

AN ORDINANCE AMENDING SECTION 5.04.260, “FEES BASED ON GROSS ANNUAL RECEIPTS”, OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, BY ADDING “LODGING—BED AND BREAKFAST” AND “LODGING—SHORT-TERM RENTAL”; AMENDING SECTION 17.12.040 “SPECIFIC USE STANDARDS” BY ADDING A SUBSECTION “B. LODGING – SHORT-TERM RENTAL”; AMENDING SECTION 17.36.010 “DESCRIPTION OF USES” BY ADDING A USE DESCRIPTION “LODGING, SHORT-TERM RENTAL”; AMENDING SECTION 17.36.030 “DEFINED TERM” BY ADDING DEFINITIONS FOR “NON-OWNER-OCCUPIED”, “OWNER”, AND “OWNER-OCCUPIED”.

WHEREAS, the City of North Kansas City, Missouri (the “City”) is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, Section 5.04.260, “Fees based on gross annual receipts,” of the Code of the City of North Kansas City, Missouri (the “City Code”), establishes standards and fee schedules for business licenses in the City; and

WHEREAS, the City Council finds and determines that it is appropriate and in the best interests of the citizens of the City that Section 5.04.260 of the City Code be amended in regard to business licenses and regulations by adding “Lodging – bed and breakfast” and “Lodging – short term rental” to the fee schedule based on gross annual receipts; and

WHEREAS, Title 17, “Zoning,” of the City Code (the “Zoning Code”) regulates the development and use of buildings and land within each zoning district to create a compatible scale, intensity, design and range of building types and provides for the coordinated development consistent with established policies of the City; and

WHEREAS, Section 17.12.040, “Specific use standards,” of the Zoning Code establishes standards for specific uses; and

WHEREAS, Section 17.36.010, “Description of uses,” of the Zoning Code describes uses of land and buildings; and

WHEREAS, Section 17.36.030, “Defined terms,” of the Zoning Code defines terms used in the said regulations; and

WHEREAS, in accordance with procedures established in Title 17, “Zoning,” of The Code of the City of North Kansas City, and Chapter 89 of the MISSOURI REVISED STATUTES, proceedings

were initiated to amend the Zoning Code, including the North Kansas City Zoning Ordinance as hereinafter set forth; and

WHEREAS, public notice was given by publication on March 22, 2023, in THE KANSAS CITY STAR, a newspaper having a general circulation in the City of North Kansas City, Missouri, that a public hearing of the Planning Commission would take place on April 6, 2023, at 6:00 p.m., where the Planning Commission of said City would consider the aforesaid amendments; and

WHEREAS, on April 6, 2023, at 6:00 p.m., the Planning Commission did conduct said public hearing, and evaluated public testimonies, and voted to continue the proposed amendments to the Zoning Code, including the North Kansas City Zoning Ordinance to May 4, 2023; and

WHEREAS, on May 4, 2023, at 6:00 p.m., the Planning Commission did conduct said public hearing, and evaluated a revised proposal, and voted to continue the proposed amendments to the Zoning Code, including the North Kansas City Zoning Ordinance to June 15, 2023; and

WHEREAS, at said public hearing on June 15, 2023, the Planning Commission did conclude and recommend to the City Council that the hereinafter described amendments to the Zoning Code, including the North Kansas City Zoning Ordinance should be approved.

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

Section 1. Section 5.04.260, “Fees based on gross annual receipts,” of the Code of the City of North Kansas City, Missouri (the “**City Code**”) is hereby amended by adding “Lodging – bed and breakfast” and “Lodging – short-term rental” to said section.

Section 2. Section 17.12.040 “Specific use standards” of the City Code is hereby amended by adding a Subsection “B. Lodging – short-term rental”, and shall hereafter read as follows:

17.12.040 Specific use standards.

In addition to the general use and development standards applicable to all districts, the following standards are specific to particular uses. These standards shall be met whether the use is a generally permitted use, accessory use or a conditional use according to Table 12-2. The uses in this section may include more specific types or formats of the uses generally enabled in Table 12-2.

