

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE IV, CHAPTER 400 ZONING REGULATIONS, SECTION 400.030 DEFINITIONS AND SECTION 400.240 ACCESSORY USES OF THE MUNICIPAL CODE BY ADOPTING A DEFINITION AND STANDARDS FOR SHORT TERM RENTALS**

WHEREAS, at its meeting on December 19, 2023, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri (the "Commission") conducted a public hearing wherein it considered and reviewed an application by the City of Excelsior Springs (the "Applicant") for an amendment to the Zoning Regulations of the City by adopting a definition and standards for short term rentals, as recommended by the Director of Planning and Zoning; and

WHEREAS, the Commission recommended approval of the amendment to the City Council; and

WHEREAS, the proposed amendment will promote the development, rehabilitation, restoration, and preservation of property in the City and the educational, cultural, economic, health, safety and general welfare of the City; and

WHEREAS, Chapter 400, Section 400.030 Definitions of the Excelsior Springs Municipal Code provides definitions for certain words and terms in The Excelsior Springs Zoning Ordinance and Section 400.240 Accessory Uses provides for certain land uses, buildings and structures which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises; and

WHEREAS, the City Council of the City of Excelsior Springs, Missouri has determined that the Municipal Code of the City should be revised as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Excelsior Springs, Missouri, as follows:

**Section 1.** Chapter 400: Zoning Regulations, Section 400.030 Definitions and Section 400.240 Accessory Uses, of the Municipal Code is hereby amended by adopting a definition and standards for short term rentals, said amendment attached hereto and made a part hereof.

**Section 2.** Should any provision hereof for any reason be deemed or ruled illegal, invalid or unconstitutional by any court of competent jurisdiction, no other provision of this Ordinance shall be affected; and this Ordinance shall then be construed and enforced as if such illegal or invalid or unconstitutional provision had not been contained herein.

**Section 3.** The Mayor, the City Manager, the City Clerk and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

**Section 4.** This Ordinance overrides any conflicting provision or regulation with the Municipal Code of the City of Excelsior Springs, Missouri.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval.

**INTRODUCED IN WRITING**, read by title two times, passed and approved on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mark D. Spohn, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Stroud, City Clerk

REVIEWED BY:

\_\_\_\_\_  
Molly McGovern, City Manager

## ATTACHMENT A

### Section 400.030 Definitions

#### **SHORT TERM RENTAL**

A permanent residential dwelling unit or any portion of such dwelling unit, or a Mixed Residential and Non-Residential Use within the Central Business District, rented for occupancy for a period of less than 27 consecutive calendar days, regardless of whether a permanent resident is also present during the period of occupancy.

### Section 400.240 Accessory Uses

#### **Par. M Short Term Rental**

1. Short Term Rentals are permitted in any legally conforming single-family, two-family, three-family or four-family residential structure, or Mixed Residential and Non-Residential Use within the Central Business District, regardless of zoning district.
  - a. Within the Downtown Tourist Area – Short Term Rentals are permitted outright.
  - b. Outside of the Downtown Tourist Area – Short Term Rentals are permitted with a Special Use Permit.
2. All Short Term Rentals shall obtain a City business license – issued upon compliance with all zoning and site standards, as applicable.
3. All Short Term Rentals shall comply with the following site standards:
  - a. Sufficient off-street parking shall be provided – a minimum of two onsite off-street parking spaces (covered or uncovered) for Short Term Rentals with up to three bedrooms. An additional onsite off-street parking space is required for each bedroom over three.
  - b. Occupancy – a maximum of two adult guests per bedroom.
  - c. Inspection – City rental inspections are required every two (2) years.
  - d. Short Term Rental City business license and/or Special Use Permit is subject to revocation upon three (3) or more City Code property maintenance and/or disturbance citations or charges thereby constituting a Chronic Nuisance, within the one-year period of City business license issuance or renewal.
4. Short Term Rentals located in a Mixed Residential and Non-Residential Use within the Central Business District according to the standards of Section 400.180 Par. F are not subject to the off-street parking site standards.
5. Proposed Short Term Rentals located in the Downtown Tourist Area unable to meet the off-street parking site standards may be considered through Special Use Permit application.
6. Only the property owner of record may obtain a City business license and/or apply for a Special Use Permit for a Short Term Rentals.

7. Boundaries of Downtown Tourist Area: The Elms Historic District, the Boarding House Historic District, and the Hall of Waters Historic District as established as Historic Preservation Districts and designated as such by the Official Zoning Map of the City of Excelsior Springs; AND Point of beginning: Intersection of Isley Boulevard and Saratoga Avenue; thence east along the centerline of Isley Boulevard to the southeast corner of Calhoun Street; thence south and southwesterly along the east side of Calhoun Street to the intersection of Lover's Lane/Isley Park Wood Trail; thence westerly along the centerline of Lover's Lane/Isley Park Wood Trail to the intersection of Isley Boulevard; thence east along the centerline of Isley Boulevard to the Point of the Beginning.