



Administration and Human Services **Standing Committee Meeting Agenda**

Monday, February 13, 2023

**Immediately upon adjournment of earlier
committee, or 5:00 p.m. if no earlier committee
meeting.**

Location: HYBRID

We invite you to view the meeting in person in the 5th Floor Conference Room, Suite 515, Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83098679098?pwd=dVNPVTk2SWJpc2EzRkNieWZSSXlzdz09>

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Webinar ID: 830 9867 9098

International numbers available: <https://us02web.zoom.us/j/83098679098>

<u>Name</u>	<u>Absent</u>
Commissioner Angela Markley, Chair	☐
Commissioner Melissa Bynum	☐
Commissioner Christian Ramirez	☐
Commissioner Harold Johnson	☐
Commissioner Mike Kane	☐

- I. Call to Order/Roll Call**
- II. Revisions to February 13, 2023, Agenda**
- III. Approval of standing committee minutes from November 14, 2022.**

IV. Committee Agenda

Item No. 1 - ORDINANCE: SHORT-TERM RENTAL USES

Synopsis: Consideration to create a new Short-Term Rental Ordinance and Staff review process, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

Tracking #: 212207

Item No. 2 - RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT'S RULES OF PROCEDURE

Synopsis: A Resolution amending Section 203 of the Unified Government's Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

This item was previously heard by the Full Commission on January 26, 2023, and remanded back to the standing committee for further action.

Tracking #: 212232

V. Public Agenda

VI. Adjourn

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, November 14, 2022**

The meeting of the Administration and Human Services Standing Committee was held on Monday, November 14, 2022, at 5:56 p.m., remotely via Zoom as well as on-site. The following members were present: Commissioner Markley, Chairman; Commissioners Ramirez, Bynum, Johnson, and Kane. The following officials were also in attendance: Bridgette Cobbins, Assistant County Administrator; Monica Sparks, Deputy UG Clerk; Sarah White, Public Works Project Manager; SueZanne Bishop, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Daniel Soptic, Sheriff; Reginald Lindsey, Budget Director; and Brittanie MacDonald, Clerk's Office.

Chairman Markley said before I call this meeting to order, I want to announce that some committee members, staff, and the public are attending remotely via Zoom as well as on-site.

All participants joining by phone should mute their phones when not speaking to avoid background noise. During this meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who's speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5th Floor Conference Room of the Municipal Office Building.

Chairman Markley called the meeting to order and asked the Clerk to call the roll. Roll call was taken and all members were present as shown above.

Chairman Markley said there was one revision to the agenda. Clerk, please announce the revision.

Monica Sparks, Deputy UG Clerk, said Commissioner, a blue sheet was issued adding Item No. 2, which is a presentation for Resolution of Support R-67-22 for increasing the base salary of Sworn Sheriff's Office employees.

Approval of standing committee minutes from June 27, 2022. **On motion of Commissioner Bynum, seconded by Commissioner Johnson, the minutes were approved as submitted.** Roll call was taken and there were four "Ayes," Johnson, Ramirez, Bynum, Markley.

Chairman Markley said I think I'm getting motion that we are covering Item No. 2 first, which is our blue sheet item.

Committee Agenda:

Item No. 2 – 212109... PRESENTATION: RESOLUTION OF SUPPORT R-67-22 FOR INCREASING THE BASE SALARY OF SWORN SHERIFF'S OFFICE EMPLOYEES

Synopsis: Per the direction of the Commission at special session on Thursday, October 27, 2022, a presentation will detail steps to operationalize Sheriff Deputies' wage increases for the Sheriff's 2023 Budget. The effective date of salary increase will be January 1, 2023. At a future budget workshop, there will be a discussion of operationalizing Sheriff Deputies' increases by amending the 2023 Budget, submitted by Reginald Lindsey, Budget Manager. For information only. This item is being requested to be fast-tracked to the November 17, 2022, Full Commission meeting as information only.

