



**Agenda - Final**

**Neighborhood Planning and Development Committee**

Lee Barnes Jr., Chair  
Andrea Bough, Vice Chair  
Dan Fowler  
Brandon Ellington  
Teresa Loar

**Wednesday, May 3, 2023**

**1:30 PM**

**26th Floor, Council Chamber**

**<https://us02web.zoom.us/j/84530222968>**

**PUBLIC OBSERVANCE OF MEETINGS**

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

**\*\*\*Public Testimony is Limited to 2 Minutes\*\*\***

**City Manager's Office**

**[230355](#)** Sponsor: City Manager

Approving the Second Amendment to the 87th & Hillcrest Tax Increment Financing Plan.

**Attachments:** [87th Hillcrest 2nd Amendment - Docket Memo](#)  
[87th Street Hillcrest Road - TIF Budget\(606674980.1\)](#)

**Bough**

**[230357](#)** Sponsor: Councilmember Andrea Bough

Amending Chapter 10, Code of Ordinances, by repealing Section 10-332, Restrictions and prohibited acts by all retail licenses, and enacting in lieu thereof a new section of like number and subject matter which clarifies that marijuana, in any form, cannot be sold or consumed on a licensed premises.

**Attachments:** [Docket Memo 230357](#)

**Barnes Jr.**

[230360](#) Sponsor: Councilmember Lee Barnes

Directing that the City Manager shall appear before the Council to provide certain information before suspending, terminating, or taking any other adverse action against an employee for failure to comply with the residency requirements of the City's Code of Ordinances.

**Attachments:** [Docket Memo 230360](#)

HELD IN COMMITTEE

**Fowler and Loar**

[230217](#) Sponsor(s): Councilmembers Dan Fowler and Teresa Loar

Amending the Major Street Plan to change and amend the street typology of N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street from parkway to local link. (CD-CPC-2023- )

**Attachments:** [Docket Memo 230217](#)

**Bunch**

[230267](#) Sponsor: Councilmember Eric Bunch

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; and repealing Section 88-810-1582, Short Term Rental Intermediary; in order to effectuate the transfer of the regulation of Short Term Rentals from Chapter 88 to Chapter 56 of the Code of Ordinances. \*\*\*There Will Be No Public Testimony On This Item\*\*\*

**Attachments:** [230267 Ch 88 repeal STR Docket Memo](#)  
[230267 STR Docket Memo REVISED](#)  
[230267 STR Approp Admin](#)  
[Barry Baker - Short term rental ordinances 230267 & 230268 -  
Concerned Citizen](#)  
[Chelsea Wekenborg - Short Term Rental Ordinances](#)  
[Cecille Gregorio - Short Term Rentals](#)  
[A Johnston West Plaza Public Testimony Ordinances 230267  
and 230268](#)  
[Kate Corwin - RE STR Ordinances 230267 and 230268](#)  
[Liza Galindo - UPDATED Neighbor STR letter4.30.23](#)  
[Anne Johnston - STRMay3Testimony](#)  
[Nadja Karpilow - STR 230267 and 230268 May 2023](#)  
[Leigh Blumenthal - FW Short Term Rentals](#)  
[Nadja Karpilow - STR Ordinances 230267 and 230268](#)  
[Ben Snider - Support for Ordinance 230267 and 230268](#)  
[Martha Hogerty - STR Ordinances 230267 and 230268](#)  
[230267 cs TO ORG ORD](#)

### **Bunch and Lucas**

**230268** Sponsor(s): Councilmember Eric Bunch and Mayor Quinton Lucas

Amending Chapter 56, Code of Ordinances, by enacting new Article VIII, entitled “Short-Term Rental Registration,” which would become effective May 15, 2023, and requires short-term rentals operating in the City to register with the City on an annual basis, pay an annual registration fee, certify various safety information and the identity of the natural person who will reside on the property as a long-term resident or such person who has management control and responsibility for the short-term rental, and provides density restrictions for non-resident short-term rentals, penalty provisions for both short-term rentals and their booking service providers for non-compliance with such registration requirements, and places recordkeeping requirements on both short-term rentals and their booking service providers. \*\*\*\*\* **There will be no Public Testimony on this item**\*\*\*\*\*

**Attachments:** [230268 Ch 56 addition STR Docket Memo](#)  
[230268 cs to org ord-com](#)

### **Director of City Planning & Development and City Plan Commission**

**230310** Sponsor: Director of City Planning and Development Department

Amending Chapter 88, Code of Ordinances, by repealing Section 88-805-04, Commercial Use Group, and enacting in lieu thereof a new section of like number and subject matter to change the definition of restaurant to be consistent with Chapter 10 of the Code of Ordinances (CD-CPC-2023-00030).

**Attachments:** [Docket Memo CPC-2023-00030.pdf](#)

### ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.
2. Closed Session
  - Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
  - Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
  - Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
  - Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
  - Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
  - Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
  - Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.
3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: [http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.



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**File #: 230355**

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ORDINANCE NO. 230355

Sponsor: City Manager

Approving the Second Amendment to the 87th & Hillcrest Tax Increment Financing Plan.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the “Enabling Ordinances”) the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, on March 3, 2005, the City Council of Kansas City, Missouri (the “Council”) passed Ordinance 050212, which accepted the recommendations of the Commission and approved the 87th & Hillcrest Tax Increment Financing Plan (the “Redevelopment Plan”) and designated the Redevelopment Area described therein to be a blighted area (the “Redevelopment Area”); and

WHEREAS, the 87th & Hillcrest Tax Increment Financing Plan has since been amended one (1) time by Ordinance No. 060708; and

WHEREAS, on March 31, 2023, notice was given, as provided in Sections 99.825 and 99.830 of the Act, in connection with the Second Amendment to the Redevelopment Plan (the “Second Amendment”);

WHEREAS, the Second Amendment provides for modifications (a) to the Estimated Budget of Redevelopment Projects, (b) to the Sources Funds described by the Plan and (c) to the exhibits to the Plan with such other conforming changes that are in furtherance of the forgoing modifications and such modifications do not alter the exterior boundaries of the Redevelopment Area or enlarge the exterior boundary of any Redevelopment Project Area described by the Redevelopment Plan, affect the general land uses described by the Redevelopment Plan or change the nature of any Redevelopment Project described by the Redevelopment Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Second Amendment, as attached hereto, is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”).

Section 3. That the Council hereby finds that:

- (a) The findings of the Council in Ordinance Nos. 050212 and 060708 with respect to the Redevelopment Plan are not affected by the Second Amendment and apply equally to the Second Amendment;
- (b) The Redevelopment Area, as amended, is a blighted area, as a whole, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan, as amended, by the Second Amendment;
- (c) The Redevelopment Plan, as amended by the Second Amendment, includes a detailed description of the factors that qualify the Redevelopment Area as a blighted area and an affidavit as required by Section 99.810.1(1), RSMo;
- (d) The Redevelopment Plan, as amended by the Second Amendment, conforms to the comprehensive plan for the development of the City as a whole;
- (e) The areas selected for Redevelopment Projects described by the Redevelopment Plan, as amended by the Second Amendment, include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (f) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, as amended by the Second Amendment, and are not more than 23 years from the passage of any ordinance approving each applicable Redevelopment Project authorized by the Redevelopment Plan and located within the Redevelopment Area, as amended;
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) The Second Amendment does not alter the cost benefit analysis attached to the Redevelopment Plan showing the impact of the Redevelopment Plan, as amended, on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;
- (i) The Second Amendment does not include the initial development or redevelopment of any gambling establishment; and

- (j) A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810.1, RSMo.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to finance Redevelopment Project Costs and subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and undertake all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan, as amended, pursuant to the power delegated to it in the Enabling Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 through 99.865, RSMo., which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That pursuant to the provisions of the Redevelopment Plan, as amended, the Council approves the pledge of all payments in lieu of taxes and economic activity taxes generated within Redevelopment Projects that are deposited into the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to the payment of Redevelopment Project Costs, and authorizes the Commission to pledge such funds on its behalf.

..end

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Approved as to form:

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Emalea Black  
Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: City Manager's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Consideration of the Second Amendment to the 87<sup>th</sup> & Hillcrest Tax Increment Financing Plan

### Discussion

The 2<sup>nd</sup> Amendment to the Plan updates: “Exhibit 5 - Estimated Redevelopment Project Costs” and “Exhibit 7 – Sources and Uses”. The Developer requested a budget amendment after exceeding estimated redevelopment project costs by a total of \$254,033. TIF Staff has reviewed and recommends approval.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

TIF Reimbursable project costs are funded by the generation of EATS in TIF Plan area.

3. How does the legislation affect the current fiscal year?

It does not.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

It does not generate revenue. It is funded through the TIF Plan itself.

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No





# City of Kansas City, Missouri

## Docket Memo

2. This fund has a structural imbalance.

Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
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### Prior Legislation

050212, 050227, 060708

### Service Level Impacts

N/A

### Other Impacts

1. What will be the potential health impacts to any affected groups?

None, this is just a shoring up of costs in the Plan Amendment, This does no physical work that hasn't already been completed.

2. How have those groups been engaged and involved in the development of this ordinance?



# City of Kansas City, Missouri

## Docket Memo

N/A

3. How does this legislation contribute to a sustainable Kansas City?

Correcting the budget in this plan creates a smooth workflow. This allows for an expiration or termination of the Plan with no additional amendments to do when the time comes.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

This does not apply to the activities of the TIF Commission.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

The TIF Commission complies with the Code of Ordinances Chapter 3.

DESCRIPTION	TIF				TOTALS
	REIMBURSABLE	MISC. SITE	BUILDING	UTILITY BUILDING	
SITE WORK	\$7,823,645	\$219,590	\$591,765	\$55,320	\$8,690,320
BUILDING STRUCTURE	\$130,515	\$0	\$4,938,825	\$952,839	\$6,022,178
BUILDING FINISHES	\$0	\$0	\$1,570,890	\$66,588	\$1,637,478
EQUIPMENT	\$0	\$0	\$2,467,750	\$215,000	\$2,682,750
MECHANICAL/ELECTRICAL	\$1,232,673	\$60,130	\$4,518,703	\$395,901	\$6,207,407
SITE SIGNAGE (POLE & MONUMENT)	\$360,782	\$0	\$0	\$0	\$360,782
STREETSCAPE © 87TH STREET	\$120,261	\$0	\$0	\$0	\$120,261
	<b>SUBTOTAL:</b>				
	\$9,667,876	\$279,720	\$14,087,933	\$1,685,648	\$25,721,177
<b>Design Fees</b>	\$823,705	\$13,986	\$704,397	\$84,282	\$1,626,370
<b>Consultant Fees</b>	\$75,000	\$0	\$0	\$0	\$75,000
<b>Legal Fees</b>	\$152,000	\$0	\$50,000	\$0	\$202,000
<b>Land Purchase (25 acre site)</b>	\$2,750,000	\$0	\$0	\$0	\$2,750,000
<b>Land Purchase (12 acre option site)</b>	\$0	\$0	\$0	\$0	\$0
<b>TIF Commission Expenses</b>	\$250,000	\$0	\$0	\$0	\$250,000
<b>Certificate of Completion and Compliance</b>	\$9,533	\$0	\$0	\$0	\$9,533
<b>Finance Charges (Construction Loan)</b>	\$2,334,013	\$0	\$1,335,687	\$0	\$3,669,700
<b>Finance Charges (Permanent Loan)</b>	\$12,859,690	\$0	\$16,469,989	\$0	\$29,329,679
	<b>TOTAL:</b>				
	\$28,921,817	\$293,706	\$32,648,006	\$1,769,930	\$63,633,459



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**File #: 230357**

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ORDINANCE NO. 230357

Sponsor: Councilmember Andrea Bough

Amending Chapter 10, Code of Ordinances, by repealing Section 10-332, Restrictions and prohibited acts by all retail licenses, and enacting in lieu thereof a new section of like number and subject matter which clarifies that marijuana, in any form, cannot be sold or consumed on a licensed premises.

WHEREAS, the Regulated Industries Division believes greater clarity is needed regarding the sale and use of marijuana on licensed premises; and NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 10-332, Restrictions and prohibited acts by all retail licenses, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**Sec. 10-332. Restrictions and prohibited acts by all retail licensees.**

(a) *Sales to minors or intoxicated persons.* No retail licensee, nor employee of the licensee, shall allow any alcoholic beverages to be sold, given or otherwise supplied upon the licensed premises to any person who is under of 21 years of age, or to a habitual drunkard, or to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverage.

(b) *Consumption by minors.* No retail licensee, nor employee of the licensee, shall allow any person under 21 years of age to consume alcoholic beverages upon the licensed premises.

(c) *Sale for off-premise consumption.* No retail licensee or employee of the licensee shall sell any alcoholic beverage that is not in the original package for off-premise consumption, unless it is contained in:

- (1) A growler as outlined in Section 10-337; or
- (2) A rigid, durable, leak-proof, sealable container, that:
  - a. Does not exceed 128 ounces;

- b. Is designed to prevent consumption without removal of the tamperproof cap or seal;
  - c. Is affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than 12 characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL.";
  - d. Does not have a lid with sipping holes or openings for straws;
  - e. Is tamperproof, in that it is either placed in a one-time-use, tamperproof, transparent bag that is securely sealed, or, is sealed with tamperproof tape;
  - f. Is not mixed, poured or served across the bar by a person 18—20 years of age in accordance with sections 10-339 and 10-373; and
  - g. Is ordered simultaneously with a meal, meaning food that has been prepared on premises.
  - h. For the purposes of this section, tamperproof means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.
- (3) Nothing in this section shall be construed as permitting the sale of any alcoholic beverage not permitted under the premises license, including the sale of alcoholic beverages that are not in the original package for off-premise consumption by anyone who does not have a sales-by-drink license.

(d) *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle, unless the beverage is in the sealed original package or otherwise meets the exceptions outlined in subsection (c).

(e) *Prostitution.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any act of prostitution as defined in the prostitution chapter of the Missouri Criminal Code, including the solicitation for prostitution.

(f) *Unauthorized sale of property.* No retail licensee, nor employee of the licensee, shall allow any person to offer for sale or sell any personal property upon the licensed premises unless the sale of the property has been authorized by the licensee or the manager or person in charge of the licensed premises.

(g) *Disorderliness, indecency or obscenity.* Upon the licensed premises, no retail licensee, nor employee of the licensee, shall:

- (1) Fail to immediately prevent or suppress any violent quarrel or disorder, brawl, fight or any other act or conduct prohibited or declared to be unlawful by this chapter.
- (2) Allow language, conduct or songs calculated to provoke a breach of the peace, or obscene literature, entertainment or advertising material.
- (3) Allow any employee, entertainer or customer to perform a dance of any kind upon a bar, table or any other place used for serving food or beverages.
- (4) Allow any person to be unclothed, or in less-than-opaque attire, costume or clothing, so as to expose to view the top of the areola, or any combination of the foregoing, or human male genitals in a discernibly erect state, even if completely and opaquely covered.
- (5) Allow the performance of any acts of sexual conduct, including actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of the female; or any sadomasochistic abuse or acts including animals or latent objects in an act of apparent sexual stimulation or gratification, as the terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.
- (6) Allow the display of films or videotapes showing persons unclothed as described in subsection (g)(4) of this section, or allow the display of pictures, films, videotapes or other material depicting acts prohibited by subsection (g)(5) of this section.

(h) *Storing off-licensed premises.* No retail licensee shall store any alcoholic beverage off or outside of the licensed premises unless written request is filed with the director, and written approval is issued by the director; except that a licensee may store alcoholic beverages in a bonded warehouse or central warehouse, if the licensee has first notified the director in writing of their intention to do so.

(i) *Unlicensed beverages on premises.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any alcoholic beverages except the types the licensee is licensed to sell upon those premises.

(j) *Illegal drugs.* No retail licensee, nor employee of the licensee, shall possess, store, sell or offer for sale, give away, distribute, permit the consumption of or deliver any controlled substance or illegal drug or narcotic, as defined in the Missouri Comprehensive Drug Control Act, or similar statutes, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(k) *Illegal gambling.* No retail licensee, nor employee of the licensee, shall participate or engage in illegal gambling or violate any federal or state laws in connection with gambling, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(l) *Illegally purchased alcoholic beverages.* No retail licensee, nor employee of the licensee, shall allow on or about the licensed premises any alcoholic beverage which they have purchased or secured in violation of any city ordinance, or local, state or federal law.

(m) *Entertainment on premises.* No retail licensee nor employee of the licensee shall allow on or about the licensed premises:

(1) Any type of live entertainment unless the neighbor notification requirement, as outlined in chapter 10-214, has been met and the application has been approved by the director. The term live entertainment, as used in this chapter, shall include but shall not be limited to a dance hall, DJ, two or more live musicians, seminude dancing, stage show, floor show or contest. Any form of entertainment, live exhibition, performance or dance characterized by exposure of specified anatomical areas as that term is defined in section 80-20, or dance performed by a performer who is nude behind an opaque barrier, shall be prohibited unless the licensed location first complies with the zoning requirements set forth under section 80-156.

(2) Any type of entertainment unless the application has been approved by the director. The term "entertainment," as used in this chapter, shall include but shall not be limited to jukeboxes, pool tables, dart boards, video games, pinball machines or any other amusement device operated by the insertion of a coin, disc or other insertion piece.

(n) *Employees dancing on premises.* Upon the licensed premises:

(1) The dancer may perform a dance for a customer or customers but shall not intentionally touch any customer while performing a dance.