- A. Lodging—Bed and Breakfast. Bed and breakfast establishments may be permitted to the extent the following conditions are met:

1. The use is within, or near the downtown activity core of North Kansas City, such that guests may experience the convenience of nearby retail, office, entertainment and recreation amenities;
 2. The owner or the applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management;
 3. Guests must pay based on a daily rental rate, and must limit their stay to fourteen (14) days;
 4. There are to be no more than four guest rooms;
 5. Meals are restricted to breakfast and may only be served to guests. No cooking facilities are allowed in the guest rooms.
 6. Receptions or meetings of groups are prohibited;
 7. One off-street parking space shall be provided per guest room, and one per employee; or evidence that existing downtown parking is sufficient for the establishment;
 8. Additional conditions may be added where necessary to protect adjacent properties or the character of the district.
- B. Lodging—Short-Term Rental. Short-Term Rental establishments may be permitted to the extent the following conditions are met:
1. Approved spaces for short-term rentals may include:
 - a. Individual bedrooms in the principal building on the property, sharing common entrance, kitchen facilities, and living areas with the primary residents.
 - b. Approved accessory dwelling on the property.
 - c. The entirety of the property.
 2. Short-term rental is permitted in R-1A, R-1B, R-2, R-3, R-4, R-5, CIO, and C-1, except that in R-1A and R-1B short-term rental is allowed only as follows:

Owner-occupied dwelling unit as defined in Section 17.36.030. The owner shall provide proof of ownership and at least two (2) of the following documents demonstrating that such dwelling unit 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 of community development that is pertinent to establishing primary residence.
3. Only one short-term rental contract is permitted at a time per one approved short-term rental application. No more than one dwelling unit rental registration (including short-term and other rental unit registration) may be permitted per dwelling unit, regardless of building types.
4. The proposed registrant, owner, and other local emergency contact information shall be posted within each dwelling unit offered, provided and/or operated as a short-term rental.
5. 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 depicting all evacuation routes in the event of an emergency.
6. Interconnected smoke and carbon monoxide detectors shall be installed and maintained in locations as specified in the Building Code.
7. Fire extinguishers and a working, battery-powered flashlight or other emergency lighting device shall be located in each dwelling unit that is workable during an electrical power outage.
8. 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.
9. 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.
10. No exterior evidence that the property is being used as a short-term rental is allowed, including signage.
11. The short-term rental 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.
12. Registration is required with the City including the following information and documentation, upon forms provided by the director of community development department.
 - a. The common name of the property, if any, and exact street address of each dwelling unit to be registered, including unit number and total number dwelling units in each dwelling structure;

- b. The legal names of all owners of the property;
 - c. The complete mailing address and physical address of all owners;
 - d. Telephone numbers of each owner, including mobile phone numbers;
 - e. Date of birth of all owners.
 - f. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address, and phone number of the any of the following shall be provided:
 - (1) For a corporation, a corporate officer, and the chief operating officer;
 - (2) For a partnership, the managing partner;
 - (3) For a limited liability company, the managing or administrative member;
 - (4) For a limited partnership, a general partner;
 - (5) For a trust, a trustee; or
 - (6) For a real estate investment trust, a general partner, or an officer.
 - g. The full name, address, telephone number, and email address of the owner to handle the affairs of the property. The owner shall reside within thirty (30) miles of the City limits.
13. Regardless of ownership, each dwelling unit shall have separate applications. There will be an initial registration fee of \$200.00 upon receiving of an application. All registrations issued shall expire on December 31 of each year and shall be subject to renewal annually. Application for renewal of registration in any year will be accepted beginning January 1 and may be made without penalty through January 31. There is a yearly registration fee of \$200.00. A late renewal fee will be charged at \$50 per month.
14. The dwelling unit shall comply 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, fire, electrical, mechanical, and plumbing codes.
15. Every owner or owner's agent who manages a short-term rental dwelling unit shall upon the registration of said dwelling unit,

be required to obtain from the City of North Kansas City, Community Development Department and Fire Department an inspection of the premises and an inspection report stating that no code violation was observed. No dwelling shall be reoccupied until the required inspection and report have been obtained from the Community Development Department.