County General FundForecast
2022-2027

County General Fund	2022 Amended Budget	2023 Approved Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$ 76,691,702	\$ 77,827,762	\$ 80,835,292	\$ 84,776,332	\$ 88,763,131	\$ 92,936,109
TOTAL EXPENSES	\$ 78,204,310	\$ 80,265,669	\$ 83,310,123	\$ 86,431,634	\$ 89,724,623	\$ 93,216,127
Net Change in Fund Balance	\$ (1,512,608)	\$ (2,437,907)	\$ (2,474,831)	\$ (1,655,302)	\$ (961,491)	\$ (280,018)
Cash Basis Ending Fund Balance	\$ 12,399,230	\$9,963,543	\$7,488,713	\$5,833,210	\$4,871,722	\$4,591,704
ACF Ending Fund Balance	\$ 15,440,254	\$13,004,567	\$10,529,737	\$8,874,234	\$7,912,746	\$7,632,728
Reserve % of Expenditures	19.74%	16.30%	12.64%	10.27%	8.82%	8.19%
Fund Balance 17% Target	\$13,294,733	\$13,644,790	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742

Reginald Lindsey, Budget Director, said I do have a document. Basically, what we plan to do tonight is at the direction of the Commission when we presented on October 27th, Sheriff Soptic brought forward his initiative to increase the base salaries of his Sheriff Deputies and all sworn within his department. Commission wanted us to come and talk about it a little more in detail, so that's what we plan to do tonight.

Basically, the first financials that I have on screen are basically the County General Fund that we approved back on September 15th for our 2023 Budget. One of the things that we can see here is that the budget that we approved was an \$80.2M budget and initially we tried to have a 17% fund balance, but in 2023 we do not have a 17% fund balance. Then, as we get into going five years out, we still don't have a 17% fund balance. Those are just some of the things to keep in mind. Some of the key things about the County General Fund budget is the Sheriff's budget is a \$37M budget, which is about 47% of that budget. Sheriff Soptic has 295 FTEs. Of those FTEs he has 174 sworn and that's about 60% of his personnel within his budget. County FTEs are 675 and Sheriff Soptic's is about 45% of the FTEs in the County General Fund budget.

Also, there are some of the things that were built initially into our County General Fund. We have COLAS built in for 2023 and going out to 2027 which we see on the screen. Then we also have contractual obligations that we have built out. We included increases for cost-of-living for our employees and increase inflationary for contracts and commodities out into the future. Then, we also do have Capital growth that is built into the model also.

Then, during the budget process in the County General Fund that we approved on September 15th we did shift some of the levies to other funds. That is also built into this fund.

County General Fund Forecast
2022-2027
Including Sheriff's Office Compensation Realignment

County General Fund	2022 Amended Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$ 76,691,702	\$ 77,827,782	\$ 80,835,202	\$ 84,776,332	\$ 88,763,111	\$ 92,936,109
TOTAL EXPENSES	\$ 78,204,310	\$ 81,354,050	\$ 84,654,407	\$ 87,829,880	\$ 91,269,471	\$ 94,822,772
<u> </u> Sheriff's Office Compensation Realignment		\$ 1,209,251	\$ 1,344,354	\$ 1,395,055	\$ 1,544,921	\$ 1,606,645
Net Change in Fund Balance	\$ (1,512,608)	\$ (3,526,268)	\$ (3,819,205)	\$ (3,053,548)	\$ (2,506,360)	\$ (1,886,663)
Cash Basis Ending Fund Balance	\$ 12,399,535	\$ 8,873,267	\$ 5,054,062	\$ 1,999,514	\$ (678,849)	\$ (2,294,713)
ACF Ending Fund Balance	\$ 15,440,325	\$ 11,711,087	\$ 7,862,877	\$ 4,839,314	\$ 2,339,972	\$ (46,311)
Reserve % of Expenditures	19.74%	14.36%	9.33%	5.51%	2.66%	0.47%
Fund Balance 17% Target	\$13,294,733	\$13,894,528	\$14,541,249	\$14,931,081	\$15,515,810	\$16,119,871

The Sheriff's realignment to realign his salaries at 100% parity with the Police Department is included in this model. Basically, some of the key things I'd like to point out here is when we start to build Sheriff's information into forecasts going out to 2023 to 2027, it does shift the numbers. Initially, when the Sheriff Soptic had brought this information forward he was looking to start the salary increase in 2022. We're now shooting for January 1, 2023. With that, in 2023 we can see that it adds almost \$1.3M to the budget. e were at a 16% fund balance and it does slightly drop us to 14% which would include the Sheriff's realignment salaries within the 2023 Budget. As we move out into the outer years, in 2026 we can see that our cash fund balance does go into the negative. We would definitely, before we got here to 2026, definitely need to do some work to figure out how to shift things around within the County General Fund so that we wouldn't go into a negative cash balance.

Also, I'll just point out in 2024, we're at a single digit for our reserve as a cash fund balance percentagewise. We dropped below 9%, we were at 13% when we initially approved the budget. There would be some places that we would need to look at to adjust the budget and some of the things I mentioned when we were looking at the fund balances. We do have things built in, so maybe there are some places where we can start looking.