(2) The dancer shall not receive any payment or gratuity from any customer unless the payment or gratuity is placed into the dancers' hand or under a leg garter worn by the dancer located at least four inches below the bottom of the pubic region.

(3) No dancer shall dance with any customer.

(4) No dancer shall sit at a table or the bar with any customers.

(5) No customer shall knowingly or intentionally touch any dancer.

(o) *Multiple business names posted on one licensed premises.* Multiple business names may not be posted on the exterior of a licensed premises unless:

- (1) There is a separate entrance into the licensed premises for each different business name that will be posted, and;
- (2) The original business name is included as part of any new business name and the size of the lettering of the business name is uniform on any interior or exterior sign that will be posted throughout the licensed premises, and;
- (3) There must be open public access throughout the entire licensed premises where there are no closed doors or other physical barriers that separate the licensed premises in any way. However, it is permissible to keep any part of the licensed premises closed when it is not in use.

(p) *Nuisances.* No retail licensee or employee of the licensee shall cause a nuisance to or change in character of any residential area or the immediate area surrounding the licensed premises. Nuisances may include but will not be limited to noise, traffic and parking associated with the operation of the premises from patrons or other persons frequenting the premises.

(q) *Lewd and indecent conduct.* No retail licensee, nor employee of the licensee, shall allow lewd and indecent conduct on or within the immediate vicinity of the licensed premises. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents.

(r) *Compliance with law.* No retail licensee, nor employee of the licensee, shall participate in or permit the violation of any federal, state, or local rule or regulation upon the premises.

(s) *Marijuana.* No retail licensee, nor employee of the licensee, shall sell or offer for sale, give away, distribute, permit the consumption of or deliver marijuana, including in food products, upon the premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

..end

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Approved as to form:

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Andrew Bonkowski  
Assistant City Attorney





# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending Chapter 10, Code of Ordinances, by repealing Section 10-332, Restrictions and prohibited acts by all retail licenses, and enacting in lieu thereof a new section of like number and subject matter which clarifies that marijuana, in any form, cannot be sold or consumed on a licensed premises.

### Discussion

The fiscal impact of this legislation is indeterminable.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
N/A
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
N/A

**Office of Management and Budget Review**  
(OMB Staff will complete this section.)

# City of Kansas City, Missouri



## Docket Memo

1. This legislation is supported by the general fund.  Yes  No
2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
- 
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### Prior Legislation

Click or tap here to list prior related ordinances/resolutions.

### Service Level Impacts

This legislation seeks to clarify that marijuana cannot be consumed or sold on a liquor licensed business.

### Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A

# City of Kansas City, Missouri



## Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



**File #:** 230360

ORDINANCE NO. 230360

Sponsor: Councilmember Lee Barnes

Directing that the City Manager shall appear before the Council to provide certain information before suspending, terminating, or taking any other adverse action against an employee for failure to comply with the residency requirements of the City’s Code of Ordinances.

WHERE, Council has the duty to supervise the City Manager in his exercise of his duties; and

WHEREAS, the Council has the obligation to determine whether residency ordinances as written are being properly interpreted and fairly enforced, consistent with the intentions of the Council; and

WHEREAS, the City has been required to pay hundreds of thousands of dollars for claims arising out of disciplinary actions taken related to allegations of non-residency; and

WHEREAS, it is within the proper purview of the Council to determine if changes to the residency requirements are necessary or desirable to properly regulate City employees, including granting waivers of required residency; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That, prior to suspending, terminating or taking any other adverse action against any employee based on failure to comply with the residency requirements of the City’s Code of Ordinances, the City Manager shall personally appear before a Business Session of the Council to provide the Council with specific and detailed information and evidence upon which such suspension, termination or other adverse action is based, and no such action shall be taken until at least forty-five days shall have passed after such presentation.

..end

Approved as to form:

Katherine Chandler

Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Directing that the City Manager shall appear before the Council to provide certain information before suspending, terminating, or taking any other adverse action against an employee for failure to comply with the residency requirements of the City's Code of Ordinances.

### Discussion

The fiscal impact of this legislation is indeterminable.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No

# City of Kansas City, Missouri



## Docket Memo

2. This fund has a structural imbalance.

Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
- 
- 

### Prior Legislation

Click or tap here to list prior related ordinances/resolutions.

### Service Level Impacts

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

### Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

# City of Kansas City, Missouri



## Docket Memo

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Click or tap here to enter text.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

Click or tap here to enter text.





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**File #: 230217**

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ORDINANCE NO. 230217

Sponsor(s): Councilmembers Dan Fowler and Teresa Loar

Amending the Major Street Plan to change and amend the street typology of N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street from parkway to local link. (CD-CPC-2023-\_\_\_\_\_)

WHEREAS, a Major Street Plan for Kansas City was adopted by Second Committee Substitute for Ordinance No. 64073, passed September 28, 1989; and

WHEREAS, further changes were recommended and approved by Ordinance No. 64760, passed November 22, 1989; by Ordinance No. 911308, passed November 27, 1991; by Ordinance No. 960104, passed March 7, 1996; by Committee Substitute for Ordinance No. 971243, passed February 5, 1998; by Committee Substitute for Ordinance No. 000742, passed June 29, 2000; by Ordinance No. 020136, passed March 6, 2002; by Ordinance No. 011406, passed July 18, 2002; by Committee Substitute for Ordinance 011288, passed August 15, 2002; and by Ordinance No. 030928, passed September 11, 2003, by Ordinance Nos. 051158, 051159, 051160 and 051161, all passed October 6, 2005; by Ordinance No. 060579, passed June 15, 2006; by Committee Substitute for Ordinance No. 061235, passed November 30, 2006; by Ordinance 080150, passed March 6, 2008; by Ordinance 080204, passed March 13, 2008, by Ordinance 090187, passed April 9, 2009, by Ordinance No. 110249, passed October 23, 2011; by Ordinance No. 160336, passed June 23, 2016; by Ordinance No. 210837, passed September 23, 2021, by Ordinance No. 220661, passed on August 25, 2022 and Ordinance No. 220884, passed on October 6, 2022.

WHEREAS, further review and revisions have been initiated concerning certain issues related to the Major Street Plan; and

WHEREAS, the review includes recommendations for revisions to the Major Street Plan to change and amend the street typology from a parkway to a local link for N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street; and

WHEREAS, the City Plan Commission has reviewed the proposed amendment to the Major Street Plan and, pursuant to public notice and hearing, did on \_\_\_\_\_, 2023, recommend \_\_\_\_\_ of the revisions to the Major Street Plan and the City Council has considered said recommendation and hereby \_\_\_\_\_ certain revisions to the Major Street Plan, specifically to change and amend the street typology from a parkway to a local link

for N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street as shown on the map and Appendix A attached hereto; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Major Street Plan of Kansas City is hereby amended to change and amend the street typology from a parkway to a local link for N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street on the map and Appendix A, attached hereto.

Section 2. That the City Clerk is hereby directed to file such documents in the office of the Recorder of Deeds for Platte County, Missouri.

Section 3. That the Council hereby 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.

..end

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I hereby certify that as required by Chapter 89, Revised Statutes of Missouri, the foregoing Major Street Plan amendments were duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney

# City of Kansas City, Missouri



## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending the Major Street Plan to change and amend the street typology of N. Line Creek Parkway from N.W. Barry Road to N.W. 68th Street from parkway to local link. (CD-CPC-2023- )

### Discussion

This legislation does not have a fiscal impact.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No

# City of Kansas City, Missouri



## Docket Memo

2. This fund has a structural imbalance.

Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Infrastructure and Accessibility (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system
- Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
- Increase and support local workforce development and minority, women, and locally-owned businesses
- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
- 
- 

### Prior Legislation

Ordinance No. 64073, passed September 28, 1989; Ordinance No. 64760, passed November 22, 1989; by Ordinance No. 911308, passed November 27, 1991; by Ordinance No. 960104, passed March 7, 1996; by Committee Substitute for Ordinance No. 971243, passed February 5, 1998; by Committee Substitute for Ordinance No. 000742, passed June 29, 2000; by Ordinance No. 020136, passed March 6, 2002; by Ordinance No. 011406, passed July 18, 2002; by Committee Substitute for Ordinance 011288, passed August 15, 2002; and by Ordinance No. 030928, passed September 11, 2003, by Ordinance Nos. 051158, 051159, 051160 and 051161, all passed October 6, 2005; by Ordinance No. 060579, passed June 15, 2006; by Committee Substitute for Ordinance No. 061235, passed November 30, 2006; by Ordinance 080150, passed March 6, 2008; by Ordinance 080204, passed March 13, 2008, by Ordinance 090187, passed April 9, 2009, by Ordinance No. 110249, passed October 23, 2011; by Ordinance No. 160336, passed June 23, 2016; by Ordinance No.



# City of Kansas City, Missouri

## Docket Memo

210837, passed September 23, 2021, by Ordinance No. 220661, passed on August 25, 2022 and Ordinance No. 220884, passed on October 6, 2022.

### Service Level Impacts

### Other Impacts

1. What will be the potential health impacts to any affected groups?  
N/A
2. How have those groups been engaged and involved in the development of this ordinance?  
N/A
3. How does this legislation contribute to a sustainable Kansas City?  
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?  
N/A
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?  
N/A



**File #: 230267**

[COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 230267

Sponsor: Councilmember Eric Bunch

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		
<b>RESIDENTIAL</b>												
Household Living	P	P	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323



<b>Group Living</b> (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	S	P	P	P	P	88-350
<b>PUBLIC/CIVIC</b>												
<b>Bicycle-Sharing Facilities</b>	P	P	P	P	P	P	P	P	P	P	P	88-322
<b>Club, Lodge, or Fraternal Organization</b>	-	-	-	-	-	-	-	P	P	P	P	
<b>College/University</b>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Day Care</b>												
» 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	P	88-330-02
» Center (21+)	P	-	-	-	-	-	-	-	-	-	-	88-330-02
<b>Detention and Correctional Facilities</b>	S[1]	-	-	-	-	-	-	-	-	-	-	88-335
<b>Halfway House</b>	S	-	-	-	-	-	-	-	-	-	-	88-352
<b>Hospital</b>	-	-	-	-	-	-	-	-	S	S	-	
<b>Library/Museum/Cultural Exhibit</b>	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Park/Recreation</b>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
» Homes	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-

Association Amenities		/	/			/	S				805-03-H
		S	S			S	S				
<b>Religious Assembly</b>	P/S	P	P	P/S	P/S	P	P/	P/S	P/S	P/S	88-365
		/	/			/	S				
		S	S			S	S				
<b>Safety Service</b> (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
<b>School</b>	P/S	P	P	P/S	P/S	P	P/	P/S	P/S	P/S	88-365
		/	/			/	S				
		S	S			S	S				
<b>Utilities and Services</b> (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	P	88-425-08-B
<b>COMMERCIAL</b>											
<b>Animal Service</b>											
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	-	
<b>Entertainment Venues and Spectator Sports</b>	S	-	-	-	-	-	-	-	-	-	
<b>Funeral and Interment Service</b>											
» Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	S	88-345
» Crematory	S	S	S	S	S	S	S	S	S	S	88-345
» Undertaking	-	-	-	-	-	-	-	-	S	S	
<b>Lodging</b>											

» Bed and breakfast	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.										
<b>Neighborhood-serving retail</b>	S	S	S	S	S	S	S	S	S	S	88-360
<b>Office, Administrative, Professional or General</b>	-	-	-	-	-	S	S	S	S	S	
<b>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</b>	S	S	S	S	S	S	S	S	S	S	
<b>Sports and Recreation, Participant</b>	S	-	-	-	-	-	-	-	-	-	
<b>INDUSTRIAL</b>											
<b>Mining and Quarrying</b>	S[2]	-	-	-	-	-	-	-	-	-	
<b>Waste-Related Use (except as noted below)</b>	-	-	-	-	-	-	-	-	-	-	
» Composting facility	S[1]	-	-	-	-	-	-	-	-	-	88-328
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	-	88-380
<b>OTHER</b>											
<b>Agriculture, Animal</b>	P/*	P / *	P / *	P/*	P/*	P / *	P/*	P/*	P/*	P/*	* Chapter 14
<b>Agriculture, Crop</b>	P	P / S	P / S	P/S	P/S	P / S	P/S	P/S	P/S	P/S	88-312-01
<b>Agricultural, Urban</b>											
» Home Garden	P	P	P	P	P	P	P	P	P	P	88-312-

											02-A
» Community Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	S	S	S	S	S	S	S	S	S	88-312-02-C
<b>ACCESSORY SERVICES</b>											
<b>Wireless Communication Facility</b>											
» Freestanding	P	-	-	-	-	-	-	-	-	-	88-385
» Co-located antenna	P	P	P	P	P	P	P	P	P	P	88-385

**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 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.*

**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 Category	ZONING DISTRICT					Use Standards
		O	B1	B2	B3	B4	
<b>RESIDENTIAL</b>							
<b>Household Living</b>							

» 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	
<b>Group Living</b>	P	P	P	P	P[5]	
<b>PUBLIC/CIVIC</b>						
<b>Bicycle Sharing Facilities</b>	P	P	P	P	P	88-322
<b>Club, Lodge, or Fraternal Organization</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>College/University</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Day Care</b>						
» 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]	
<b>Hospital</b>	S	P	P	P	P[5 for Ground Floor Uses]	
<b>Library/Museum/Cultural Exhibit</b>	P	P	P	P	P	
<b>Park/Recreation</b>	P	P	P	P	P	
<b>Religious Assembly</b>	P	P	P	P	P	
<b>Safety Service</b>						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
<b>School</b>	P	P	P	P	P[5 for Ground	

					Floor Uses]	
<b>Utilities and Services (except as noted below)</b>	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
<b>COMMERCIAL</b>						
<b>Adult Business</b>						
» 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
<b>Animal Service</b>						
» 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
<b>Artist Work or Sales Space</b>	-	P	P	P	P	
<b>Building Maintenance Service</b>	-	-	-	P	P[5]	
<b>Business Equipment Sales and Service</b>	-	-	P	P	P	
<b>Business Support Service (except as noted below)</b>	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
<b>Communications Service Establishments</b>	P	-	P	P	P[5]	
<b>Drive-Through Facility</b>	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
<b>Eating and Drinking Establishments (except as noted below)</b>	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
<b>Entertainment Venues and Spectator Sports</b>						
» 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]	
<b>Financial Services (except as noted below)</b>	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
<b>Food and Beverage Retail Sales</b>	-	P	P	P	P	
<b>Funeral and Interment Service</b>						
» 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
<b>Gasoline and Fuel Sales</b>	-	S[3]	S[3]	S[3]	P[3][5]	88-323
<b>Lodging</b>						
» 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
<b>Mobile Vendor Park</b>	-	-	-	P	P	88-358
<b>Office, Administrative, Professional or General</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Office, Medical</b>	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
<b>Parking, Accessory</b>	P	P	P	P	P	88-323
<b>Parking, Non-accessory</b>	-	-	S[1]	P[1]	P[1]	
<b>Personal Improvement Service</b>	P	P	P	P	P	
<b>Repair or Laundry Service, Consumer</b>	-	P	P	P	P	
<b>Research Service</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Retail Sales</b>	-	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
<b>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</b>	S	S	S	S	S	
<b>Sports and Recreation, Participant</b>						

» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
<b>Vehicle Sales and Service</b>						
» 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
<b>INDUSTRIAL</b>						
<b>Manufacturing, Production and Industrial Service</b>						
» Artisan	-	P/S	P	P	P	88-318
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-	-	
<b>Recycling Service</b>						
» Limited	-	-	-	-	S[1][4]	
<b>Self-Storage Warehouse</b>	-	-	-	-	P[2][4]	88-323, 88-369
<b>Warehousing, Wholesaling, Storage, Freight Movement</b>						
» Indoor	-	-	-	-	P[2][4]	88-323, 88-378
» Outdoor	-	-	-	-	-	88-378
<b>AGRICULTURAL</b>						
<b>Agriculture, Animal</b>	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
<b>Agriculture, Crop</b>	P	P	P	P	P[4]	88-312-01
<b>Agriculture, Urban</b>						
» 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
<b>ACCESSORY SERVICES</b>						
<b>Wireless Communication Facility</b>						
» 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.*

<u>USE</u> <u>(refer to 88-805 Use Groups and Categories)</u>	<u>GROUP</u>	<u>Zoning District</u>			<u>Use Standards</u>
<u>Use</u> <u>» specific use type</u>	<u>Category</u>	<u>DC</u>	<u>DX</u>	<u>DR</u>	
<b><u>RESIDENTIAL</u></b>					
<b><u>Household Living</u></b>					
<u>» Single-family home</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>» In single-purpose residential building</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>88-323</u>
<u>» In mixed-use building</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Group Living</u></b>		<u>S</u>	<u>S</u>	<u>S</u>	
<b><u>PUBLIC/CIVIC</u></b>					
<b><u>Bicycle Sharing Facilities</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>88-322</u>
<b><u>Club, Lodge, or Fraternal Organization</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Table</u></b>	<b><u>130-1</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Downtown Districts Use Table</u></b>					
<b><u>Day Care</u></b>					
<u>» Home-based (1—5)</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Family (up to 10)</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Group (up to 20)</u>		<u>P</u>	<u>P</u>	<u>S</u>	