16. Staff shall have administrative approval authority for short-term rental application, provided all requirements of Section 17.12.040, Subsection B are adhered to. For instances where a variance or exception is requested, applicants will need to obtain a conditional use permit subject to the City's discretionary review process in Section 17.08.030.
17. Upon approval of the registration, the property owner must apply and successfully obtain a city business license as required in Chapter 5.04 of the North Kansas City Municipal Code prior to establishing the use.
18. The city issued short-term rental certificate for such dwelling unit shall be displayed in a conspicuous place in the interior of the rental unit.
19. Lodging-short-term rental operation is prohibited in a dwelling unit that receives any City incentives, or located within a structure or upon a parcel that receives any City incentives. Such incentives may include any economic incentive granted by the City or any economic development agency created by the City, in the nature of capture and redirection, abatement, or exemption of taxes or the issuance of bonds or grants by the City or other City-backed financing.
20. Change in either ownership or registration information shall require a new registration within thirty (30) days of such change.
21. The City shall issue a violation notice to any person or entity who fails to comply with Section 17.12.040. Any person or entity fail to take actions to correct the violation within thirty (30) days is guilty of an ordinance violation and shall be fined not less than \$200.00, but not more than \$500.00. Each day may be considered as a separate offense.
22. The City retains its right to deny, suspend or revoke the license when the short-term dwelling unit fails to meet or uphold any of Section 17.12.040, or any other provisions of the North Kansas City Municipal Code. Such dwelling units may not be eligible for registration within two (2) years upon the issuance of denial, suspension, or revocation of the license.

23. All short-term rentals in the City of North Kansas City are to be charged the Hotel/Motel Transient Guest Tax paid by transient guests of hotels, motels, bed and breakfast inns, and other short-term rental spaces of similar use, per Chapter 3.30 of the North Kansas City Municipal Code.
 24. As determined by the director of community development department, additional requirements may be added where necessary to protect adjacent properties or the character of the neighborhood.
- C. Residential Care—Homes. Residential or out-patient facilities for the treatment of alcohol and other drug abuse may be permitted to the extent the following conditions are met:
1. The use shall be permitted in CIO, C-3, M-1 and M-2 zoning districts.
 2. State certification requirements of the division of alcohol and drug abuse of the department of mental health shall be met.
 3. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood and in general no modifications necessary to meet the program of the building or other specific codes shall be permitted to the extent they are incompatible with other structures and the character of the area.
 4. The facility shall be located no closer than one thousand (1,000) feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned districts.
 5. The applicant shall submit site plans to the planning commission for review and approval to demonstrate compliance with these standards.
- D. Adult Uses. Adult businesses may be permitted to the extent that the following conditions [are] met.
1. The use shall meet all licensing, performance and operation standards in Chapter 5.08 of the city code.
 2. The use shall only be permitted in the M-1 and M-2 zoning districts.
 3. The use shall not be permitted on any lot abutting Burlington or Swift, and shall not be permitted on any lot abutting or north of 16th Avenue.
 4. All signs shall be limited to the standards of downtown business district in the Chapter 15.44 of the city code.

5. The use shall require a conditional use permit per the provisions of 17.08.030 to ensure compliance with these standards and the criteria of that review process.
- E. Pawn Shops and Short-term Lending. Pawn shops, car title lenders, check cashing lenders, and pay day lenders establishments may be permitted to the extent the following conditions are met:
1. The use shall only be permitted in the C-3, M-1 and M-2 zoning districts.
 2. The use shall not be permitted on any lot abutting or north of 16th Avenue.
 3. Pawn shops must be approved by the North Kansas City Police Department in accordance with RSMo. Ch. 367, and shall comply with all other applicable statutes of the State of Missouri, and all other city regulations.
- F. Short-Term Conditional Uses.
1. Types. The following uses may be enabled by the city, where they may not otherwise meet the standards or criteria for the district, as a short-term conditional use by action of the city council without referral to the planning commission:
 - a. Trade shows and expositions such as boat shows, car shows.
 - b. Community recreation or entertainment events such as street fairs, art fairs, carnivals and circuses.
 - c. Promotional ventures or special commercial events such as sidewalk sales, trucks sales, and warehouse sales.
 - d. Temporary off-site construction yards and offices such as storage yards for construction supplies, materials, or equipment for temporary use during a construction project. Sites of temporary construction yards and offices shall be restored to its original vegetative and topographic condition within a period determined by the Director.
 2. Criteria. A short-term conditional use shall be evaluated based on the following criteria:
 - a. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.

