



Legislation Text

File #: 230267, Version: 2

[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 110-1 Residential Districts Use Table											
US ZONING DISTRICT											Use Standards
Use	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	
RESIDENTIAL											
Ho	P	P	P	P	P	P	P	P	P	P	88-06-88
Gr- (ex bel	-	-	-	-	-	-	S	S	S	S	88-
» C	-	-	-	-	-	-	P	P	P	P	88-
» IS	S	S	S	S	S	S	P	P	P	P	88-
PUBLIC/CIVIC											

Bid	P	P	P	P	P	P	P	P	P	P	88-321
Fa	-	-	-	-	-	-	P	P	P	P	
Ch	-	-	-	-	-	-	P	P	P	P	
Fr	-	-	-	-	-	-	P	P	P	P	
Or	-	-	-	-	-	-	P	P	P	P	
Co	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Day Care											
»	P	P	P	P	P	P	P	P	P	P	
»	P	P	P	P	P	P	P	P	P	P	88-330
»	P	S	S	S	S	P	P	P	P		88-330-02
»	P	-	-	-	-	-	-	-	-		88-330-02
De	S	-	-	-	-	-	-	-	-		88-335
Co	-	-	-	-	-	-	-	-	-		
Fa	-	-	-	-	-	-	-	-	-		
Ha	S	-	-	-	-	-	-	-	-		88-352
Ho	-	-	-	-	-	-	-	S	S		
Lil	P/S	-	-	-	P/S	P/SP	SP/S	P/S	P/S		88-365
ult	-	-	-	-	-	-	-	-	-		
Pa	P/S	P/SP	SP/S	P/S	P/SP	SP/S	P/S	P/S			88-365
»	P/S	P/SP	SP/S	P/S	P/SP	SP/S	P/S	P/S			88-805-01
An	-	-	-	-	-	-	-	-	-		
Re	P/S	P/SP	SP/S	P/S	P/SP	SP/S	P/S	P/S			88-365
Sa	S	S	S	S	S	S	S	S	S		88-365
(ex	-	-	-	-	-	-	-	-	-		
bel	-	-	-	-	-	-	-	-	-		
»	P	P	P	P	P	P	P	P	P		88-365
»	P	P	P	P	P	P	P	P	P		88-365
Sci	P/S	P/SP	SP/S	P/S	P/SP	SP/S	P/S	P/S			88-365
Ut	S[1]	S	S	S	S	S	S	S	S		
Se	-	-	-	-	-	-	-	-	-		
not	-	-	-	-	-	-	-	-	-		
»	P	P	P	P	P	P	P	P	P		88-425-01
COMMERCIAL											
Animal Service											
»	P	-	-	-	-	-	-	-	-		88-315
boa	-	-	-	-	-	-	-	-	-		
»	P	-	-	-	-	-	-	-	-		88-315
»	P	-	-	-	-	-	-	-	-		

En S	-	-	-	-	-	-	-	-	-	
Ve										
Sp										
Funeral and Interment Service										
» S	S	S	S	S	S	S	S	S	S	88-345
Ce										
m/										
» S	S	S	S	S	S	S	S	S	S	88-345
» S	-	-	-	-	-	-	-	S	S	
Lodging										
» S	-	-	S	S	S	S	S	S	S	88-320
» S[1]	-	-	-	-	-	-	-	-	-	
veh										
» Not permitted.										
nor										
» Permitted in all R Districts in accordance with Chapter 56 and 88-321.										
res										
Ne S	S	S	S	S	S	S	S	S	S	88-360
ser										
Of -	-	-	-	-	-	S	S	S	S	
Ad										
Pro										
Ge										
Re S	S	S	S	S	S	S	S	S	S	
des										
lan										
nat										
use										
Sp S	-	-	-	-	-	-	-	-	-	
Re										
Pa										
INDUSTRIAL										
Mi S[2]	-	-	-	-	-	-	-	-	-	
Qu										
Wa-	-	-	-	-	-	-	-	-	-	
(ex										
bel										
» S[1]	-	-	-	-	-	-	-	-	-	88-328
fac										
» S[1]	-	-	-	-	-	-	-	-	-	88-380
lan										

OTHER										
Ag	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	* Chapter
Ag	P	P/SP	P/SP	P/S	P/SP	P/SP	P/S	P/S	P/S	88-312-0
Agricultural, Urban										
»	P	P	P	P	P	P	P	P	P	88-312-0
»	P	P	P	P	P	P	P	P	P	88-312-0
Ga										
»	P	S	S	S	S	S	S	S	S	88-312-0
Sup (CS										
ACCESSORY SERVICES										
Wireless Communication Facility										
»	P	-	-	-	-	-	-	-	-	88-385
»	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 GROUP and Category	ZONING DISTRICT					Use Standards
Use Category	O	B1	B2	B3	B4	
RESIDENTIAL						
Household Living						
» Detached house	P	P	P	P	P	88-120-03-H.3
» In any other	-	P	P	P	P	88-323
» In mixed-use	P	P	P	P	P	