<u>» Center (21+)</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<b><u>Hospital</u></b>	<u>S</u>	<u>S</u>	<u>S</u>	
<b><u>Library/Museum/Cultural Exhibit</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Park/Recreation (except as noted below)</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Community center</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>88-365</u>
<b><u>Religious Assembly</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Safety Service</u></b>				
<u>» Fire Station</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-365</u>
<u>» Police Station</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-365</u>
<u>» Ambulance service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-365</u>
<b><u>School</u></b>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>88-365</u>
<b><u>Utilities and Services (except as noted below)</u></b>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
<u>» Basic, minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-425-08-B</u>
<b><u>COMMERCIAL</u></b>				
<b><u>Adult Business</u></b>				
<u>» Adult media store</u>	<u>P[1]</u>	<u>P[1]</u>	<u>-</u>	<u>88-310-03</u>
<u>» Adult motion picture theater</u>	<u>P[1]</u>	<u>P[1]</u>	<u>-</u>	<u>88-310-02</u>
<u>» Sex shop</u>	<u>P[1]</u>	<u>P[1]</u>	<u>-</u>	<u>88-310-02</u>
<b><u>Animal Service</u></b>				
<u>» Sales and grooming</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>88-315</u>
<u>» Shelter or boarding</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>88-315</u>
<u>» Stable</u>	<u>-</u>	<u>S</u>	<u>-</u>	<u>88-315</u>
<u>» Veterinary</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>88-315</u>
<b><u>Artist Work or Sales Space</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Building Maintenance Service</u></b>	<u>P</u>	<u>P</u>	<u>-</u>	
<b><u>Business Equipment Sales and Service</u></b>	<u>P</u>	<u>P</u>	<u>-</u>	
<b><u>Business Support Service (except as noted below)</u></b>	<u>P</u>	<u>P</u>	<u>-</u>	
<u>» Day labor employment agency</u>	<u>-</u>	<u>S[1]</u>	<u>-</u>	
<b><u>Communications Service Establishments</u></b>	<u>P</u>	<u>P</u>	<u>-</u>	
<b><u>Drive-Through Facility</u></b>	<u>S[2]</u>	<u>S[2]</u>	<u>-</u>	<u>88-338 &amp; 88-340</u>
<b><u>Eating and Drinking Establishments (except as noted below)</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	

<u>» Tavern or nightclub</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<b><u>Entertainment Venues and Spectator Sports</u></b>				
<u>» Indoor small venue (1—149 capacity)</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<u>» Indoor medium venue (150—499 capacity)</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<u>» Indoor large venue (500+ capacity)</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>» Outdoor (all sizes)</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<b><u>Financial Services (except as noted below)</u></b>				
<u>» Pawn shop</u>	-	<u>S[1]</u>	-	
<u>» Short-term loan establishment</u>	-	<u>P[1]</u>	-	<u>88-325</u>
<b><u>Food and Beverage Retail Sales</u></b>				
<b><u>Funeral and Interment Service</u></b>				
<u>» Cemetery/columbarium/mausoleum</u>	-	-	-	
<u>» Cremating</u>	-	-	-	
<u>» Undertaking</u>	<u>P[2]</u>	<u>P[2]</u>	-	<u>88-345</u>
<b><u>Gasoline and Fuel Sales</u></b>				
	<u>S[3]</u>	<u>S[3]</u>	-	<u>88-323</u>
<b><u>Lodging</u></b>				
<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>
<b><u>Mobile Vendor Park</u></b>				
	<u>P</u>	<u>P</u>	-	<u>88-358</u>
<b><u>Office, Administrative, Professional or General</u></b>				
	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Office, Medical</u></b>				
<u>» Blood/plasma center</u>	<u>S</u>	<u>S</u>	-	
<b><u>Parking, Accessory</u></b>				
	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-323</u>
<b><u>Parking, Non-accessory</u></b>				
	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
<b><u>Personal Improvement Service</u></b>				
	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Repair or Laundry Service, Consumer</u></b>				
	<u>P</u>	<u>P</u>	<u>S</u>	
<b><u>Research Service</u></b>				
	<u>P</u>	<u>P</u>	<u>S</u>	
<b><u>Retail Sales</u></b>				
<u>» Outdoor Retail Sales - Class A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-366-01</u>
<b><u>Reuse of officially designated historic landmark (local or</u></b>				
	<u>S</u>	<u>S</u>	<u>S</u>	

<a href="#"><u>national) if proposed use is not permitted</u></a>				
<b><u>Sports and Recreation, Participant</u></b>				
» <a href="#"><u>Indoor</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>S</u></a>	
» <a href="#"><u>Outdoor</u></a>	<a href="#"><u>S</u></a>	<a href="#"><u>S</u></a>	<a href="#"><u>S</u></a>	
<b><u>Vehicle Sales and Service</u></b>				
» <a href="#"><u>Car wash/cleaning service</u></a>	<a href="#"><u>S[1]</u></a>	<a href="#"><u>S[1]</u></a>	-	
» <a href="#"><u>Heavy equipment sales/rental</u></a>	-	<a href="#"><u>S[1]</u></a>	-	
» <a href="#"><u>Light equipment sales/rental (indoor)</u></a>	<a href="#"><u>S[2]</u></a>	<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a>
» <a href="#"><u>Light equipment sales/rental (outdoor)</u></a>	<a href="#"><u>S[1]</u></a>	<a href="#"><u>S[1]</u></a>	-	
» <a href="#"><u>Motor vehicle repair, limited</u></a>	<a href="#"><u>S[2]</u></a>	<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a>
» <a href="#"><u>Motor vehicle repair, general</u></a>	-	<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a>
» <a href="#"><u>Vehicle storage/towing</u></a>	-	<a href="#"><u>S[1]</u></a>	-	<a href="#"><u>88-375</u></a>
<b><u>INDUSTRIAL</u></b>				
<b><u>Manufacturing, Production and Industrial Service</u></b>				
» <a href="#"><u>Artisan</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P/S</u></a>	<a href="#"><u>88-318</u></a>
» <a href="#"><u>Limited</u></a>	<a href="#"><u>S</u></a>	<a href="#"><u>S</u></a>	<a href="#"><u>S</u></a>	
» <a href="#"><u>General</u></a>	<a href="#"><u>S</u></a>	<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a>
<b><u>Recycling Service</u></b>				
» <a href="#"><u>Limited</u></a>	-	<a href="#"><u>S[1]</u></a>	-	
<b><u>Self-Storage Warehouse</u></b>	-	<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a> <a href="#"><u>88-369</u></a>
<b><u>Warehousing, Wholesaling, Storage, and Freight Movement</u></b>				
» <a href="#"><u>Indoor</u></a>	<a href="#"><u>S[2]</u></a>	<a href="#"><u>S[2]</u></a>	=	<a href="#"><u>88-323</u></a> <a href="#"><u>88-378</u></a>
» <a href="#"><u>Outdoor</u></a>		<a href="#"><u>S[2]</u></a>	-	<a href="#"><u>88-323</u></a> <a href="#"><u>88-378</u></a>
<b><u>AGRICULTURAL</u></b>				
<b><u>Agriculture, Animal</u></b>	-	<a href="#"><u>P/*</u></a>	-	<a href="#"><u>Chapter 14</u></a>
<b><u>Agriculture, Crop</u></b>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>88-312-01</u></a>
<b><u>Agriculture, Urban</u></b>				
» <a href="#"><u>Home Garden</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>88-312-02-A</u></a>
» <a href="#"><u>Community Garden</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>88-312-02-B</u></a>
» <a href="#"><u>Community Supported Agriculture (CSA)</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>88-312-02-C</u></a>



**ACCESSORY**

**Wireless Communication Facility**

<u>» Freestanding</u>	<u>-</u>	<u>-</u>	<u>-</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	
<b><u>RESIDENTIAL</u></b>						
<b><u>Household Living</u></b>						
» Single-family home		<u>S</u>	-	-	-	
» In single-purpose residential building		<u>P</u>	<u>S</u>	-	-	
» In mixed-use building		<u>P</u>	<u>S</u>	-	-	
<b><u>Group living</u></b>		<u>S</u>	-	-	-	
<b><u>PUBLIC/CIVIC</u></b>						
<b><u>Bicycle Sharing Facility</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-322</u>
<b><u>Club, Lodge, or Fraternal Organization</u></b>		<u>P</u>	<u>P</u>	-	-	
<b><u>College/University</u></b>		<u>P</u>	<u>P</u>	-	-	
<b><u>Day Care</u></b>		<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	
<b><u>Detention and Correctional Facilities</u></b>		<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>88-335</u>
<b><u>Halfway House</u></b>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>88-352</u>
<b><u>Hospital</u></b>		<u>P</u>	-	-	-	
<b><u>Park/Recreation</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Religious Assembly</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Safety Service</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Schools</u></b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Utilities and Services (except as noted below)</u></b>		<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>
<b><u>COMMERCIAL</u></b>						
<b><u>Adult Business</u></b>						
» 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>

<u>» Sex shop</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-310</u>
<b><u>Animal Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-315</u>
<b><u>Artist Work or Sales Space</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Building Maintenance Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Business Equipment Sales and Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Business Support Service (except as noted below)</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Day labor employment agency</u>	<u>S[1]</u>	<u>S[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
<b><u>Communications Service Establishments</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Drive-through Facility</u></b>	<u>P[2]</u>	<u>P[2]</u>	<u>-</u>	<u>-</u>	<u>88-340</u>
<b><u>Eating and Drinking Establishments</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Entertainment Venues and Spectator Sports</u></b>	<u>P</u>	<u>S</u>	<u>S</u>	<u>-</u>	
<b><u>Financial Services (except as noted below)</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Pawn shop</u>	<u>P[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	
<u>» Short-term loan establishment</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-325</u>
<b><u>Food and Beverage Retail Sales</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Funeral and Interment Service</u></b>					
<u>» Cemetery/columbarium/mausoleum</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
<u>» Cremating</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Undertaking</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Gasoline and Fuel Sales</u></b>	<u>P[3]</u>	<u>P[3]</u>	<u>P[3]</u>	<u>P[3]</u>	<u>88-323</u>
<b><u>Lodging (except as noted below)</u></b>					
<u>» Hotel/motel</u>	<u>S[1]</u>	<u>-</u>	<u>-</u>	<u>-</u>	
<u>» Short term rental, non-resident</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Chapter 56</u>
<u>» Short term rental, resident</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Chapter 56</u>
<b><u>Mobile Vendor Park</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>88-358</u>
<b><u>Office, Administrative, Professional or General</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Office, Medical</u></b>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	
<b><u>Parking, Accessory</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Parking, Non-accessory</u></b>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
<b><u>Personal Improvement Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Repair or Laundry Service, Consumer</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	
<b><u>Research Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

<b><u>Retail Sales</u></b>	<u>P</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>P</u>	<u>88-366-01</u>
» <u>Outdoor Retail Sales - Class B</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-366-02</u>
<b><u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u></b>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<b><u>Sports and Recreation, Participant</u></b>	<u>P</u>	<u>S</u>	<u>S</u>	<u>=</u>	
<b><u>Vehicle Sales and Service</u></b>					
» <u>Car wash/cleaning service</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
» <u>Heavy equipment sales/rental</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
» <u>Light equipment sales/rental (indoor)</u>	<u>P[2]</u>	<u>P[2]</u>	<u>=</u>	<u>=</u>	<u>88-323</u>
» <u>Light equipment sales/rental (outdoor)</u>	<u>P[1]</u>	<u>P[1]</u>	<u>=</u>	<u>=</u>	
» <u>Motor vehicle repair, limited</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-323</u>
» <u>Motor vehicle repair, general</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-323</u>
» <u>Vehicle storage/towing</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>88-375</u>
<b><u>INDUSTRIAL</u></b>					
<b><u>Junk/Salvage Yard</u></b>	<u>=</u>	<u>=</u>	<u>S[1]</u>	<u>P[1]</u>	<u>88-425-09</u>
<b><u>Manufacturing, Production and Industrial Service</u></b>					
» <u>Artisan</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-318</u>
» <u>Limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
» <u>General</u>	<u>S[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-323</u>
» <u>Intensive</u>	<u>=</u>	<u>=</u>	<u>P[1]</u>	<u>P[1]</u>	
<b><u>Mining/Quarrying</u></b>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>88-355</u>
<b><u>Recycling Service</u></b>					
» <u>Limited</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
» <u>General</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	
<b><u>Self-Storage Warehouse</u></b>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>=</u>	<u>88-323</u> & <u>88-369</u>
<b><u>Warehousing, Wholesaling, Storage, and Freight Movement</u></b>					
» <u>Indoor</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-378</u>
» <u>Outdoor</u>	<u>S[1]</u>	<u>P[1]</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-378</u>
<b><u>Waste-Related Use</u></b>					
» <u>Composting facility</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>88-328</u>
» <u>Demolition debris landfill</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>S[1]</u>	<u>88-380</u>

<a href="#">» Solid waste separation facility</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-380</a>
<a href="#">» Transfer station</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-380</a>
<b><u>AGRICULTURAL</u></b>					
<b><u>Agriculture, Animal</u></b>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">Chapter 14</a>
<b><u>Agriculture, Crop</u></b>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-01</a>
<b><u>Agriculture, Urban</u></b>					
<a href="#">» Home garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-A</a>
<a href="#">» Community garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-B</a>
<a href="#">» Community supported agriculture (CSA)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-C</a>
<b><u>ACCESSORY SERVICES</u></b>					
<b><u>Wireless Communication Facility</u></b>					
<a href="#">» Freestanding</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">88-385</a>
<a href="#">» Co-located antenna</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-385</a>

**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.

..end

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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



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Neighborhoods

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Sponsor: Councilmember Eric Bunch 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; and repealing Section 88-810-1582, Short Term Rental Intermediary; in order to effectuate the transfer of the regulation of Short Term Rentals from Chapter 88 to Chapter 56 of the Code of Ordinances.

### Discussion

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
It does not have any fiscal impact.
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
No.



# City of Kansas City, Missouri

## Docket Memo

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

### Prior Legislation

Ordinance 221069

### Service Level Impacts

N/A

### Other Impacts



# City of Kansas City, Missouri

## Docket Memo

1. What will be the potential health impacts to any affected groups?

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

It places the Short Term Rental regulations under the appropriate chapter to be monitored and upheld.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Neighborhoods

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Sponsor: Councilmember Eric Bunch 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; and repealing Section 88-810-1582, Short Term Rental Intermediary; in order to effectuate the transfer of the regulation of Short Term Rentals from Chapter 88 to Chapter 56 of the Code of Ordinances.

### Discussion

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

1000 - The General Fund

3. How does the legislation affect the current fiscal year?

This legislation appropriates a portion of STR registration revenue toward education for residents and STR owners on new regulations.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

There may be a small impact in future fiscal years related to the continuing educational needs.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

This legislation uses revenue generated from Short Term Rental registrations.



# City of Kansas City, Missouri

## Docket Memo

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. X Yes    No
- 2. This fund has a structural imbalance. X Yes    No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

### Prior Legislation

Ordinance 221069

### Service Level Impacts

N/A

### Other Impacts

# City of Kansas City, Missouri

## Docket Memo



1. What will be the potential health impacts to any affected groups?

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

It places the Short Term Rental regulations under the appropriate chapter to be monitored and upheld.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



# APPROPRIATION TRANSACTION

CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: **Neighborhoods**

BUSINESS UNIT: **KCMBU**      DATE: **5/3/2023**      JOURNAL ID: \_\_\_\_\_

LEDGER GROUP: **ADMIN**      BUDGET PERIO **2024**

	<u>FUND</u>	<u>DEPT ID</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
24	1000	572319	B		1,000.00

TOTAL 1,000.00

**DESCRIPTION:**  
 Funding to provide education to residents and Short Term Rental owners regarding new regulations

APPROVED BY: _____	DATE _____	APPROVED BY: DEPARTMENT HEAD _____	DATE _____
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# REQUEST FOR SUPPLEMENTAL REVENUE

CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: **Neighborhoods**

BUSINESS UNIT: **KCMBU**

DATE: **5/3/2023**

JOURNAL ID: \_\_\_\_\_

LEDGER GROUP: **REVENUE**

	<u>FUND</u>	<u>DEPT ID</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
24	1000	572319	454227		\$74,000.00

TOTAL 74,000.00

**DESCRIPTION:**

Revenue from Short Term Rental registration

APPROVED BY: \_\_\_\_\_

DATE \_\_\_\_\_

APPROVED BY: DEPARTMENT HEAD \_\_\_\_\_

DATE \_\_\_\_\_

**From:** [Barry Baker](#)  
**To:** [Public Testimony](#)  
**Subject:** Short term rental ordinances 230267 & 230268 - Concerned Citizen  
**Date:** Sunday, April 16, 2023 12:45:47 PM

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April 13, 2023

Neighborhood Planning & Development Committee  
414 E 12th Street  
Kansas City, Missouri 64106

RE: Short term rental ordinances 230267 & 230268

Dear Chair Barnes and Committee Members,

I am appalled at the notion that Kansas City is preparing to further normalize what has become a predatory Short Term Rental investment industry. This industry is largely not our friends and neighbors, they are faceless LLCs and out of state parties. These for-profit corporate investment groups are eroding the quality of life in our neighborhoods, displacing our neighbors, and artificially driving up the cost of housing.

Specifically, the Columbus Park neighborhood where I have lived for nine years has been overrun with illegal Short Term Rentals (“STRs”). We have become an unwilling hotel district run by unseen corporate entities. We have done extensive research in the neighborhood and there are dozens of illegal STRs operating with impunity. The neighborhood is being depopulated one property at a time.