Also, just kind of an FYI with the Sheriff's salary realignment. The pay for his starting Deputies right now stands at \$45,000. This would increase their salaries to \$56,000, bringing them in parity with the Police Department.

Also, when we've met before on this, Commissioner Bynum, I know you had some questions about why we were going into the negative so quickly. I don't know if you remember that question or not, but one of the reasons is because if you look at the net change in fund balance, you can see that kind of stays the same as far as \$3.8M/\$3M in 2024 and then as you move to 2025, it still stands at \$3M. But the budget that we approved, the fund balance, did not fall as quickly because our expenditures weren't that far apart from what our revenues were. So that's why we see the sudden drop.

Also, the other thing I would like to point out is as we get to 2027, we do see where we drop below a 1% fund balance. But that's not something we plan on getting to, that's just kind of something I would point out if we don't do anything. We've already started work to do things to afford the budget.

Estimated Budget Impact of Matching FOP 40 Positions to FOP # Positions*
Note: Only filled positions analyzed

Position	Annual Pay Difference (100% of Police Dept Pay)**	# Positions
DEPUTY	\$1,237,850	107
SHERIFF SERGEANT	\$206,898	13
SHERIFF CAPTAIN	\$152,131	6
SHERIFF	\$70,616	1
SHERIFF MAJOR	\$55,786	2
SHERIFF INVESTIGATOR	\$48,027	3
SHERIFF LT. COLONEL	\$29,390	1
SHERIFF WARDEN COMMANDER	\$25,272	1
CHIEF DEPUTY	\$19,906	1
TOTAL ESTIMATED PAY DIFFERENCE	\$1,845,876	135
Additional KPERS Payments (KPERS Sheriff Rate (22.86%) Paid by LG to KPERS)	\$421,967	
TOTAL ESTIMATED BUDGET IMPACT	\$2,267,843	

*FOP 40 (Sheriff) positions were matched comparable FOP (Police Dept.) positions. Annual pay difference based on 100% of Police Dept pay.

**Annual pay difference derived by multiplying hourly base pay difference by 2080 hours.

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This next item is basically a breakdown of the Sheriff's Department and the raises that will happen for sworn personnel. Just to kind of dig into where you see we have Deputies, Sheriff's Sergeants, Sheriff's Captain, the Sheriff, Sheriff Major, Sheriff Investigators, all the way down to Sheriff Chief Deputy. What we have is the annual pay difference at 100% parity for each of those positions and the number of positions that are currently filled right now. We're at \$2.2M which would be added additionally to the budget. I did show like \$1.2M, but as we get into more of the financials that I'm showing, I'm expecting salary savings as the Sheriff had leftover and then also overtime savings to not make it a full \$2.2M. At the 95% parity, where we spoke about on October

27th, it was like \$1.6M. During that meeting, I was doing some figures in my head, and I did kind of misspeak where I thought it was like a \$200,000 difference, but it's more like a \$600,000 difference after going through all the positions.

Commissioner Bynum asked do you mean between 95 and 100%? **Mr. Lindsey** said, yes. **Commissioner Bynum** said, okay, thanks.

Estimate Budget Impact of Matching FOP 40 Positions to FOP 40 Position at 100% Pay
Note: Only filled positions analyzed

Position	# Positions	2023	2024	2025	2026	2027
DEPUTY	107	1,237,850	1,287,364	1,338,659	1,392,413	1,448,109
SHERIFF SERGEANT	13	206,898	213,114	221,781	232,732	242,041
SHERIFF CAPTAIN	6	152,131	158,116	164,545	171,377	177,972
SHERIFF	1	70,616	73,441	76,378	79,433	82,611
SHERIFF MAJOR	2	55,786	58,017	60,338	62,752	65,262
SHERIFF INVESTIGATOR	3	48,027	49,348	51,369	54,024	56,385
SHERIFF LT. COLONEL	1	29,390	30,566	31,788	33,060	34,382
SHERIFF WARDEN COMMANDER	1	25,772	26,383	27,334	28,428	29,565
CHIEF DEPUTY	1	19,900	20,702	21,530	22,392	23,287
TOTAL ESTIMATE BUDGET DIFFERENCE	135	\$ 1,845,876	\$ 1,919,711	\$ 1,996,439	\$ 2,076,359	\$ 2,159,414
Additional KPERs Payments (KPERs Sheriff Rate (22.86%) Paid by UG to KPERs)						
		421,967	438,846	456,400	474,686	493,642
TOTAL ESTIMATE BUDGET IMPACT		2,267,843	2,358,557	2,452,839	2,551,045	2,653,056

Y:\Personnel\Department\0200 - Sheriff\2022\Match FOP 40 to FOP 40\Admin-Health Standing Committee\Sheriff FOP 40 Budget Impact

Mr. Lindsey said the financial is on the screen now, basically the same view that we just came from, but it does go out to 2027 just to kind of show the impact of the 100% payout until 2027. We can see 2023 we're expecting \$2.2M and as we get out to 2027 it ends up being \$2.6M. The purpose of this is to kind of show what it looks like long-range.