Group Living	P	P	P	P	P[5]	
PUBLIC/CIVIC						
Bicycle Share	P	P	P	P	P	88-322
Club, Lodge	P	P	P	P	P[5 for Ground Floor Uses]	
College/Univ	P	P	P	P	P[5 for Ground Floor Uses]	
Day Care						
» Home-based	P	P	P	P	P[5 for Ground Floor Uses]	
» Family (up	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21-	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
Library/Mus	P	P	P	P	P	
Park/Recrea	P	P	P	P	P	
Religious Ass	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P[4]	
» Police stati	P	P	P	P	P	
» Ambulance	S	S	S	P	P[4]	

School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, mini	P	P	P	P	P	88-425-08-B
COMMERCIAL						
Adult Business						
» Adult medi	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult moti	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
Animal Service						
» Sales and g	-	P	P	P	P	88-315
» Shelter or b	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315
Artist Work	-	P	P	P	P	
Building Ma	-	-	-	P	P[5]	
Business Equ	-	-	P	P	P	
Business Sup- below)	-	-	P	P	P[5]	
» Day labor e	-	-	-	-	S[1][4]	88-331
Communicat	P	-	P	P	P[5]	
Drive-Throu	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
Eating and DP (except as no	P	P	P	P	P	
» Tavern or r	-	-	P	P	P	
Entertainment Venues and Spectator Sports						
» Indoor sma	-	-	P	P	P[5 for Ground Floor Uses]	

» Indoor med-	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor larg-	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (a-	-	-	-	S	P[5]	
Financial Ser	S	P	P	P	P	
» Pawn shop-	-	P	P	P	P	
» Short-term-	-	-	P[1]	P[1]	P[1][4]	88-325
Food and Be-	-	P	P	P	P	
Funeral and Interment Service						
» Cemetery/cS	-	S	S	S	S	88-345
» Cremating -	-	S	S	S	S	88-345-02
» Undertakin-	-	S	P	P	P[5]	88-345
Gasoline and-	-	S[3]	S[3]	S[3]	P[3][5]	88-323
Lodging						
» Bed and Br-	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/mote-	-	-	-	P[2]	P[2]	88-323
» Recreation-	-	-	-	S[1]	S[1][4]	
» Short term-	-	P	P	P	P	Chapter 56
» Short term-	-	P	P	P	P	Chapter 56
Mobile Vend-	-	-	-	P	P	88-358
Office, Admi	P	P	P	P	P[5 for Ground Floor Uses]	
General						
Office, Medi	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plas-	-	-	-	S	S	
Parking, Acc	P	P	P	P	P	88-323
Parking, Nor-	-	-	S[1]	P[1]	P[1]	
Personal Im	P	P	P	P	P	

Repair or La-	-	P	P	P	P	
Research SerP	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	-	P	P	P	P	
» Outdoor Re-	-	P	P	P	P	88-366-01
» Outdoor Re-	-	-	-	P	P[4]	88-366-02
Reuse of officS	S	S	S	S	S	
landmark (lo						
is not permit						
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/c-	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equip-	-	-	-	S[1]	P[1][4]	
» Light equip-	-	-	P[2]	P[2]	P[2]	88-323
» Light equip-	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehi-	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehi-	-	-	-	S[2]	P[2][5]	88-323
» Vehicle sto-	-	-	-	-	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-	-	

Recycling Service						
» Limited	-	-	-	-	S[1][4]	
Self-Storage	-	-	-	-	P[2][4]	88-323, 88-369
Warehousing, Wholesaling, Storage, Freight Movement						
» Indoor	-	-	-	-	P[2][4]	88-323, 88-378
» Outdoor	-	-	-	-	-	88-378
AGRICULTURAL						
Agriculture,	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
Agriculture,	P	P	P	P	P[4]	88-312-01
Agriculture, Urban						
» Home Gard	P	P	P	P	P	88-312-02-A
» Community	P	P	P	P	P[4]	88-312-02-B
» Community	P	P	P	P	P[4]	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
» Freestanding	-	-	P[1]	P[1]	P[1][4]	88-385
» Co-located	P	P	P	P	P[5]	88-385

88-130-04 USES**88-130-04-A. USE TABLE**

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

88-130-04-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 130-1 lists the groups, categories, and types allowed in one or more D districts.

88-130-04-C. PERMITTED USES

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

88-130-04-D. SPECIAL USES

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

88-130-04-E. PROHIBITED USES

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

88-130-04-F. USE STANDARDS

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

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

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

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



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

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

323.



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

USE GROUP (refer to 88-805 Use Groups and Categories) <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png>

Zoning District <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png> Use Standards <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png>		
Use Category » specific use type <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png> DC <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png> DX <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png> DR <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png>		
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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 $\frac{1}{4}$ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



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

Table 140-1 Manufacturing Districts Use Table <file:///

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USE GROUP (refer to 88-805 Use Groups and Categories) <file:///

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

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

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

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

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

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

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

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

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

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

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

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

88-321 SHORT TERM RENTALS

88-321-01 WHERE PERMITTED

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

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

88-321-01-RESIDENT SHORT-TERM RENTALS

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

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

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

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

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

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

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

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

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

incurred.

Tammy L. Queen
Director of Finance

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held. <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%204-19\images\88-130-04-G2.png>

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Secretary, City Plan Commission <file:///\\kcmogis\cd\citydev_h\Devmgmt\JClements\Working%20Cases\CPC%

Approved as to form and legality:

Sarah Baxter
Senior Associate City Attorney