The non-owner occupied / non-resident STRs simply do not belong in residentially zoned areas. They are completely incongruent with the idea of residential zoning.

I do however support owner-occupied STRs, these actually are our friends and neighbors. The owner-occupied rentals rarely are displacing occupants, they tend to be controlled by the on-site owner and therefore have little impact on neighborhood quality of life, and they actually allow some owners to afford to stay in their properties in the face of rising property taxes and inflation.

The new ordinance as it currently reads is wholly inadequate. After extensive nationwide research on what has and hasn’t worked in other equivalent cities, I am certain that the new ordinance will be unenforceable just as the existing ordinance is (it’s been widely reported that 90% of STRs in Kansas City are illegal).

The only examples of successful enforcement include compelling the booking platforms to cooperate to delist unpermitted STRs via regular information sharing with the city. The new ordinance must include provisions for either MOUs with the booking platforms or penalties for the platforms for non-compliance.

Furthermore, we have noticed an uptick in applications and permits issued for Seasonal Type 2 (non-owner-occupied) permits in our neighborhood under the existing ordinance. These permits do not require adjacent parcel owner approval and have been a rubber stamp by the city for these outside investors. As I understand the current draft of the new ordinance, these permits will automatically become year-round, and will be exempt from

any new density separation requirements. It's a huge loophole that is being exploited right now.

I support the recommended language prepared by a coalition of Midtown neighborhoods, the Kansas City Neighborhood Advisory Committee ("KCNAC"), and representatives of the most impacted neighborhoods in the urban core.

I am very disappointed that the extensive efforts of regular citizens (who are your constituents) that was put into preparing the KCNAC recommendations was seemly ignored in the new ordinance that is under consideration.

We ask the members of the Neighborhood Planning and Development Committee to adopt committee substitutes for 230267 and 230268 that reflect the provided KCNAC research / recommendations and endorse passage to the full Council.

Please remember that we are your constituents, not investment entities principally from outside the city.

Sincerely,

*Barry Justin Baker*

Barry Justin Baker  
1111 Missouri Ave  
Kansas City, MO 64106  
402-430-3691  
barryb5000@outlook.com

**From:** [Chelsea Wekenborg](#)  
**To:** [Public Testimony](#)  
**Cc:** [Hall, Heather](#); [ONeill, Kevin](#); [Loar, Teresa](#); [Ellington, Brandon](#); [Robinson, Melissa](#); [Shields, Katheryn](#); [Bunch, Eric](#); [Barnes, Lee](#); [Bough, Andrea](#); [McManus, Kevin](#); [Platt, Brian](#); [Lucas, Quinton](#)  
**Subject:** Short Term Rental Ordinances  
**Date:** Sunday, April 16, 2023 12:39:13 PM

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Dear Council Members and Mayor Lucas,

RE: Ordinance 230267 and 230268

We support short term rentals as a necessary and important part of Kansas City's tourism and economy. As the short term rental industry matures we implore you to institute a new standard that will show a compromise between the STR industry and the neighborhoods we operate in. It is important that our industry is allowed to have a path forward for responsible growth. Implementing fair regulations and allowing short term rentals to exist in all residential zones with density requirements is working towards a compromise while a complete BAN on our industry is not. If the STR industry can be treated like any other regulated industry such as physicians or realtors, having unlicensed operators not being allowed to open for businesses or receive heavy fines would dramatically cut down on the number of properties being operated within the city. This needs to be an option that we are looking at along with delisting illegal airbnbs off 3rd party platforms.

The STR's in Kansas City feed the local businesses, in addition to providing Kansas City residents with jobs that support the global progressive stature Kansas City now enjoys. These properties also provide much needed housing in situations where hotels are not an option due to familial status, allergies, pets, mobility issues, etc. It is proven that short term rentals play an important role in the sharing economy and that is why the industry should not be eliminated.

Please understand that significant financial investments in Kansas City have been made based on the current ordinance with the expectation of enforcement. A grandfathering in of current licensed Type 2 short term rentals is an absolute necessity. We also ask that these licenses stay with the properties upon transferring title or selling.

We appreciate and are in favor of many things in the ordinance and support neighborhoods in controlling illegal proliferation, problems caused by poorly managed establishments, and preserving the character and integrity of our neighborhoods. But this new ordinance will gut the whole industry and shut down 93% of the current rentals. We ask for some easement in the zonings such as being allowed to operate in R zones with density requirements and to be allowed to operate unrestricted in business zones so that this industry can be allowed to grow responsibly and support the needs of travelers and locals that need this kind of alternative housing. We also fully support any and all enforcement of illegal short term rentals and want our industry to be good stewards in the community.

Thank you,  
Chelsea Wekenborg

**From:** [Cecille Gregorio](#)  
**To:** [Public Testimony](#)  
**Subject:** Short Term Rentals  
**Date:** Sunday, April 16, 2023 11:13:37 AM

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Dear Mayor, Honorable Councilmembers:

I had the pleasure of being an Airbnb host for 6 years and worked for Bearbnb KC for the past 5 years.

I am writing to express my strong opposition to the proposed ban on Airbnb in our city. As a resident and frequent traveler, I believe that Airbnb provides a valuable service that benefits both hosts and guests.

Firstly, Airbnb offers a more affordable and unique accommodation option for travelers who want to experience our city in a more local and authentic way. Traditional hotels can be expensive and often lack character, whereas Airbnb rentals provide guests with the opportunity to stay in charming homes or apartments that reflect the local culture and architecture.

Secondly, Airbnb provides a valuable source of income for hosts, many of whom rely on the extra income to make ends meet. This is particularly important for those who may be struggling financially, such as single parents or retirees.

Furthermore, Airbnb also encourages tourism and boosts the local economy. Guests who stay in Airbnb rentals are more likely to patronize local businesses and attractions, which in turn creates jobs and generates revenue for the city.

My company specifically has worked with so many organizations such as Catholic Charities of America to house 3 refugee families from Afghanistan 2 years ago through <https://www.airbnb.org>

I remember this being a very humbling experience for us. These families were new to America and we had the pleasure of serving them, providing a safe shelter from the famine and war they had gone through. I remember in one of our service calls, our maintenance man had to fix a broken dishwasher and they offered us a bread made from scratch to express their gratitude.

I've seen social media depictions of short term rentals and they are so opposite from what we've experienced. Most of our renters, for instance, are displaced families who suffered a tragic house fire, people who are working on projects---companies who opened several restaurants and several businesses in the city. We even have a group that had been with us for a month working for the NFL draft. These people bring value to our city—they don't want to be cramped in an expensive hotel that doesn't have a full kitchen or an outdoor area at their disposal.

In addition, there are many people like me who depend on short term rental services to make our ends meet. Some hosts rely on this income to sustain their day to day living when they fall on hard times or when their day job isn't enough.

Tourism is important for Kansas City. It brings money into the local economy and makes the city a more vibrant place to live. We love interacting with our guests and believe that Airbnb offers a new and special way for travelers to experience a city.

I understand that concerns have been raised about the impact of Airbnb on housing affordability and availability, but I believe that these issues can be addressed through sensible regulations rather than an outright ban.

In conclusion, I urge you to reconsider the proposed ban on Airbnb and instead work towards finding a solution that balances the needs of hosts, guests, and the community as a whole. Thank you for your attention to this matter.

**From:** [Kate Corwin](#)  
**To:** [Public Testimony](#); [Barnes, Lee](#); [Bough, Andrea](#); [Fowler, Dan](#); [Ellington, Brandon](#); [Loar, Teresa](#); [Shields, Kathryn](#); [Bunch, Eric](#); [Lucas, Quinton](#); [Decker, Forest](#)  
**Subject:** RE: STR Ordinances 230267 and 230268  
**Date:** Sunday, April 16, 2023 7:19:05 AM

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Dear Neighborhood Planning & Development Committee, elected officials and Forest Decker,

I have lived in the Southmoreland neighborhood since 1997 and have served on the board of the neighborhood association, and as chair of the 43rd and Main TIF. With our proximity to the KC Art Institute, our neighborhood has always had a very high rental rate for single-family homes. Now our proximity to the Plaza, Westport, and the Nelson museum, is making our neighborhood attractive for short-term rentals including B&Bs and small hotels. I live on McGee, just off 44th street. The home to the south of mine is now a hotel (AIDA Hotel), and there are two hotels on Oak street in the same block (The Truitt and the Oak Street Mansion).

I am writing to express my **strong support** for the ordinances being considered for short-term rentals in Kansas City as well as my **support** for committee substitutes to Short Term Rental Ordinances 230267 and 230368 in a form that supports the following criteria:

- Neighbor consent should continue to be required, although a reasonable compromise is disallowing non-resident STRs in R zoning and enacting density requirements.
- Quality of life protections, for both neighbors and guests, should continue to be required including the limits on the number of guests and prohibition of parties/events.
- Current permitted STRs should be required to re-register under Chapter 56 once their permit expires, and will be expected to comply with all requirements except the zoning and density requirement as long as the registrant or ownership does not change.
- The booking platforms must be required to remove any unregistered or deregistered STR.
- The Neighborhood Services Department must be committed to actively enforcing the Ordinance to address violations and shut down STRs that are illegally operating or failing to comply with the Ordinance.

Thank you for addressing this important issue affecting so many Kansas City neighborhoods including Southmoreland.

Sincerely,  
Kate Corwin  
4334 McGee Street, KCMO 64111  
816-304-8400  
gkcorwin@swbell.net



Kate Corwin \* 816-304-8400 [greenworkskc.org](http://greenworkskc.org)

*Empowering youth to protect our environment, contribute to our economy, and create healthy communities.*

***"The planet needs more peacemakers, healers, restorers, and people who live well in their places.***

***It needs people of moral courage willing to join the fight to make the world habitable and humane.***

***And these qualities have little to do with success as we have defined it." David Orr***

May 2, 2023

My name is Anne Johnston. I am a resident of the West Plaza neighborhood, where I have lived in the same home for 36 years. I am writing regarding the proposed committee substitutes to Ordinances 23067 and 23068.

Short-term rental proponents always focus on the economics of the STR industry; money is what this is all about. For neighbors it is the opposite – we are fighting for our communities' well being - though there are financial aspects of note.

- People may want to stay in a short-term rental, but they do not see their dream home next to or among them. They don't want to raise their children near spaces where people they don't know come and go regularly. I live within a one-minute or shorter walk of four non-owner occupied STRs. So far. Another West Plaza neighbor has seven near her home.
  - ❖ Nor does it matter to a prospective home buyer or long-term renter if these STRs are good ones or bad ones. A motel is a motel no matter the quality or quantity per block. There is no 100% guarantee about how each and every lodger will behave, no matter how many rules, cameras, devices, screenings, hotlines, and after-the-fact enforcement measures are required of these unstaffed motels-hotels.

Given a choice, people will buy, rent, and live in an STR-free area.

- The depiction of non-owner occupied STRs as “Mom and Pop” operations is deceptive. Only the STRs in which the owner lives at all times flirt with this Norman Rockwell image. STRs are overwhelmingly owned by investors, all of whom are for-profit businesses which exist to capitalize on a trend best described as a cancer in residential areas. Their profits fuel our decay.
- Density of STRs in residential areas is a moot point. No one would wedge a home between the Gap and Barnes and Noble, then another home between The Melting Pot and Kona Grill, or long-term residences on alternating floors of the InterContinental. Each belongs where it belongs.

Neighbors do not have attorneys to raise the specter of the U.S. Constitution to support their position. You are Kansas Citizens' voice – this committee and the members of the full City Council. Please respect proven zoning regulations based on purpose and participants. Protect and preserve the common sense reflected in residential neighborhoods zoned for residents.

That's a “yes” for any portions of the proposed committee substitutes to Ordinances 23067 and 23068 that do so.

Thank you for your time.



May 2, 2023

Neighborhood Planning & Development Committee

public.testimony@kcmo.org

Lee Barnes, Jr. lee.barnes@kcmo.org

Andrea Bough andrea.bough@kcmo.org

Dan Fowler dan.fowler@kcmo.org

Brandon Ellington brandon.ellington@kcmo.org

Teresa Loar teresa.loar@kcmo.org

Dear Neighborhood Planning & Development Committee,

After the testimony from the April 19, 2023 Neighborhood Planning & Development Committee, I am writing to encourage your support to enact the current (April 19, 2023) Committee Substitutes for Ordinances 230267 and 2368. The proposed ordinances answer many questions and concerns raised by both long-term residents and short-term rental operators, and prove to be an amenable solution for both parties. Those concerns and solutions are listed as follows:

- **There is no ban on short-term rentals.** Both owner and non-owner STRs currently permitted will be allowed to continue to operate in R-zones.
- **Homeowners struggle to purchase homes in Kansas City.** Investors are buying residential property before long-term Kansas City residents can purchase. This not only impacts the availability of housing, but also the affordability of housing. Restricting new non-owner STRs from R-zones alleviates this issue.
- **Neighborhoods are less safe.** Restricting new non-owner STRs from R-zones will create greater opportunity for long-term Kansas City residents to purchase or rent homes, thereby reconnecting neighbors, and strengthening the safety network that is inherent in strong neighborhoods.
- **The current registration process is difficult.** Obtaining consent is difficult, especially if you do not know your neighbors. The consent requirement is removed only if future non-owner STRs are designated to non-R zones.
- **Enforcement has been a challenge.** Transferring enforcement to the Neighborhood Services will allow for additional staffing and bandwidth, and will allow more time for the Planning Department to focus on responsible planning for our community.
- **What about the World Cup?** Long-term policy should not be driven by a once-in-a-lifetime event three years in the future. A Special Event Permit to allow for Kansas Citians to safely and responsibly host international visitors is the prudent solution for this once-in-a-lifetime event. Taxes and fees that apply to other short-term rentals would apply to Special Event Short Term Rentals.

I have reviewed the comments and concerns expressed by the Midtown Neighborhoods in their Comments to Substitute Versions of 230267 and 230268, dated April 12, 2023. The April 19, 2023 Committee Substitutes satisfactorily address those concerns. I implore the City Council and Mayor to enact an ordinance that resolves those concerns.

Sincerely,

Nadja Karpilow  
3820 Baltimore Avenue  
Kansas City, Missouri 64111  
816-706-6611  
nkarpilow@oldhydeparkkcmo.org

Cc: Kathryn Shields [kathryn.shields@kcmo.org](mailto:kathryn.shields@kcmo.org)  
Eric Bunch [eric.bunch@kcmo.org](mailto:eric.bunch@kcmo.org)  
Quinton Lucas [quinton.lucas@kcmo.org](mailto:quinton.lucas@kcmo.org)  
Forest Decker [forest.decker@kcmo.org](mailto:forest.decker@kcmo.org)

**From:** [Roland, Le"Shyeka](#) on behalf of [Shields, Katheryn](#)  
**To:** [Public Testimony](#)  
**Subject:** FW: Short Term Rentals  
**Date:** Tuesday, May 2, 2023 11:26:53 AM

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**From:** Leigh Blumenthal <cookieap@gmail.com>  
**Sent:** Tuesday, May 2, 2023 9:04 AM  
**To:** Loar, Teresa <Teresa.Loar@kcmo.org>; Ellington, Brandon <Brandon.Ellington@kcmo.org>; Fowler, Dan <Dan.Fowler@kcmo.org>; Bough, Andrea <Andrea.Bough@kcmo.org>; Barnes, Lee <Lee.Barnes@kcmo.org>  
**Cc:** Lucas, Quinton <Quinton.Lucas@kcmo.org>; Bunch, Eric <Eric.Bunch@kcmo.org>; Shields, Katheryn <Katheryn.Shields@kcmo.org>; Decker, Forest <Forest.Decker@kcmo.org>  
**Subject:** Short Term Rentals

**EXTERNAL: This email originated from outside the kcmo.org organization. Use caution and examine the sender address before replying or clicking links.**

Dear Neighborhood Planning & Development Committee,

After the testimony from the April 19, 2023 Neighborhood Planning & Development Committee, I am writing to encourage your support to enact the current (April 19, 2023) Committee Substitutes for Ordinances 230267 and 2368. The proposed ordinances answer many questions and concerns raised by both long-term residents and short-term rental operators, and prove to be an amenable solution for both parties. Those concerns and solutions are listed as follows:

- **There is no ban on short-term rentals.** Both owner and non-owner STRs currently permitted will be allowed to continue to operate in R-zones.
- **Homeowners struggle to purchase homes in Kansas City.** Investors are buying residential property before long-term Kansas City residents can purchase. This not only impacts the availability of housing, but also the affordability of housing. Restricting new non-owner STRs from R-zones alleviates this issue.
- **Neighborhoods are less safe.** Restricting new non-owner STRs from R-zones will create greater opportunity for long-term Kansas City residents to purchase or rent homes, thereby reconnecting neighbors, and strengthening the safety network that is inherent in strong neighborhoods.
- **The current registration process is difficult.** Obtaining consent is difficult, especially if you do not know your neighbors. The consent requirement is removed only if future non-owner STRs are designated to non-R zones.
- **Enforcement has been a challenge.** Transferring enforcement to the Neighborhood Services will allow for additional staffing and bandwidth, and will allow more time for the Planning Department to focus on responsible planning for our community, but adequate staffing is KEY. *Residents and community organizers fought hard for the much needed 'Rental Registration' database but then it was understaffed and then eliminated. Creating programming and departments without support is dooming them to fail. Residents will hold the City accountable for underfunded and understaffed programs.*
- **What about the World Cup?** Long-term policy should not be driven by a once-in-a-lifetime event three years in the future. A Special Event Permit to allow for Kansas Citians to safely and responsibly host international visitors is the prudent

solution for this once-in-a-lifetime event. Taxes and fees that apply to other short-term rentals would apply to Special Event Short Term Rentals.