- b. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
 - c. The need for any special signs, promotional elements or other permissions needed for the event beyond what the regulations would allow.
 - d. The applicant shall submit any other information pertaining to the event required by the community development department.
- G. Medical Marijuana. No building shall be constructed, altered, or used for a medical marijuana facility without complying with the following regulations.
 - 1. Buffer Requirement. No medical marijuana business shall be located within three hundred (300) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, childcare center, or church, to the nearest point on the property line containing the medical marijuana business.
 - 2. Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 - 3. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana business.
 - 4. Hours of Operation. All medical marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.
 - 5. Display of Licenses Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - 6. Residential Dwelling Units Prohibited. No medical marijuana business shall be located in a building that contains a residence.
 - 7. Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any

odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

8. Site Plan Review Required. A site plan meeting the requirements of this title shall be submitted for review and approval subject to the procedures of Section 17.08.030. The site plan shall include a description of the ventilation system to be used to contain odors within the building.

H. Outdoor Storage. Where outdoor storage is allowed as a principle or accessory use in the M-1 and M-2 zoning districts, it shall meet the following standards.

1. Storage areas shall either be located behind the [principal] building, or screened from view from the streetscape and public spaces with a fence, landscape buffer, or combination of these spaces.
2. In the M-1 district, outdoor storage shall be screened from view by any combinations of buildings, fences or landscape buffers to not be visible at eye level from adjacent property.
3. All outdoor storage shall be screened from residential property according to the landscape and buffer requirements of Section 17.24.030.
4. Exceptions to these screening requirements may be approved by the director for areas on Service B frontages of the urban areas frontage map (Figure 20-A in Section 17.20.020) or by the planning commission for other areas through the site plan process.

Section 3. Section 17.36.010, “Description of uses,” of the City Code is hereby amended by adding thereto a description of short-term rental to the said section, which description of short-term rental shall read as follows:

“Lodging, short-term rental” means a rental of a property, a dwelling unit, an accessory dwelling unit, or portion thereof for a period of less than thirty consecutive days.

Section 4. Section 17.36.030, “Defined terms,” of the City Code is hereby amended by adding thereto the definition for the terms “non-owner-occupied”, “owner”, and “owner-occupied”, which definitions for such added terms shall read as follows:

“Non-owner-occupied” means a dwelling unit that is not occupied by the owner as their primary residence.

“Owner” means any natural 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.

“Owner-occupied” means a dwelling unit that is occupied by the owner as their primary residence.

Section 5. Providing for Repeal or Amendment of Conflicting Ordinances. All ordinances or parts of ordinances of the City in conflict with the provisions of this ordinance, or any parts hereof, are hereby amended to conform to the provisions and requirements of this ordinance or repealed, whichever will best carry out the intent of this ordinance.

Section 6. Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after September 1, 2023, and upon its passage by the City Council and approval by the Mayor.

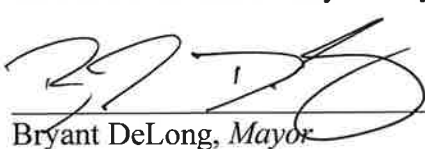
PASSED this 5th day of July, 2023.


Bryant DeLong, Mayor

ATTEST:


Crystal, Doss, City Clerk

APPROVED this 5th day of July, 2023.


Bryant DeLong, Mayor

APPROVED AS TO FORM:


Wes Rogers, City Attorney


Thomas E. Barzee, Jr., City Counselor