Commissioner Bynum said I have another question. On this slide, the one prior to this one, where you at the bottom Sheriff rate, additional KPERs payments, KPERs Sheriff rate 22.86% paid by the UG to KPERs. 22.86% of what? **Mr. Lindsey** said that is of the deputy's base salary. **Commissioner Bynum** asked that's the payment the Unified Government makes into the retirement system based on the base rate of pay of the Sheriff's Deputies? **Mr. Lindsay** said yeah, that is correct and also if they work overtime, it picks up that additional funding also.

Commissioner Bynum said, Sheriff, help me out here, and I'm not trying to muddy the water at all, just trying to understand. The KPERS contribution on the part of the Unified Government into the retirements of the employees is 22.8% of their annual pay. **Mr. Lindsey** said that is correct. **Commissioner Bynum** said I have no idea how that relates to anybody else's retirement contribution and I'm not questioning that. How is the rate determined? Is it set by state law, who set's the rate? **Mr. Lindsey** said KPERS does. **Commissioner Bynum** said, okay, is it different for law enforcement or Public Safety by chance? **Mr. Lindsey** said, yes, and it fluctuates each year and it's based on prior year, the amount of people that retired within the Sheriff's Department. That's not the only thing, there's a lot of different fluctuations with the numbers. **Commissioner Bynum** said, okay. **Mr. Lindsey** said when I say fluctuations, it only goes by like 1% to 2% up or down. Some years we can have it where it will go down. **Commissioner Bynum** said, okay. I was just curious, thank you.

Sheriff Full Time Equivalent (FTEs)

POSITION	Current FTE	Budgeted FTE	Variance of FTE
DEPUTY	107	141	-34
SHERIFF SERGEANT	13	13	0
SHERIFF CAPTAIN	6	8	-2
SHERIFF	1	1	0
SHERIFF MAJOR	2	4	-2
SHERIFF INVESTIGATOR	3	4	-1
SHERIFF COLONEL	1	1	0
SHERIFF WARDEN COMMANDER	1	1	0
CHIEF DEPUTY	1	1	0
TOTAL FTE	135	174	-39

Mr. Lindsey said current information is a breakdown of Sheriff Soptic's sworn positions, and we had already been looking at them. But one of the things that this current information does, it shows its current FTE and then it also shows his budgeted FTE. We can see where he has the highest vacancy among his positions and that is in his Deputy positions where—at the point in time we did this, he was 34 down, but this number can fluctuate between 34 to 41 to 42 people. Would that be the correct statement, Sheriff? **Sheriff Soptic** said, yes.

Commissioner Bynum said, Sheriff, just another question, not that I want you to be down 34 people, but is that providing some cost savings that might be helping to pay for the pay increases? **Sheriff Soptic** said correct, I don't want to get ahead of you. **Commissioner Bynum** said okay, thanks.

Mr. Lindsay said some of the things Sheriff Soptic—from time to time he can run a 25-35% vacancy rate. This kind of just shows that breakdown and we can see in some of the other positions that he doesn't have—I'm not going to say he doesn't have an issue filling them, but just the amount of people that are vacant in other positions are definitely not as high as the Deputies.

SHERIFF'S DEPARTMENT OVERTIME PAY				
Year	Amended Budget	YTD Actual Expenditures	Budget Balance	% Bud Avail
2022	\$ 1,006,794.00	\$ 1,981,341.50	\$974,547.50	96.8
2021	\$ 1,006,794.00	\$ 1,891,317.40	\$884,523.40	87.9
2020	\$ 1,006,794.00	\$ 2,027,331.84	\$1,020,537.84	101.4
2019	\$ 1,006,794.00	\$ 2,046,903.59	\$1,040,109.59	103.3
2018	\$ 956,794.00	\$ 1,803,937.54	\$847,143.54	88.5

Mr. Lindsey said this information right here is basically a breakdown of Sheriff Soptic's overtime. He hasn't been the Sheriff from back since 2018, but just the Sheriff's Department overtime that has been spent. We can see we're starting this year in 2022—we've already spent almost \$2M in overtime and we budget like \$1M for the overtime, so we're like \$9,975 over in overtime. One thing I expect to happen is once we start filling these positions, this overtime will go down and the money that we have been spending on overtime can go to help pay some of the salaries that Sheriff Soptic is proposing to put into our 2023 Budget.