I have reviewed the comments and concerns expressed by the Midtown Neighborhoods in their Comments to Substitute Versions of 230267 and 230268, dated April 12, 2023. The April 19, 2023 Committee Substitutes satisfactorily address those concerns. I implore the City Council and Mayor to enact an ordinance that resolves those concerns.

Sincerely,

Leigh Blumenthal  
428 East 81<sup>st</sup> Street  
Kansas City, MO 64131  
Waldo / Tower Homes Neighborhood

**From:** [Ben Snider](#)  
**To:** [Public Testimony](#)  
**Subject:** Support for Ordinance 230267 and 230268  
**Date:** Monday, April 17, 2023 12:18:21 PM

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Dear Chair Barnes and Committee Members,

My name is Ben Snider and I'm a concerned resident in the River Market neighborhood

Neighborhoods are a core strength of Kansas City – we live, work, and play here – and we volunteer our time to ensure they remain vibrant and safe. The overwhelming growth of non-resident short term rentals is changing the very fabric of our communities. This shift monetizes the work of community members who have invested in revitalizing, stabilizing, and maintaining residential districts, disrupting the sense of community built from those efforts, and presenting it as a staged environment for tourism.

As Kansas City realizes significant accomplishments in many areas, it faces crisis-level housing shortages, unacceptable levels of violent crime, and continued shortfalls in infrastructure maintenance. The continued expansion of short term rentals exacerbates these challenges and as communicated during recent community discussions, warrants updates to the existing policy with specific focus on:

- Restricting further expansion of non-resident short term rentals in residential zoning categories and implementing density restrictions in other zoning categories.
- Engaging booking platforms to require permits and compliance with local regulations.
- Implementing appropriate fees and fines to support program staffing and oversight.
- Strengthening enforcement provisions of the program to prioritize safety and quality of life for Kansas City residents.

I support the recommended language prepared by a coalition of Midtown neighborhoods, the Kansas City Neighborhood Advisory Committee, and representatives of the most impacted neighborhoods in the urban core. I ask the members of the Neighborhood Planning and Development Committee to adopt committee substitutes for 230267 and 230268 that reflect those efforts and recommend passage to the full Council.

Sincerely,

Ben Snider

**From:** [martha.hogerty](mailto:martha.hogerty)  
**To:** [Public Testimony](#); [Barnes, Lee](#); [Bough, Andrea](#); [Fowler, Dan](#); [Ellington, Brandon](#); [Loar, Teresa](#)  
**Cc:** [Shields, Katheryn](#); [Bunch, Eric](#); [Lucas, Quinton](#); [Forester, Rachel](#)  
**Subject:** STR Ordinances 230267 and 230268  
**Date:** Monday, April 17, 2023 12:18:05 PM

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April 18,2023

Neighborhood Planning & Development Committee [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org)

Lee Barnes, Jr. [lee.barnes@kcmo.org](mailto:lee.barnes@kcmo.org)  
Andrea Bough [andrea.bough@kcmo.org](mailto:andrea.bough@kcmo.org)  
Dan Fowler [dan.fowler@kcmo.org](mailto:dan.fowler@kcmo.org)  
Brandon Ellington [brandon.ellington@kcmo.org](mailto:brandon.ellington@kcmo.org)  
Teresa Loar [teresa.loar@kcmo.org](mailto:teresa.loar@kcmo.org)

RE: STR Ordinances 230267 and 230268

Dear Neighborhood Planning & Development Committee,

The number of unregulated non-resident short-term rentals in Kansas City has exploded to more than 2,000 units, many managed by individuals and LLC's with no ties to the community. In other cities that number has mushroomed to more than 20,000. Kansas City is facing a crisis in terms of available, affordable housing. Those investors compete with prospective tenants and home buyers who want to put down roots in our city.

The growth of non-resident short-term rentals has also created a safety issue, making it harder for residents to know who the owner, host, or guests are, and determine when property crimes may be occurring. In the case of multi-family buildings, it means transient guests will have access to keys or entrance codes meant to protect long term tenants. The 2018 ordinance required simple notification if the property owner lived on site. If the owner did not live at the property the ordinance required a majority of adjacent property owners to consent to an application. The revised ordinance, as currently drafted, eliminates those safeguards. It takes away the power and voice of homeowners and neighborhood associations who have worked with the city to revitalize and stabilize residential areas. It disrupts the sense of community built from those efforts.

To that end, I am writing to share my **support** for committee substitutes to Short Term Rental Ordinances 230267 and 230368 in a form that support the following criteria:

- Neighbor consent should continue to be required, although a reasonable compromise is disallowing non-resident STRs in R zoning and enacting density requirements.
- Quality of life protections, for both neighbors and guests, should continue to be required including the limits on the number of guests and prohibition of parties/events.
- Current permitted STRs should be required to re-register under Chapter 56 once their permit expires, and will be expected to comply with all requirements except the zoning and density requirement as long as the registrant or ownership does not change.
- The booking platforms must be required to remove any unregistered or deregistered STR.

- The Neighborhood Services Department must be committed to actively enforcing the Ordinance to address violations and shut down STRs that are illegally operating or failing to comply with the Ordinance.

Ordinances #230267 and 230268 will determine the fate of residential neighborhoods in Kansas City, Missouri. It will impact whether those neighborhoods are safe for residents, including families with children.

I am asking our elected representatives to partner with residents and neighborhoods to create a reasonable compromise that allows for sustainable growth but protects the rights and interests of permanent residents.

Martha Hogerty

4901 Wornall Rd.

816-438-5651

Attachment: [Neighborhood Analysis 67 & 68 - 4.15.23.pdf](#)

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE  
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; ~~and~~ 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.

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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
USE GROUP (refer to 88-805 Use Groups and Categories)	Districts										Use Standards
	ZONING DISTRICT										
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	
<b>RESIDENTIAL</b>											
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

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» Group homes	-	-	-	-	-	-	P	P	P	P	88-350
» Nursing home	S	S	S	S	S	S	P	P	P	P	88-350
<b>PUBLIC/CIVIC</b>											
<b>Bicycle-Sharing Facilities</b>	P	P	P	P	P	P	P	P	P	P	88-322
<b>Club, Lodge, or Fraternal Organization</b>	-	-	-	-	-	-	P	P	P	P	
<b>College/University</b>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Day Care</b>											
» Home-based (1–5)	P	P	P	P	P	P	P	P	P	P	
» Family (up to 10)	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
<b>Detention and Correctional Facilities</b>	S[1]	-	-	-	-	-	-	-	-	-	88-335
<b>Halfway House</b>	S	-	-	-	-	-	-	-	-	-	88-352
<b>Hospital</b>	-	-	-	-	-	-	-	-	S	S	
<b>Library/Museum/Cultural Exhibit</b>	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Park/Recreation</b>	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
<b>Religious Assembly</b>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Safety Service (except as noted below)</b>	S	S	S	S	S	S	S	S	S	S	88-365

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» Fire station	P	P	P	P	P	P	P	P	P	P	P	88-365
» Police station	P	P	P	P	P	P	P	P	P	P	P	88-365
<b>School</b>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<b>Utilities and Services</b> (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
<b>COMMERCIAL</b>												
<b>Animal Service</b>												
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	-	-	
<b>Entertainment Venues and Spectator Sports</b>	S	-	-	-	-	-	-	-	-	-	-	
<b>Funeral and Interment Service</b>												
» 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	
<b>Lodging</b>												
» 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.											
<b>Neighborhood-serving retail</b>	S	S	S	S	S	S	S	S	S	S	S	88-360

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Office, Administrative, Professional or General	-	-	-	-	-	-	S	S	S	S	
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	S	S	S	S	S	
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	-	
<b>INDUSTRIAL</b>											
Mining and Quarrying	S[2]	-	-	-	-	-	-	-	-	-	
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	
» Composting facility	S[1]	-	-	-	-	-	-	-	-	-	88-328
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	-	88-380
<b>OTHER</b>											
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	* Chapter 14
Agriculture, Crop	P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01
<b>Agricultural, Urban</b>											
» Home Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	S	S	S	S	S	S	S	S	S	88-312-02-C
<b>ACCESSORY SERVICES</b>											
<b>Wireless Communication Facility</b>											

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» Freestanding	P	-	-	-	-	-	-	-	-	-	88-385
» Co-located antenna	P	P	P	P	P	P	P	P	P	P	88-385

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**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 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.

**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
		O	B1	B2	B3	B4	
<b>RESIDENTIAL</b>							
<b>Household Living</b>							
» 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	
<b>Group Living</b>		P	P	P	P	P[5]	
<b>PUBLIC/CIVIC</b>							
<b>Bicycle Sharing Facilities</b>		P	P	P	P	P	88-322
<b>Club, Lodge, or Fraternal Organization</b>		P	P	P	P	P[5 for Ground Floor Uses]	
<b>College/University</b>		P	P	P	P	P[5 for Ground Floor Uses]	
<b>Day Care</b>							
» 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]	
<b>Hospital</b>	S	P	P	P	P[5 for Ground Floor Uses]	
<b>Library/Museum/Cultural Exhibit</b>	P	P	P	P	P	
<b>Park/Recreation</b>	P	P	P	P	P	
<b>Religious Assembly</b>	P	P	P	P	P	
<b>Safety Service</b>						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
<b>School</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Utilities and Services (except as noted below)</b>	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425- 08-B
<b>COMMERCIAL</b>						
<b>Adult Business</b>						
» 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
<b>Animal Service</b>						
» 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	88-315

					Floor Uses]	
<b>Artist Work or Sales Space</b>	-	P	P	P	P	
<b>Building Maintenance Service</b>	-	-	-	P	P[5]	
<b>Business Equipment Sales and Service</b>	-	-	P	P	P	
<b>Business Support Service (except as noted below)</b>	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
<b>Communications Service Establishments</b>	P	-	P	P	P[5]	
<b>Drive-Through Facility</b>	-	-	P[2]	P[2]	P[2]	88-338 and 88- 340
<b>Eating and Drinking Establishments (except as noted below)</b>	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
<b>Entertainment Venues and Spectator Sports</b>						
» 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]	
<b>Financial Services (except as noted below)</b>	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
<b>Food and Beverage Retail Sales</b>	-	P	P	P	P	
<b>Funeral and Interment Service</b>						
» 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
<b>Gasoline and Fuel Sales</b>	-	S[3]	S[3]	S[3]	P[3][5]	88-323
<b>Lodging</b>						
» 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
<b>Mobile Vendor Park</b>	-	-	-	P	P	88-358
<b>Office, Administrative, Professional or General</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Office, Medical</b>	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
<b>Parking, Accessory</b>	P	P	P	P	P	88-323
<b>Parking, Non-accessory</b>	-	-	S[1]	P[1]	P[1]	
<b>Personal Improvement Service</b>	P	P	P	P	P	
<b>Repair or Laundry Service, Consumer</b>	-	P	P	P	P	
<b>Research Service</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Retail Sales</b>	-	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
<b>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</b>	S	S	S	S	S	
<b>Sports and Recreation, Participant</b>						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
<b>Vehicle Sales and Service</b>						
» 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
<b>INDUSTRIAL</b>						
<b>Manufacturing, Production and Industrial Service</b>						
» Artisan	-	P/S	P	P	P	88-318
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-	-	
<b>Recycling Service</b>						
» Limited	-	-	-	-	S[1][4]	
<b>Self-Storage Warehouse</b>	-	-	-	-	P[2][4]	88-323, 88-369
<b>Warehousing, Wholesaling, Storage, Freight Movement</b>						
» Indoor	-	-	-	-	P[2][4]	88-323, 88-378
» Outdoor	-	-	-	-	-	88-378
<b>AGRICULTURAL</b>						
<b>Agriculture, Animal</b>	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
<b>Agriculture, Crop</b>	P	P	P	P	P[4]	88-312-01
<b>Agriculture, Urban</b>						
» 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
<b>ACCESSORY SERVICES</b>						
<b>Wireless Communication Facility</b>						
» 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.*











#### **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.











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.

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:

<u>24-1000-572319-454227</u>	<u>Short Term Rental Permit Revenue</u>	<u>\$74,000.00</u>
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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:

<u>24-1000-57319-B</u>	<u>Short Term Rental Education</u>	<u>\$1,000.00</u>
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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



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**File #: 230268**

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[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230268

Sponsor(s): Councilmember Eric Bunch and Mayor Quinton Lucas

Amending Chapter 56, Code of Ordinances, by enacting new Article VIII, entitled “Short-Term Rental Registration,” which would become effective June 15, 2023, and requires short-term rentals operating in the City to register with the City on an annual basis, pay an annual registration fee, certify various safety information and the identity of the natural person who will reside on the property as a long-term resident or such person who has management control and responsibility for the short-term rental, and provides zoning and density restrictions for non-resident short-term rentals, penalty provisions for both short-term rentals and their booking service providers for non-compliance with such registration requirements, and places recordkeeping requirements on both short-term rentals and their booking service providers.

WHEREAS, a recent City Audit highlighted the proliferation of short-term rentals in the City and potential limitations in City’s capacity to regulate short-term rentals through its existing regulations in Chapter 88 of the City Code, Sections 88-321-01 through 88-321-04, administered and enforced through the City’s Planning and Development Department; and

WHEREAS, on December 15, 2022, the City Council passed Resolution No. 221069, directing the City Manager to begin transition of regulatory duties concerning short-term rentals from the City Planning and Development Department to the Neighborhood Services Department, which included a directive to make any necessary personnel changes, secure any necessary funding, and to propose any appropriate, corresponding amendments to the City’s Code in order to effectuate this transition, and to complete such tasks within 90 days; and

WHEREAS, City seeks to identify short-term rentals operating in the City, better ensure they operate in a manner consistent with public health and safety and promote accountability and preserve the established character of existing neighborhoods, gain contact information for code enforcement and compliance, and encourage the cooperation of short-term rental booking service providers in accomplishing these purposes.

WHEREAS, in connection with the enactment of this new article within Chapter 56, City intends, via separate ordinance, to appropriately revise the existing short-term rental regulations in Chapter 88 of its Code to clarify the overall regulatory approach toward short-term rentals; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 56, Code of Ordinances, is hereby amended by enacting a new Article VIII, entitled “Short-Term Rental Registration,” to read as follows:

**CHAPTER 56, ARTICLE VIII.  
SHORT-TERM RENTAL REGISTRATION**

**Sec. 56-801. Effective date and purpose.**

The provisions of this article shall become effective June 15, 2023. The purpose of this article is:

(a) To identify those properties in the City that operate as short-term rentals, to better ensure they operate in a manner consistent with public health and safety, and to gain contact information for code enforcement and compliance;

(b) To allow non-resident short-term rentals to operate in the City in a manner that promotes accountability and preserves the established character of existing neighborhoods; and

(c) To encourage the cooperation of short-term rental booking service providers in accomplishing these purposes.

**Sec. 56-802. Definitions.**

(a) *Advertising* means the act of drawing the public's attention to a short-term rental.

(b) *Booking service provider* means any person or entity who facilitates a transaction between a prospective guest and a person or entity offering a short-term rental.

(c) *City* means the City of Kansas City, Missouri.

(d) *City incentive* means any economic incentive granted by the City or any economic development agency created by the City, including Port KC, in the nature of the capture and redirection, abatement, or exemption of taxes or the issuance of bonds or grants by the City or other City-backed financing.

(e) *Department* means the City's Neighborhood Services Department.

(f) *Director* means the Director of the City's Neighborhood Services Department or their authorized representative.

(g) *Dwelling unit* means one or more rooms arranged, designed or used as independent living quarters for a single household. Buildings with more than one kitchen or more than one set of cooking facilities are deemed to contain multiple dwelling units unless the additional cooking facilities are clearly accessory and not intended to serve additional households.

(h) *Long-term resident* means any natural person who, as of the date the registration is submitted pursuant to Section 56-803: (1) maintains their primary residence on the parcel where the dwelling unit that is the subject of the short-term rental registration is located; and (2)

certifies that they will maintain their primary residence on such parcel for a period of twelve months or more after the date the short-term rental registration is submitted.

(i) *Non-resident short-term rental* means any short-term rental whose registrant or proposed registrant has not demonstrated that they are a long-term resident of such dwelling unit, as defined in this article.

(j) *Owner* means any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

(k) *Properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code* means any short-term rental that obtained from the City an administrative approval or a special use permit as a Type 2 or non-owner occupied short-term rental, which has neither lapsed nor been revoked, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398.

(l) *Properly registered short-term rental pursuant to Chapter 88 of this Code* means any short-term rental that was registered with the City, and whose annual registration has not expired, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398.

(m) *Primary residence* means the place in which a person's habitation is fixed for the term of the registration, is occupied by such person for a cumulative minimum of 270 days per calendar year and is the person's usual place of return. A person can have only one (1) primary residence.

(n) *Registrant* means the natural person who has (1) identified themselves as the registrant in the registration information and documentation submitted to the director pursuant to section 56-803 either (a) for a resident short-term rental; or (b) a non-resident short-term rental; (2) either owns the dwelling unit, or has a documented right to possess and conduct a short-term rental within the dwelling unit; and (3) has complied with all registration requirements for such dwelling unit in this article.

