Demolition debris landfill</u>	S[1]	S[1]	S[1]	S[1]	88-380
» <u>Solid waste separation facility</u>	-	-	S[1]	S[1]	88-380
» <u>Transfer station</u>	-	-	S[1]	S[1]	88-380
<u>AGRICULTURAL</u>					
<u>Agriculture, Animal</u>	P/*	P/*	P/*	P/*	Chapter 14
<u>Agriculture, Crop</u>	P	P	P	P	88-312-01
<u>Agriculture, Urban</u>					
» <u>Home garden</u>	P	P	P	P	88-312-02-A
» <u>Community garden</u>	P	P	P	P	88-312-02-B
» <u>Community supported agriculture (CSA)</u>	P	P	P	P	88-312-02-C
<u>ACCESSORY SERVICES</u>					
<u>Wireless Communication Facility</u>					
» <u>Freestanding</u>	P[1]	P[1]	P[1]	P[1]	88-385
» <u>Co-located antenna</u>	P	P	P	P	88-385

Section 2. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-260-03, Use Regulations and Lot and Building Standards (Urban Redevelopment) and Section 88-280-04, Use Regulations and Lot and Building Standards (Master Planned Development), and enacting in lieu thereof new sections of like number and subject matter, which said new sections to read as follows:

88-260-03 USE REGULATIONS AND LOT AND BUILDING STANDARDS

Properties within the UR district are subject to the use regulations and lot and building standards established at the time of preliminary development plan approval by the city council. The use and development standards established for the subject UR district must be in general conformance with the approved area plan and be compatible with desirable land use and development patterns in the surrounding area.

Short-term rental use as defined in Chapter 56 of this code of ordinances shall be allowed as follows:

(1) non-resident short term rentals as defined in Chapter 56 of this code of ordinances shall be allowed subject to the requirements of Chapter 56 of this code of ordinances, including the prohibition on non-resident short term rentals operating in structures or on a parcel that receives any City incentives, when a previously approved UR preliminary development plan is not exclusively comprised of uses in the residential use group as defined by Section 88-805-02 of this zoning and development code, or in the case of a proposed UR preliminary development plan when such plan is not exclusively comprised of uses in the residential use group as defined by Section 88-805-02 of this zoning and development code and when the Council expressly authorizes non-resident short term rentals when approving the UR preliminary development plan. In the event that an UR preliminary development plan is later amended to remove the non-residential use component of the plan, or in the event a final UR plan proposes removing the non-residential use component of the plan, non-resident short term rentals shall not be allowed.

(2) resident short-term rentals as defined in Chapter 56 of this code of ordinances shall be allowed.

88-280-04 USE REGULATIONS AND LOT AND BUILDING STANDARDS

The use regulations and lot and building standards that apply within a MPD zoning district must be established at the time of preliminary development plan approval by the city council. Allowed uses, residential densities and nonresidential intensities must be consistent with any approved plans for the area.

Short-term rental use as defined in Chapter 56 of this code of ordinances shall be allowed as follows:

(1) non-resident short term rentals as defined in Chapter 56 of this code of ordinances shall be allowed subject to the requirements of Chapter 56 of this code of ordinances only when a previously approved MPD preliminary development plan approves a development that is not exclusively comprised of uses in the residential use group as defined by Section 88-805-02 of this zoning and development code, or in the case of a proposed MPD preliminary development plan when such plan is not exclusively comprised of uses in the residential use group as defined by

Section 88-805-02 of this zoning and development code and when the Council expressly authorizes non-resident short term rentals when approving the MPD preliminary development plan. In the event that a MPD preliminary development plan is later amended to remove the non-residential use component of the plan, or in the event a final MPD plan proposes removing the non-residential use component of the plan, non-resident short term rentals shall not be allowed.

(2) resident short-term rentals as defined in Chapter 56 of this code of ordinances shall be allowed.

Section 3. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-321, Short Term Rental Regulations, and enacting in lieu thereof a new section of like number and subject matter, with said new section to read as follows:

88-321 SHORT TERM RENTALS

88-321-01 WHERE PERMITTED

88-321-01 NON-RESIDENT SHORT-TERM RENTAL

A non-resident short-term rental as defined in Chapter 56 of this code of ordinances is permitted in accordance with Chapter 56 in the following zoning districts: AG-R, B, D, and M1. A non-resident short-term rental is also permitted in districts MPD and UR when a previously approved MPD or UR preliminary development plan approves a development that is not exclusively comprised of uses in the residential use group as defined by Section 88-805-02 of this zoning and development code, or in the case of a proposed MPD or UR preliminary development plan when such plan is not exclusively comprised of uses in the residential use group as defined by Section 88-805-02 of this zoning and development code and when the Council expressly authorizes non-resident short term rentals when approving the MPD or UR preliminary development plan. In the event that a MPD or UR preliminary development plan is later amended to remove the non-residential use component of the plan, or in the event a final MPD or UR plan proposes removing the non-residential use component of the plan, non-resident short term rentals shall not be allowed. A non-resident short-term rental is expressly prohibited in all R zoning districts.

88-321-01-RESIDENT SHORT-TERM RENTALS

A resident short-term rental as defined in Chapter 56 of this code of ordinances is permitted in accordance with Chapter 56 in the following zoning districts: AG-R, R, B, D, UR, MPD and M1.

Section 4. Repealing Section 88-810-1581, Short Term Rental Intermediary.

Section 5. That revenue is estimated in the following account of the General Fund in the following amount:

24-1000-572319-454227	Short Term Rental Permit Revenue	\$74,000.00
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Section 6. That the sum of \$1,000.00 is hereby appropriated from the Unappropriated Fund Balance of the General Fund to the following account in the General Fund:

24-1000-57319-B	Short Term Rental Education	\$1,000.00
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Section 7. That the Director of Neighborhood Services Department is designated as requisitioning authority for Account No. 24-1000-572319-B.

Section 8. That Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

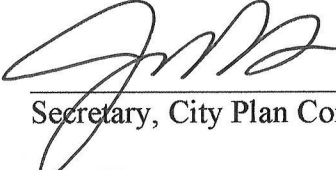
Section 9. That this ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter in that it appropriates money and shall take effect in accordance with that section.

Section 10. That the City Manager is directed to report back to the City Council on the effectiveness of the short-term rental program one year after passage of this ordinance.

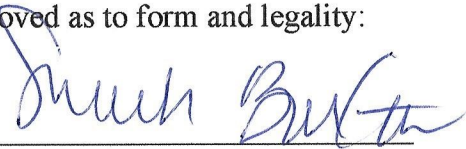
I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.


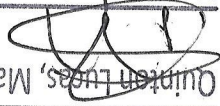
Tammy L. Queen
Director of Finance

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.


Secretary, City Plan Commission

Approved as to form and legality:


Sarah Baxter
Senior Associate City Attorney

Authenticated as Passed

Marilyn Sanders, City Clerk
Date Passed
MAY 04 2023

Quipron Lucas, Mayor