(o) *Registration period* means the period from the date a registration is issued by the City in Section 56-803 through its expiration twelve months later.

(p) *Resident short-term rental* means any short-term rental whose registrant or proposed registrant demonstrates that they are a long-term resident of such dwelling unit, as required in this article.

(q) *Short-term rental* means any dwelling unit offered, provided, or operated as lodging accommodations to guests in exchange for remuneration for a period of less than thirty (30) consecutive days.

### **Sec. 56-803. Annual short-term rental registration.**

The requirements stated in this section shall not apply to a properly registered short-term rental pursuant to Chapter 88 of this Code. Unless exempted from this section, beginning June

15, 2023, each dwelling unit, before being offered, provided or operated as a short-term rental in the city, shall have its registrant submit the following to the director:

(a) *Fee.* A yearly registration fee of \$200.00. The director shall have authority annually to adjust the user fee listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing registrations pursuant to this article fall below the user fee being charged, the user fee shall be reduced so that it is equal to or less than the costs of processing such registrations.

(b) *Registration.* The following registration information and documentation, upon forms provided by the director:

- (1) *Dwelling unit.* The exact street address of each dwelling unit that may be offered, provided or operated as a short-term rental during the registration period, the primary intended use of the property on which the dwelling unit is situated, and, for a short-term rental within a multi-unit building, the number of dwelling units in each building on the property.
- (2) *Registrant.* Identification of the registrant by full name, Social Security Number or Federal Tax Identification Number, telephone number, mailing address, email address and date of birth.
- (3) *Owner.* If registrant is not the owner of the dwelling unit, identification of each owner of the dwelling unit by full name, telephone number, Social Security Number or Federal Tax Identification Number, mailing address, email address and date of birth. If the dwelling unit is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and address of any of the following shall be provided:
  - a. for a corporation, a corporate officer and the chief operating officer;
  - b. for a partnership, the managing partner;
  - c. for a limited liability company, the managing or administrative member;
  - d. for a limited partnership, a general partner;
  - e. for a trust, a trustee; or
  - f. for a real estate investment trust, a general partner or an officer.
- (4) *Resident short-term rental.* If the proposed registrant claims to be a long-term resident on the parcel where the dwelling unit to be offered, provided or operated as a short-term rental is located, documentation demonstrating that the proposed registrant is a long-term resident, by certifying that they will maintain primary residence on such parcel for the next twelve months, and providing at least two (2) of the following documents demonstrating that such parcel is their primary residence:

- a. Proof of valid motor vehicle registration;
  - b. Federal or state tax returns or other financial documentation;
  - c. Proof of voter registration;
  - d. A utility bill; and/or
  - e. Any other legal documentation deemed sufficient by the director that is pertinent to establishing primary residence.
- (5) *Non-resident short-term rental.* If the proposed registrant does not claim to be a long-term resident on the parcel where the dwelling unit to be offered, provided or operated as a short-term rental is located:
- a. A notarized affidavit executed by the proposed registrant stating their full name, telephone number, mailing address, email address, and that they are the natural person who has management control and responsibility for the dwelling unit, and will personally inspect the interior and exterior of such dwelling unit at least once per month during the registration period; and
  - b. Possession of a business license to operate a short-term rental in the dwelling unit, pursuant to Chapter 40 of this Code.
- (6) *Registrant's proof of possession.* Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the dwelling unit. If the proposed registrant does not own the dwelling unit, they must also provide a notarized affidavit from the property owner allowing the proposed registrant to conduct a short-term rental within the dwelling unit.
- (7) *Tax clearance.* Tax clearance letter, issued by the City's Revenue Division of the Finance Department, for proposed registrant and owner.
- (8) *Safety, legal and tax requirements.* Certification by the proposed registrant, and, if proposed registrant is not the owner of the dwelling unit, by the owner, to each of the following requirements:
- a. The dwelling unit complies with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits, and all property maintenance, building, electrical, mechanical, and plumbing codes.
  - b. If proposed registrant or owner has been involved with the operation of any short-term rental that was been banned or barred from activity in another jurisdiction, a detailed explanation of the circumstances, including the jurisdiction, property address(es), reason for ban or bar, and any documentation pertaining to such ban or bar.

- c. Posted within each dwelling unit offered, provided and/or operated as a short-term rental is the contact information for the proposed registrant, owner, and other local emergency contact information.
  - d. For a short-term rental within a multi-unit building, a map is posted depicting all evacuation routes by doors in the event of an emergency. The map shall be posted on or immediately adjacent to every required egress door from each unit, but is not required when a door leads directly to the outside of the building at grade level.
  - e. Installed and maintained within the dwelling unit are smoke and carbon monoxide detectors in locations as specified for dwelling units by the Building Code.
  - f. The dwelling unit contains a working fire extinguisher and a working, battery-powered, portable flashlight or lantern or other emergency lighting device that is workable during an electrical power outage.
  - g. No more than two persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed eight guests per dwelling unit, shall occupy the dwelling unit at any given time.
  - h. No food shall be prepared for or served to guests of any short-term rental by the proposed registrant or owner of the dwelling unit or their agents.
  - i. The dwelling unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
  - j. Proposed registrant and owner will allow inspection of the short-term rental dwelling unit by the city for fire, public safety, health/sanitation and other City Code compliance purposes upon reasonable prior notice (which may be oral or electronic) at times that such unit is not occupied by a short term-rental guest.
- (9) *Remedy violations after deregistration.* For any proposed short-term rental that was previously deregistered with the City pursuant to Section 56-804 of this Code, the proposed registrant for such short-term rental must provide additional documentation to the director demonstrating that such Code violation(s) that were the basis for such deregistration have been remedied.
- (10) *Certification.* The proposed registrant, and, if proposed registrant is not the owner of the dwelling unit, the owner(s), shall certify via notarized affidavit that the information required in this section is accurate and truthful.

(c) *Zoning and density requirements for non-resident short-term rentals.* To be eligible for registration under this article, a proposed non-resident short-term rental must both be located within a zoning district that, pursuant to Chapter 88 of this Code, allows non-resident short-term rentals, and satisfy the following density requirements:



- (1) If the proposed non-resident short-term rental is in a structure where there are fewer than three dwelling units, the dwelling unit proposed for registration cannot be less than 1,000 feet from the nearest dwelling unit that is either currently registered as a non-resident short-term rental under this article or is a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code. In determining whether any such short-term rentals fall within such distance of the proposed dwelling unit seeking registration, the director shall consider any dwelling unit within or intersected by a radius of 1000 linear feet of ground from the dwelling unit, and including any dwelling unit above or below such radius.
- (2) If the proposed non-resident short-term rental is in a structure where there are three or more dwelling units, no registration shall issue for such dwelling unit if 12.5% or more of the dwelling units within such structure are currently registered as short-term rentals under this article or are properly permitted Type 2 short-term rentals pursuant to Chapter 88 of this Code.

The zoning and density requirements stated in this subsection shall not apply to the proposed registration of either a resident short-term rental as defined in this article or any short-term rental that, as of the date the Committee Substitute for Ordinance 230267 becomes effective, was a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code that has not subsequently lapsed or been revoked.

*(d) Prohibition for non-resident short term rentals receiving City incentives.* No non-resident short term rental operated in a dwelling unit that receives any City incentives, or located within a structure or upon a parcel that receives any City incentives, shall be eligible for registration as a short-term rental during the period any such incentive is awarded. The following shall be exempt from this subsection: a resident short-term rental as defined in this article or any short-term rental that, as of the date the Committee Substitute for Ordinance 230267 becomes effective, was a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code that has not subsequently lapsed or been revoked.

*(e) Short-term rental limitation for parcel with one principal dwelling unit.* Any parcel with only one principal dwelling unit shall be allowed to have only one short term rental, regardless of whether the short-term rental is in the principal dwelling unit or an accessory dwelling unit on such parcel. In this subsection, the terms “principal dwelling unit” and “accessory dwelling unit” shall have the same meanings as provided in Chapter 88 of this Code.

*(f) Determination to issue or renew registration.* Upon the director’s determination that the requirements of this section have been satisfied, the director shall issue to the registrant a unique registration number for the dwelling unit. Each registration issued under this article shall expire at the end of its registration period and shall be subject to renewal annually. Any renewal registration must comply with all requirements of this section, and will be accepted beginning thirty days before end of the previous registration period and may be made without penalty before the end of the previous registration period.

#### **Sec. 56-804. Deregistration.**

*(a) Non-resident short-term rental Code violation.* A non-resident short-term rental registered under this article may be deregistered under this article when, in the determination of

the director, such non-resident short-term rental fails to comply with the requirements of this article or any other provision of this Code, including the provision of false or fraudulent information to the City pursuant to this article.

(b) *Resident short-term rental failure to maintain primary residence.* Any resident-short-term rental registered under this article may be deregistered under this article when, in the determination of the director, the registrant for such short-term rental fails to maintain their primary residence on the parcel where such dwelling unit is located.

(c) *One-year deregistration.* Any short-term rental deregistered pursuant to subsections (a) or (b) of this section shall be removed from the City's list of registered short-term rentals, deemed not in compliance with this article and ineligible to use any registration previously issued by the City pursuant to Section 56-803 and shall not be eligible to register again with the City for a period of one year.

(d) *Three-year deregistration.* A short-term rental shall be removed from the City's list of registered short-term rentals, deemed not in compliance with this article and ineligible to use any registration previously issued by the City pursuant to Section 56-803 and shall not be eligible to register again with the City for a period of three years if:

- (1) The short-term rental's registrant, owner or its agents were convicted of a combined three or more violations of this Code, state or federal law, in the course of operating such short-term rental; and
- (2) The director determines that the operation of the short-term rental presents a present and pervasive threat to or disregard for public health and safety. In determining the existence of any present and pervasive threat to or disregard for public health and safety, the director will consider the following:
  - a. The nature and extent of the violations of this Code, state or federal law;
  - b. The impact of any violations of this Code, state or federal law upon innocent parties;
  - c. Actions taken by the owner, registrant or other agent of the short-term rental to abate any violations of this Code, state or federal law;
  - d. The physical characteristics of the property where the short-term rental is located, including the proximity of the property to residential property, parks, churches, schools and playgrounds;
  - e. Whether any harassing or intimidating conduct, as prohibited by law, was committed or permitted by the owner, registrant, or other agent of the short-term rental;
  - f. The extent of any street or sidewalk congestion caused or permitted by the owner, registrant, or other agent of the short-term rental.

(e) *Notice and appeal of deregistration decision.* Upon determining that any short-term rental is deregistered pursuant to this section, the director shall notify in writing the registrant and owner of such short-term rental of such fact and of the basis for deregistration. Such notice

shall advise the registrant and owner that they are entitled to appeal the director's decision to deregister the short-term rental, as provided in Section 56-805.

**Sec. 56-805. Appeal.**

Any determination made by the City pursuant to this article either not to register or renew a short-term rental, or to deregister a short-term rental, may be administratively appealed as provided for in this chapter or Chapter 48 of this Code.

**Sec. 56-806. Change in registration information.**

(a) *Change in ownership or registrant.* If, during any registration period, there is a change in either ownership, or the identity of the person with authority to serve as the registrant, of a dwelling unit registered pursuant to this article, such registration shall no longer be valid, and before again being offered, provided or operated as a short-term rental in the city, such dwelling unit must be issued a new registration by the director pursuant to section 56-803, only after submitting a new fee and all information required by section 56-803.

(b) *Other change in registration information.* If, during any registration period, there is a change in the registration information previously submitted on behalf of the dwelling unit pursuant to section 56-803, other than a change in either ownership or the identity of person with authority to serve as the registrant, the registrant, and, if the registrant is not the owner of the dwelling unit, the owner, must within 30 days provide the director written notice of such change upon forms provided by the director, and certify such change pursuant to section 56-803(b)(10). There shall be no penalty for any such registration update if done within 30 days.

**Sec. 56-807. Unlawful acts.**

A properly registered short-term rental pursuant to Chapter 88 of this Code is exempt from liability for any unlawful act under this section.

(a) *Registration violation.* It shall be a violation of this article to fail to timely register, to provide inaccurate, false or fraudulent registration information required in this article, or to offer, provide or operate as a short-term rental any dwelling unit at any period of time during which such unit is unregistered, deregistered or not in compliance with this article's registration requirements.

(b) *Failure to maintain primary residence.* For any dwelling unit registered as a resident short-term rental pursuant to Section 56-803(b)(4), it shall be unlawful to offer, provide or operate a short-term rental within such dwelling unit without the registrant maintaining their primary residence on the parcel where such dwelling unit is located.

(c) *Advertising violation.* It shall be a violation of this article to advertise any dwelling unit for short-term rental that either (1) is not in compliance with this article's registration requirements or (2) does not display on the face of such advertisement the registration number issued by the City pursuant to Section 56-803.

(d) *Unlawful transactions.* It shall be a violation of this article for any booking service provider to receive payment, directly or indirectly, for a short-term rental located in the city that is not registered pursuant to this article. The absence of a short-term rental on the City's publicly available list of registered short-term rentals, as provided in Section 56-808, shall be prima facie evidence that such short-term rental is not registered with the City pursuant to this article. However, no booking service provider shall be in violation of this subsection for any short-term rental transaction occurring fewer than two days after such short-term rental was removed from City's publicly available list of registered short-term rentals. In addition to obtaining notice from the publicly available list of registered short-term rentals, a booking service provider may request in writing that City send, as a courtesy, individual notice to the booking service provider upon the removal of any short-term rental from the City's registry, by sending such written request to the director via certified mail, and identifying by full name, mailing address and email address the agent of the booking service provider to whom such notice is requested to be sent. The failure of the City to issue such individual notice to a booking service provider upon request, however, shall not relieve the booking service provider of any violations, penalties or liabilities that may be imposed under this article.

(e) *Failure to comply with safety, legal or tax requirements.* It shall be a violation of this article to offer, provide or operate a short-term rental without maintaining any of the conditions, or compliance with any of the requirements, that must be certified by the registrant pursuant to Section 56-803(b)(8).

(f) *Records.* It shall be a violation of this article for any person or entity to fail to comply with Section 56-808.

**Sec. 56-808. Records of registrant and booking service provider**

(a) Each short-term rental registrant and owner shall maintain, and provide to the City upon request, the following records for the past year:

- (1) Total number of nights the short-term rental was rented to a guest;
- (2) The dates in which the short-term rental was rented by a guest; and
- (3) Any complaints received from guests, local residents or others concerning either any alleged violation of law, including any violation of safety, legal or tax requirements in Section 56-803(b)(8) of this article, or sanitary, health or safety concern allegedly observed on the parcel where the short-term rental is located.

(b) Each booking service provider shall maintain, and provide to the City upon request, the following information for short-term rental transactions facilitated in the city within the past five years:

- (1) The name of the person who offered the short-term rental;
- (2) The address of the short-term rental;

- (3) The dates for which the short-term rental was booked by a guest;
- (4) The price paid by the guest for each short-term rental transaction;
- (5) The short-term rental registration number issued by the city pursuant to Section 56-803; and
- (6) Any complaints received from guests, local residents or others concerning either any alleged violation of law, including any violation of safety, legal or tax requirements in Section 56-803(b)(8) of this article, or sanitary, health or safety concern allegedly observed on the parcel where the short-term rental is located.

(c) The department shall maintain and make publicly available a list of all registered short-term rentals within the city.

**Sec. 56-809. Violations.**

Any person or entity who fails to comply, or causes or permits any condition that fails to comply, with the requirements of this article shall be guilty of an ordinance violation and, upon conviction thereof, shall be punishable as set forth in Section 56-810. Each day during which any unlawful act, as defined in Section 56-807, occurs or continues shall constitute a separate violation.

**Sec. 56-810. Penalties.**

Any person or entity convicted of a violation of this article shall be punished for that violation by a fine of not less than \$200.00, but not more than \$1,000.00, or by imprisonment of not more than 180 days or by both such fine and imprisonment.

**Sec. 56-811. Subpoenas**

For purposes of enforcement of this article, the City shall have the authority to issue subpoenas to compel the attendance and testimony of witnesses, with or without documentary evidence, and the production of books and documents. It shall be unlawful to refuse to obey a subpoena issued pursuant to this section.

Section 2. That the City Manager is directed, one year after the passage of this ordinance, to analyze the effectiveness of this registration program and report to the City Council on the same.

..end

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Approved as to form:

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Bret Kassen  
Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Neighborhoods

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Sponsor(s): Councilmember Eric Bunch and Mayor Quinton Lucas Amending Chapter 56, Code of Ordinances, by enacting new Article VIII, entitled “Short-Term Rental Registration,” which would become effective May 15, 2023, and requires short-term rentals operating in the City to register with the City on an annual basis, pay an annual registration fee, certify various safety information and the identity of the natural person who will reside on the property as a long-term resident or such person who has management control and responsibility for the short-term rental, and provides density restrictions for non-resident short-term rentals, penalty provisions for both short-term rentals and their booking service providers for non-compliance with such registration requirements, and places recordkeeping requirements on both short-term rentals and their booking service providers.

### Discussion

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

It does not have any fiscal impact for current year.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

Yes.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

Yes, revenue from annual registration fees.

# City of Kansas City, Missouri

## Docket Memo



### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No
2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

### Prior Legislation

Ordinance 221069

### Service Level Impacts

N/A



# City of Kansas City, Missouri

## Docket Memo



### Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

It places the Short Term Rental regulations under the appropriate chapter to be monitored and upheld.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230268

Amending Chapter 56, Code of Ordinances, by enacting new Article VIII, entitled “Short-Term Rental Registration,” which would become effective ~~May~~June 15, 2023, and requires short-term rentals operating in the City to register with the City on an annual basis, pay an annual registration fee, certify various safety information and the identity of the natural person who will reside on the property as a long-term resident or such person who has management control and responsibility for the short-term rental, and provides zoning and density restrictions for non-resident short-term rentals, penalty provisions for both short-term rentals and their booking service providers for non-compliance with such registration requirements, and places recordkeeping requirements on both short-term rentals and their booking service providers.

WHEREAS, a recent City Audit highlighted the proliferation of short-term rentals in the City and potential limitations in City’s capacity to regulate short-term rentals through its existing regulations in Chapter 88 of the City Code, Sections 88-321-01 through 88-321-04, administered and enforced through the City’s Planning and Development Department; and

WHEREAS, on December 15, 2022, the City Council passed Resolution No. 221069, directing the City Manager to begin transition of regulatory duties concerning short-term rentals from the City Planning and Development Department to the Neighborhood Services Department, which included a directive to make any necessary personnel changes, secure any necessary funding, and to propose any appropriate, corresponding amendments to the City’s Code in order to effectuate this transition, and to complete such tasks within 90 days; and

WHEREAS, City seeks to identify short-term rentals operating in the City, better ensure they operate in a manner consistent with public health and safety and promote accountability and preserve the established character of existing neighborhoods, gain contact information for code enforcement and compliance, and encourage the cooperation of short-term rental booking service providers in accomplishing these purposes.

WHEREAS, in connection with the enactment of this new article within Chapter 56, City intends, via separate ordinance, to appropriately revise the existing short-term rental regulations in Chapter 88 of its Code to clarify the overall regulatory approach toward short-term rentals; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 56, Code of Ordinances, is hereby amended by enacting a new Article VIII, entitled “Short-Term Rental Registration,” to read as follows:

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**CHAPTER 56, ARTICLE VIII.  
SHORT-TERM RENTAL REGISTRATION**

**Sec. 56-801. Effective date and purpose.**

The provisions of this article shall become effective ~~May~~June 15, 2023. The purpose of this article is:

(a) To identify those properties in the City that operate as short-term rentals, to better ensure they operate in a manner consistent with public health and safety, and to gain contact information for code enforcement and compliance;

(b) To allow non-resident short-term rentals to operate in the City in a manner that promotes accountability and preserves the established character of existing neighborhoods; and

(c) To encourage the cooperation of short-term rental booking service providers in accomplishing these purposes.

**Sec. 56-802. Definitions.**

(a) *Advertising* means the act of drawing the public's attention to a short-term rental.

(b) *Booking service provider* means any person or entity who facilitates a transaction between a prospective guest and a person or entity offering a short-term rental.

(c) *City* means the City of Kansas City, Missouri.

(d) *City incentive* means any economic incentive granted by the City or any economic development agency created by the City, including Port KC, in the nature of the capture and redirection, abatement, or exemption of taxes or the issuance of bonds or grants by the City or other City-backed financing.

(e) *Department* means the City's Neighborhood Services Department.

~~(d)~~(f) *Director* means the Director of the City's Neighborhood Services Department or their authorized representative.

~~(e)~~(g) *Dwelling unit* means one or more rooms arranged, designed, occupied, or intended for occupancy as separate independent living units. A dwelling unit does not include a residential unit in a multiple household building with mechanical or mechanical exhaust of cooking facilities, or a detached multiple dwelling structure designed as a separate habitable room or person's unit unless additional cooking facilities are clearly accessory and not intended to serve additional households.

~~(f)~~(h) *Long-term resident* means any natural person who, as of the date the registration is submitted pursuant to Section 56-803: (1) maintains their primary residence on the parcel where the dwelling unit that is the subject of the short-term rental registration is located; and (2) certifies

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that they will maintain their primary residence on such parcel for a period of twelve months or more after the date the short-term rental registration is submitted.

(i) Non-resident short-term rental means any short-term rental whose registrant or proposed registrant has not demonstrated that they are a long-term resident of such dwelling unit, as defined in this article.

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~~(g)~~(j) Owner means any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

(k) Properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code means any short-term rental that obtained from the City an administrative approval or a special use permit as a Type 2 or non-owner occupied short-term rental, which has neither lapsed nor been revoked, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398.

(l) Properly registered short-term rental pursuant to Chapter 88 of this Code means any short-term rental that was registered with the City, and whose annual registration has not expired, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398.

~~(h)~~(m) Primary residence means the place in which a person's habitation is fixed for the term of the registration, is occupied by such person for a cumulative minimum of 270 days per calendar year and is the person's usual place of return. A person can have only one (1) primary residence.

~~(i)~~(n) Registrant means the natural person who has (1) identified themselves as the registrant in the registration information and documentation submitted to the director pursuant to section 56-803 either (a) for a resident short-term rental; or (b) a non-resident short-term rental; (2) either owns the dwelling unit, or has a documented right to possess and conduct a short-term rental within the dwelling unit; and (3) has complied with all registration requirements for such dwelling unit in this article.

~~(j)~~(o) Registration period means the period from the date a registration is issued by the City in Section 56-803 through its expiration twelve months later.

~~(k)~~(a) ~~Notwithstanding the number of months that has elapsed since the date of the registration, if the registrant demonstrates that they are a long-term resident of such dwelling unit, as required in this article.~~

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~~(n)~~(q) Short-term rental means any dwelling unit offered, provided, or operated as lodging accommodations to guests in exchange for remuneration for a period of less than thirty (30) consecutive days.

**Sec. 56-803. Annual short-term rental registration.**

The requirements stated in this section shall not apply to a properly registered short-term rental pursuant to Chapter 88 of this Code. ~~For purposes of this subsection, a properly registered short-term rental pursuant to Chapter 88 of this Code is any short-term rental that was registered~~

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~~with the City and County of Kansas, Chapter 17, Article 23, Section 4.52 and Chapter 17, Article 23, Section 4.53 of the Kansas Statutes Annotated, and Chapter 17, Article 23, Section 4.54 of the Kansas Statutes Annotated, shall have its registrant submit the following to the director:~~

(a) *Fee.* A yearly registration fee of \$200.00; ~~and, The director shall have authority annually to adjust the user fee listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing registrations pursuant to this article fall below the user fee being charged, the user fee shall be reduced so that it is equal to or less than the costs of processing such registrations.~~

(b) *Registration.* The following registration information and documentation, upon forms provided by the director:

- (1) *Dwelling unit.* The exact street address of each dwelling unit that may be offered, provided or operated as a short-term rental during the registration period, the primary intended use of the property on which the dwelling unit is situated, and, for a short-term rental within a multi-unit building, the number of dwelling units in each building on the property.
- (2) *Registrant.* Identification of the registrant by full name, Social Security Number or Federal Tax Identification Number, telephone number, mailing address, email address and date of birth.
- (3) *Owner.* If registrant is not the owner of the dwelling unit, identification of each owner of the dwelling unit by full name, telephone number, Social Security Number or Federal Tax Identification Number, mailing address, email address and date of birth. If the dwelling unit is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and address of any of the following shall be provided:
  - a. for a corporation, a corporate officer and the chief operating officer;
  - b. for a partnership, the managing partner;
  - c. for a limited liability company, the managing or administrative member;
  - d. for a limited partnership, a general partner;
  - e. for a trust, a trustee; or
  - f. for a real estate investment trust, a general partner or an officer.
- (4) *Resident short-term rental.* If the proposed registrant claims to be a long-term resident on the parcel where the dwelling unit to be offered, provided or operated

as a short-term rental is located, documentation demonstrating that the ~~resident~~proposed registrant is a long-term resident, by certifying that they will maintain primary residence on such parcel for the next twelve months, and providing at least two (2) of the following documents demonstrating that such parcel is their primary residence:

- a. Proof of valid motor vehicle registration;
  - b. Federal or state tax returns or other financial documentation;
  - c. Proof of voter registration;
  - d. A utility bill; and/or
  - e. Any other legal documentation deemed sufficient by the director that is pertinent to establishing primary residence.
- (5) *Non-resident short-term rental.* If the proposed registrant does not claim to be a long-term resident on the parcel where the dwelling unit to be offered, provided or operated as a short-term rental is located:
- a. ~~=~~  
A notarized affidavit executed by the proposed registrant stating their full name, telephone number, mailing address, email address, and that they are the natural person who has management control and responsibility for the dwelling unit, and will personally inspect the interior and exterior of such dwelling unit at least once per month during the registration period; and
  - b. Possession of a business license to operate a short-term rental in the dwelling unit, pursuant to Chapter 40 of this Code.
- (6) *Registrant's proof of possession.* Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the dwelling unit. If the proposed registrant does not own the dwelling unit, they must also provide a notarized affidavit from the property owner allowing the proposed registrant to conduct a short-term rental within the dwelling unit.
- (7) *Tax clearance.* Tax clearance letter, issued by the City's Revenue Division of the Finance Department, for proposed registrant and owner.
- (8) *Safety, legal and tax requirements.* Certification by the proposed registrant, and, if proposed registrant is not the owner of the dwelling unit, by the owner, to each of the following ~~safety~~ requirements:
- a. The dwelling unit complies with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits, and all

property maintenance, building, electrical, mechanical, and plumbing codes.

b. If proposed registrant or owner has been involved with the operation of any short-term rental that was been banned or barred from activity in another jurisdiction, a detailed explanation of the circumstances, including the jurisdiction, property address(es), reason for ban or bar, and any documentation pertaining to such ban or bar.

b.c. Posted within each dwelling unit offered, provided and/or operated as a short-term rental is the contact information for the proposed registrant, owner, and other local emergency contact information.

e.d. For a short-term rental within a multi-unit building, a map is posted depicting all evacuation routes by doors in the event of an emergency. The map shall be posted on or immediately adjacent to every required egress door from each unit, but is not required when a door leads directly to the outside of the building at grade level.

d.e. Installed and maintained within the dwelling unit are smoke and carbon monoxide detectors in locations as specified for dwelling units by the Building Code.

e.f. The dwelling unit contains a working fire extinguisher and a working, battery-powered, portable flashlight or lantern or other emergency lighting device that is workable during an electrical power outage.

g. RegistrantNo more than two persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed eight guests per dwelling unit, shall occupy the dwelling unit at any given time.

h. No food shall be prepared for or served to guests of any short-term rental by the proposed registrant or owner of the dwelling unit or their agents.

i. The dwelling unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.

f.j. Proposed registrant and owner will allow inspection of the short-term rental dwelling unit by the city for fire, public safety, health/sanitation and other city codeCity Code compliance purposes upon reasonable prior notice (which may be oral or electronic) at times that such unit is not occupied by a short term-rental guest.

(9) Non-residential commercial structure, Remedial violations of registration ~~For any proposed registrant that was previously deregistered with the City pursuant to section Section 56-804 for violation(s) of this Code, the~~

proposed registrant for such short-term rental must provide additional documentation to the director demonstrating that such Code violation(s) that were the basis for such deregistration have been remedied.

- (10) *Certification.* The proposed registrant, and, if proposed registrant is not the owner of the dwelling unit, the owner(s), shall certify via notarized affidavit that the information required in this section is accurate and truthful.

(c) ~~Density requirements~~ Zoning and density requirements for non-resident short-term rentals. To be eligible for registration under this article, a proposed non-resident short-term rental must both be located within a zoning district that, pursuant to Chapter 88 of this Code, allows non-resident short-term rentals, and satisfy the following density requirements:

- (1) If the proposed non-resident short-term rental is in a structure where there are fewer than three dwelling units, the dwelling unit proposed for registration cannot be less than 1,000 feet from the nearest dwelling unit that is either currently registered as a non-resident short-term rental under this article or is a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code. In determining whether any such short-term rentals fall within such distance of the proposed dwelling unit seeking registration, the director shall consider any dwelling unit within or intersected by a radius of 1000 linear feet of ground from the dwelling unit, and including any dwelling unit above or below such radius.
- (2) If the proposed non-resident short-term rental is in a structure where there are three or more dwelling units, no registration shall issue for such dwelling unit if ~~25~~ 12.5% or more of the dwelling units within such structure are currently registered as short-term rentals under this article or are properly permitted Type 2 short-term rentals pursuant to Chapter 88 of this Code.

The zoning and density requirements stated in this subsection shall not apply to the proposed registration of either a resident short-term rental as defined in this article, or a properly permitted Type 2 any short-term rental pursuant to Chapter 88 that, as of this Code. For purposes of this subsection, the date the Committee Substitute for Ordinance 230267 becomes effective, was a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code is any short-term rental that obtained an administrative approval or a special use permit as a Type 2 or non-owner occupied short term rental, which that has neither not subsequently lapsed nor been revoked, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398.

(d) Prohibition for non-resident short term rentals receiving City incentives. No non-resident short term rental operated in a dwelling unit that receives any City incentives, or located within a structure or upon a parcel that receives any City incentives, shall be eligible for registration as a short-term rental during the period any such incentive is awarded. The following shall be exempt from this subsection: a resident short-term rental as defined in this article or any short-term rental that, as of the date the Committee Substitute for Ordinance 230267 becomes



effective, was a properly permitted Type 2 short-term rental pursuant to Chapter 88 of this Code that has not subsequently lapsed or been revoked.

(e) Short-term rental limitation for parcel with one principal dwelling unit. Any parcel with only one principal dwelling unit shall be allowed to have only one short term rental, regardless of whether the short-term rental is in the principal dwelling unit or an accessory dwelling unit on such parcel. In this subsection, the terms “principal dwelling unit” and “accessory dwelling unit” shall have the same meanings as provided in Chapter 88 of this Code.

~~(d)~~(f) Determination to issue or renew registration. Upon the director’s determination that the requirements of this section have been satisfied, the director shall issue to the registrant a unique registration number for the dwelling unit. Each registration issued under this article shall expire at the end of its registration period and shall be subject to renewal annually. Any renewal registration must comply with all requirements of this section, and will be accepted beginning thirty days before end of the previous registration period and may be made without penalty before the end of the previous registration period.

**Sec. 56-804. Deregistration.**

(a) Non-resident short-term rental Code violation. A non-resident short-term rental registered under this article may be deregistered under this article when, in the determination of the director, such non-resident short-term rental fails to comply with the requirements of this article or any other provision of this Code, including the provision of false or fraudulent information to the City pursuant to this article.

(b) Resident short-term rental failure to maintain primary residence. Any resident-short-term rental registered under this article may be deregistered under this article when, in the determination of the director, the registrant for such short-term rental fails to maintain their primary residence on the parcel where such dwelling unit is located.

(c) One-year deregistration. Any short-term rental deregistered pursuant to subsections (a) or (b) of this section shall be removed from the City’s list of registered short-term rentals, deemed not in compliance with this article and ineligible to use any registration previously issued by the City pursuant to Section 56-803 and shall not be eligible to register again with the City for a period of one year.

(d) Three-year deregistration. A short-term rental shall be removed from the City’s list of registered short-term rentals, deemed not in compliance with this article and ineligible to use any registration previously issued by the City pursuant to Section 56-803 and shall not be eligible to register again with the City for a period of three years if:

- (1) The short-term rental’s registrant, owner or its agents were convicted of a combined three or more violations of this Code, state or federal law, in the course of operating such short-term rental; and

(2) The director determines that the operation of the short-term rental presents a present and pervasive threat to or disregard for public health and safety. In determining the existence of any present and pervasive threat to or disregard for public health and safety, the director will consider the following:

- a. The nature and extent of the violations of this Code, state or federal law;
- b. The impact of any violations of this Code, state or federal law upon innocent parties;
- c. Actions taken by the owner, registrant or other agent of the short-term rental to abate any violations of this Code, state or federal law;
- d. The physical characteristics of the property where the short-term rental is located, including the proximity of the property to residential property, parks, churches, schools and playgrounds;
- e. Whether any harassing or intimidating conduct, as prohibited by law, was committed or permitted by the owner, registrant, or other agent of the short-term rental;
- f. The extent of any street or sidewalk congestion caused or permitted by the owner, registrant, or other agent of the short-term rental.

~~(e)~~(e) *Notice and appeal of deregistration decision.* Upon determining that any short-term rental is deregistered pursuant to ~~subsections (a) or (b)~~ of this section, the director shall notify in writing the registrant and owner of such short-term rental of such fact and of the basis for deregistration. Such notice shall advise the registrant and owner that they are entitled to appeal the director's decision to deregister the short-term rental, as provided in ~~section~~Section 56-805.

**Sec. 56-805. Appeal.**

Any determination made by the City pursuant to this article either not to register or renew a short-term rental, or to deregister a ~~non-resident~~ short-term rental, may be administratively appealed as provided for in this chapter or ~~chapter~~Chapter 48 of this Code.

**Sec. 56-806. Change in registration information.**

*(a) Change in ownership or registrant.* If, during any registration period, there is a change in either ownership, or the identity of the person with authority to serve as the registrant, of a dwelling unit registered pursuant to this article, such registration shall no longer be valid, and before again being offered, provided or operated as a short-term rental in the city, such dwelling unit must be issued a new registration by the director pursuant to section 56-~~03~~803, only after submitting a new fee and all information required by section 56-803.

*(b) Other change in registration information.* If, during any registration period, there is a change in the registration information previously submitted on behalf of the dwelling unit pursuant to section 56-803, other than a change in either ownership or the identity of person with authority to serve as the registrant, the registrant, and, if the registrant is not the owner of the dwelling unit, the owner, must within 30 days provide the director written notice of such change upon forms provided by the director, and certify such change pursuant to section 56-803(b)(10). There shall be no penalty for any such registration update if done within 30 days.

**Sec. 56-807. Unlawful acts.**

A properly registered short-term rental pursuant to Chapter 88 of this Code is exempt from ~~and cannot serve as the basis for, any violation under this section. For purposes of this section, a properly registered short term rental pursuant to Chapter 88 of this Code is any short term rental that was registered with the City as short term rental, and whose annual registration has not expired, pursuant to Ordinance No. 170771, as amended by Ordinance No. 220398. liability for any unlawful act under this section.~~

*(a) Registration violation.* It shall be a violation of this article to fail to timely register, to provide inaccurate, ~~false or fraudulent~~ registration information required in this article, or to offer, provide or operate as a short-term rental any dwelling unit at any period of time during which such unit is unregistered, deregistered or not in compliance with this article's registration requirements.

*(b) Failure to maintain primary residence.* For any dwelling unit registered as a resident short-term rental pursuant to Section 56-803(b)(4), it shall be unlawful to offer, provide or operate a short-term rental within such dwelling unit without the registrant maintaining their primary residence on the parcel where such dwelling unit is located.

*(c) Advertising violation.* It shall be a violation of this article to advertise any dwelling unit for short-term rental that either (1) is not in compliance with this article's registration requirements or (2) does not display on the face of such advertisement the registration number issued by the City pursuant to Section 56-803.

*(d) Unlawful transactions.* It shall be a violation of this article for any booking service provider to receive payment, directly or indirectly, for a short-term rental located in the city that is not registered pursuant to this article. ~~The provisions of this subsection (d) are entirely strict liability in nature. The absence of a short-term rental on the City's publicly available list of registered short-term rentals, as provided in Section 56-808, shall be prima facie evidence that~~

such short-term rental is not registered with the City pursuant to this article. However, no booking service provider shall be in violation of this subsection for any short-term rental transaction occurring fewer than two days after such short-term rental was removed from City's publicly available list of registered short-term rentals. In addition to obtaining notice from the publicly available list of registered short-term rentals, a booking service provider may request in writing that City send, as a courtesy, individual notice to the booking service provider upon the removal of any short-term rental from the City's registry, by sending such written request to the director via certified mail, and identifying by full name, mailing address and email address the agent of the booking service provider to whom such notice is requested to be sent. The failure of the City to issue such individual notice to a booking service provider upon request, however, shall not relieve the booking service provider of any violations, penalties or liabilities that may be imposed under this article.

(e) Failure to comply with safety, legal or tax requirements. It shall be a violation of this article to offer, provide or operate a short-term rental without maintaining any of the conditions, or compliance with any of the requirements, that must be certified by the registrant pursuant to Section 56-803(b)(8).

(e)(f) Records. It shall be a violation of this article for any person or entity to fail to comply with ~~section~~Section 56-808.

#### **Sec. 56-808. Records of registrant and booking service provider**

(a) Each short-term rental registrant and owner shall maintain, and provide to ~~city~~the City upon request, the following records for the past year:

- (1) Total number of nights the short-term rental was rented to a guest; ~~and~~
- (2) The dates in which the short-term rental was rented by a guest; and
- (3) Any complaints received from guests, local residents or others concerning either any alleged violation of law, including any violation of safety, legal or tax requirements in Section 56-803(b)(8) of this article, or sanitary, health or safety concern allegedly observed on the parcel where the short-term rental is located.

(b) Each booking service provider shall maintain, and provide to ~~city~~the City upon request, the following information for short-term rental transactions facilitated in the city within the past five years:

- (1) The name of the person who offered the short-term rental;
- (2) The address of the short-term rental;
- (3) The dates for which the short-term rental was booked by a guest;
- (4) The price paid by the guest for each short-term rental transaction; ~~and~~

(5) The short-term rental registration number issued by the city pursuant to Section 56-803-; and

(6) Any complaints received from guests, local residents or others concerning either any alleged violation of law, including any violation of safety, legal or tax requirements in Section 56-803(b)(8) of this article, or sanitary, health or safety concern allegedly observed on the parcel where the short-term rental is located.

(c) The department shall maintain and make publicly available a list of all registered short-term rentals within the city.

**Sec. 56-809. Violations.**

Any person or entity who fails to comply, or causes or permits any condition that fails to comply, with the requirements of this article shall be guilty of an ordinance violation and, upon conviction thereof, shall be punishable as set forth in Section 56-810. Each day during which any unlawful act, as defined in Section 56-807, occurs or continues shall constitute a separate violation.

**Sec. 56-810. Penalties.**

Any person or entity convicted of a violation of this article shall be punished for that violation by a fine of not less than \$200.00, but not more than \$1,000.00, or by imprisonment of not more than 180 days or by both such fine and imprisonment.

**Sec. 56-811. Subpoenas**

For purposes of enforcement of this article, the ~~city~~City shall have the authority to issue subpoenas to compel the attendance and testimony of witnesses, with or without documentary evidence, and the production of books and documents. It shall be unlawful to refuse to obey a subpoena issued pursuant to this section.

Section 2. That the City Manager is directed, one year after the passage of this ordinance, to analyze the effectiveness of this registration program and report to the City Council on the same.

\_\_\_\_\_  
Approved as to form:

\_\_\_\_\_  
Bret Kassen  
Associate City Attorney



**File #:** 230310

ORDINANCE NO. 230310

Sponsor: Director of City Planning and Development Department

Amending Chapter 88, Code of Ordinances, by repealing Section 88-805-04, Commercial Use Group, and enacting in lieu thereof a new section of like number and subject matter to change the definition of restaurant to be consistent with Chapter 10 of the Code of Ordinances (CD-CPC-2023-00030).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by repealing section 88-805-04, Commercial Use Group, and enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

**88-805-04 COMMERCIAL USE GROUP**

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

**88-805-04-A. ADULT BUSINESS**

"Adult business" is an inclusive term used to describe collectively: adult cabaret; adult motion picture theatre; adult media store; bathhouse; massage shop; modeling studio; and/or sex shop. This collective term does not describe a specific land use and will not be considered a single use category.

**1. ADULT CABARET**

An adult live entertainment facility, or that part of an adult live entertainment facility, that regularly features or otherwise offers to the public, customers or members in a viewing area, any live exhibition, performance or dance by persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appear unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

**2. ADULT MEDIA STORE**

An establishment that rents and/or sells adult media and that meets any of the following tests:

- (a) More than 40% of the gross public floor area is devoted to adult media;
- (b) More than 40% of the stock in trade consists of adult media; or
- (c) A media store that advertises or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as an adult business.

**3. ADULT MOTION PICTURE THEATER**

A building or portion of a building (including any portion of a building that contains more than 150 square feet) used for presenting motion pictures, movies, videos or other projected images if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if, as a prevailing practice, the movies, videos or other material presented are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**4. BATHHOUSE**

An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.

**5. MASSAGE SHOP**

An establishment that has a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of, external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity provided that this term does not include any establishment operated by a medical practitioner, professional physical therapist, or massage therapist licensed by the state.

**6. MODELING STUDIO**

Modeling studio means an establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude, by means of photography, painting, sketching, drawing, or otherwise.

**7. SEX SHOP**

A business offering goods for sale or rent and that meets any of the following tests:

- (a) It offers for sale items from any two of the following categories: adult media; sexually-oriented toys or novelties; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10% of the stock in trade of the business or occupies more than 10% of the gross public floor area of the business;
- (b) More than 5% of the stock in trade of the business consists of sexually-oriented toys or novelties; or
- (c) More than 5% of the gross public floor area of the business is devoted to the display of sexually oriented adult toys or novelties.

#### **88-805-04-B. ANIMAL SERVICES**

The following are animal services use types:

##### **1. SALES AND GROOMING**

Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops.

##### **2. SHELTER OR BOARDING KENNEL**

Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, pet resorts/hotels, dog training centers, and animal rescue shelters.

##### **3. VETERINARY**

Typical uses include pet clinics, dog and cat hospitals, and animal hospitals.

##### **4. STABLE**

Stables and boarding facilities for horses and similar large animals.

#### **88-805-04-C. ARTIST WORK OR SALES SPACE**

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the "Libraries and Cultural Exhibits" use category.

#### **88-805-04-D. BUILDING MAINTENANCE SERVICE**

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance, and window cleaning services. Also includes exterminator services for residential, commercial, or industrial applications.

#### **88-805-04-E. BUSINESS EQUIPMENT SALES AND SERVICE**

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or



service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

**88-805-04-F. BUSINESS SUPPORT SERVICE**

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies and telephone answering services and business or trade schools. Business or trades schools that involve outdoor storage and work areas or manufacturing processes are not considered business support services but rather are to be classified in an Industrial use group category.

**1. DAY LABOR EMPLOYMENT AGENCY**

Any enterprise, other than a labor union or a not-for-profit organization, engaged in procuring or providing persons to perform temporary unskilled work at a site other than the day labor business premises in which (1) the day laborers are paid, by the day labor business or a third party employer, each work day or on the business day following the work day, and (2) persons arrive at the day labor business premises to make application for work as a day laborer, to obtain assignment for day labor, to obtain transportation to a day labor site or to obtain payment of wages or benefits for day labor. For purposes of this definition, "unskilled work" means work involving physical tasks for which the (1) the worker is not required by law to hold a professional or occupational license, or (2) the employer or contractor controlling the site of the work does not require the worker to have (a) a high school diploma or its equivalent, or (b) education beyond high school, or (c) relevant vocational education or (d) demonstrated proficiency with a specified type of machinery to be used in the work, but does not include white collar, secretarial, clerical or professional work.

**88-805-04-G. COMMUNICATIONS SERVICE ESTABLISHMENTS**

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "major utilities and services" and "minor utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers, data centers, and telegraph service offices.

**88-805-04-H. DRIVE-THROUGH FACILITY**

Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle. Also includes "drive-in" businesses and facilities, such as drive-in restaurants and car washes.

**88-805-04-I. EATING AND DRINKING ESTABLISHMENTS**

Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.

**1. RESTAURANT**

An establishment primarily engaged in serving prepared food to the public and in which sales of such prepared foods and meals constitutes at least 30% of the establishment's gross income, pursuant to Chapter 10 of the municipal code.

**2. TAVERN OR NIGHTCLUB**

An establishment that is not a restaurant and that is primarily engaged in the serving of alcohol for consumption on the premises or engaged in allowing the smoking of tobacco or other substances.

**88-805-04-J. ENTERTAINMENT VENUES AND SPECTATOR SPORTS**

Provision of cultural, entertainment, athletic and other events to spectators, such as occurs in theaters, cinemas, auditoriums, fairgrounds, sports stadiums and racetracks. The following are spectator sports and entertainment use types:

**1. SMALL VENUE**

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

**2. MEDIUM VENUE**

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include theaters and meeting or banquet halls.

**3. LARGE VENUE**

Entertainment and spectator sports establishments with a capacity of 500 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

**4. OUTDOOR VENUE**

Entertainment and spectator sports functions held outdoors. Typical uses include theaters, fairgrounds, sports stadiums, and racetracks.

**88-805-04-K. FINANCIAL SERVICES**

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, mortgage companies, pawnshops, and short-term loan establishments.

**1. BANK**

An establishment that is engaged in the business as a bank or trust company, and is federally chartered or state chartered. "Bank" also includes credit unions that are federally or state chartered, and mortgage companies that provide mortgage loans as a principal part of their operation, with the loans secured by an interest in real property as collateral for the loan.

**2. PAWN SHOP**

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 367, RSMo.

**3. SAVINGS AND LOAN ASSOCIATION**

An establishment that is engaged in the business as a savings and loan association and is federally chartered or state chartered.

**4. SHORT-TERM LOAN ESTABLISHMENT**

An establishment which (a) engages in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) is registered as a lender under state or federal law. The classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stores, and car title loan stores.

**88-805-04-L. FOOD AND BEVERAGE RETAIL SALES**

Retail sale of food and beverages for home consumption. Typical uses include groceries and liquor stores.

**88-805-04-M. FUNERAL AND INTERMENT SERVICES**

Provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:

**1. CEMETERY/COLUMBARIUM/MAUSOLEUM**

Land or facilities used for burial of the dead, including pet cemeteries.

**2. CREMATING**

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

**3. UNDERTAKING**

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**88-805-04-N. GASOLINE AND FUEL SALES**

Uses primarily engaged in retail sales of personal automobile and vehicle fuels, including rapid (level 3) battery charging stations, battery exchange stations and retail electric charging of vehicles.

**88-805-04-O. LODGING**

Provision of lodging services on a temporary basis of not more than 30 days, with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

**1. BED AND BREAKFAST**

A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

**2. HOTEL/MOTEL**

An establishment, other than a detached house, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels, motels, and boarding houses.

**3. RECREATIONAL VEHICLE PARK**

A development site, parcel, or tract of land designed, maintained or intended to be used for the purpose of providing short-term accommodation of not more than 30 days for placement of two or more recreational vehicles, including all buildings used or maintained for the use of the occupants in the recreational vehicle park.

**88-805-04-P. OFFICE**

**1. ADMINISTRATIVE, PROFESSIONAL OR GENERAL OFFICE**

Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies, and government offices.

**2. MEDICAL OFFICE**

Personal health services including prevention, diagnosis and treatment; rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services, including medical marijuana testing facilities. Typical uses include medical and dental offices, health maintenance organizations, blood banks, plasma centers, and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

**88-805-04-Q. PARKING, NON-ACCESSORY**

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

**88-805-04-R. PERSONAL IMPROVEMENT SERVICE**

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, health clubs, yoga or dance studios, driving schools and martial arts studios.

**88-805-04-S. REPAIR OR LAUNDRY SERVICE, CONSUMER**

Provision of repair, dry cleaning, or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning

drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

**88-805-04-T. RESEARCH SERVICE**

An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution, or sale of products. Research services do not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such external impacts are classified as "manufacturing, production, and industrial services."

**88-805-04-U. RESIDENTIAL SUPPORT SERVICES**

Commercial uses provided primarily to serve the needs of residents in large, multi-unit residential buildings. The following are considered residential support services:

1. Restaurants;
2. Financial services, except pawnshops, consumer loan agencies, and payday loan stores;
3. Food and beverage retail sales;
4. Medical office (other than blood/plasma center);
5. Administrative, Professional, or General Offices;
6. Personal improvement service; and
7. Retail sales establishments.

**88-805-04-V. RETAIL SALES**

Businesses involved in the sale, lease, or rent of new or used products or merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores. Also includes medical marijuana dispensary facilities.

**1. OUTDOOR RETAIL SALES - CLASS A**

Outdoor retail sales - class A are permanent uses outside of a completely enclosed building or structure used to display goods for sale to the general public as part of and subordinate to retail sales or similar business establishment. This includes but is not limited to garden supplies, building supplies, and plant materials.

**2. OUTDOOR RETAIL SALES - CLASS B**

Outdoor retail sales - class B are permanent uses where the majority of the retail space is outdoors and items are for sale to the general public. This includes but is not limited to garden nurseries, manufactured home sales, and recreational and play equipment sales.

**88-805-04-W. SPORTS AND RECREATION, PARTICIPANT**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). Examples include bowling alleys, skating rinks, billiard parlors, driving ranges and miniature golf courses, shooting and archery ranges, batting cages, and go-cart tracks.

**88-805-04-X. VEHICLE SALES AND SERVICE**

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

**1. CAR WASH/CLEANING SERVICE**

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

**2. HEAVY EQUIPMENT SALES/RENTALS**

Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

**3. LIGHT EQUIPMENT SALES/RENTALS**

Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

**4. MOTOR VEHICLE REPAIR, LIMITED**

a. A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.

b. Also included vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

**5. MOTOR VEHICLE REPAIR, GENERAL**

Any vehicle repair activity other than "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

**6. VEHICLE STORAGE AND TOWING**

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services; private tow lots; impound yards; parking station for buses; and fleet storage yards. Includes the use of a site for temporary storage of motor vehicles to be sold, rented, salvaged, dismantled, or repaired for a period of not more than 15 days.

Section 2. That the 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.

..end

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

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Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney



# City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: City Planning

Revised 3/24/2023

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

## Executive Summary

Amending Chapter 88, the Zoning and Development Code, to align with the definition of a restaurant in Chapter 10 of the Code of Ordinances (CD-CPC-2023-00030).

## Discussion

See CPC staff report

## Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

## Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No



2. This fund has a structural imbalance.

Yes  No

**Additional Discussion (if needed)**

Click or tap here to enter text.

**Citywide Business Plan (CWBP) Impact**

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City’s most vulnerable population
- Utilize planning approaches to improve the City’s neighborhoods

**Prior Legislation**

See CPC Staff report

**Service Level Impacts**

See CPC Staff report

**Other Impacts**

1. What will be the potential health impacts to any affected groups?

The is a zoning ordinance and has not been evaluated against this subject matter

2. How have those groups been engaged and involved in the development of this ordinance?

The is a zoning ordinance and has not been evaluated against this subject matter

3. How does this legislation contribute to a sustainable Kansas City?

The is a zoning ordinance and has not been evaluated against this subject matter

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances ([Chapter 38, titled "Civil Rights"](#))?

The is a zoning ordinance and has not been evaluated against this subject matter

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances ([Chapter 3, titled "Contracts and Leases"](#))?

The is a zoning ordinance and has not been evaluated against this subject matter