We can see in 2021 we were pretty close at almost \$1.9M. Also, in 2021 I'll add that since we didn't have all his positions filled, it was like a \$700,000 surplus in positions not being filled

with the Deputies also. In combination with going over in overtime and filling positions, the numbers that I provided like that \$1.2M for next year, I think is a good number for Sheriff Soptic's base salary increases.

Also, with the \$1.2M which we're starting that on January 1, we could get to the point of time where we amend the budget for 2023 in the County General Fund, but at that point in time we would definitely need to have funding in place to finish the year because the County General Fund wouldn't be able to finish the year if we did not amend the budget.

During the budget process, we would definitely need to take steps to amend the budget for about \$1.3M. That was the information that I wanted to go over, I don't know if Sheriff Soptic or Bridgette has anything to add.

Sheriff Soptic said I think I would just add, hopefully, to clarify to your question. The goal would be to cover some of those shortages now in salary money that we're not expending because we're so short staffed. You know obviously, at some point the goal would be to fill those positions and that money would not be there, and I think to Reggie's point, you know when that time comes there's going to need to be some money injected in, but until then we can cover. Fortunately, we can cover the majority of it just in, I won't use the word extra, but unexpended salary money. So, it doesn't have an immediate impact anyway.

Chairman Markley said it's a good news, bad news situation. Clerk, are there any hands raised online? **Ms. Sparks** said Commissioner Johnson has his hand raised.

Commissioner Johnson said, Sheriff, I just want to get clarity now. These increases will help to put you on par with what is offered by the Police Department, is that correct? **Sheriff Soptic** said that is correct, Commissioner. The goal would be to have a complete parity between us, of the two agencies, so the exact same pay. **Commissioner Johnson** said well, I would say to your credit this is not something that has come around to us at the eleventh hour. You've been making this known to us on at least two other occasions prior to the adoption of the budget. I want to thank you for that. Reggie, I think you're doing as good a job as you can trying to make the numbers make sense. I'm glad you're the one doing that and not me because trying to balance how many

overtime versus the number of vacancies, I t would just make me want to pull whatever hair I have out in my head.

For the record, I just want to say this, and I don't want to sound snarky, but I think that this is a conversation that we're going to continue to have to have over the next year because there are a lot of needs that our budget as it was adopted, it doesn't always add up. I think that just for the record, we're going to have to get used to having these types of conversations. I will say to your credit here, you brought this to us well ahead of schedule for us to be made aware of this and I appreciate that. I'm in full support of it. **Sheriff Soptic** said thank you, Commissioner.

Chairman Markley asked anyone else online. **Ms. Sparks** said no other hands were raised.

Chairman Markley said this is not an action item for us tonight. My understanding is it will be presented to the Full Commission on November 17, is that still the plan? **Mr. Lindsey** said yes, it is.

Action: For information only.

Chairman Markley said thank you very much for coming and bringing it to us tonight. And we're going to leap back to Item No 1. I'm told that Sarah White is with us online to make a presentation on this grant.

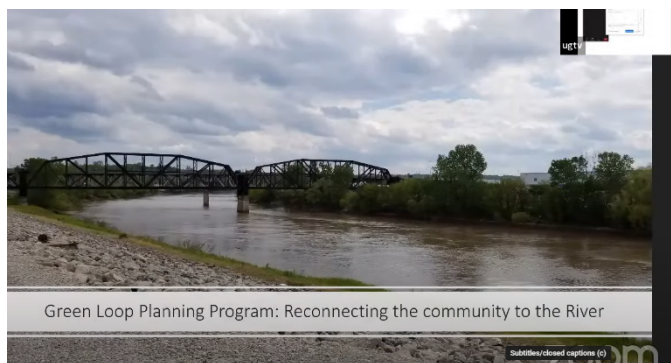
Item No. 1 - GRANT: 212035...RECONNECTING COMMUNITIES PLANNING GRANT

Synopsis: Retroactive approval to pursue the Federal Reconnecting Communities Planning Grant for the areas between Kaw Point and Armourdale along the Kansas River, submitted by Gunnar Hand, Director of Planning & Urban Design.

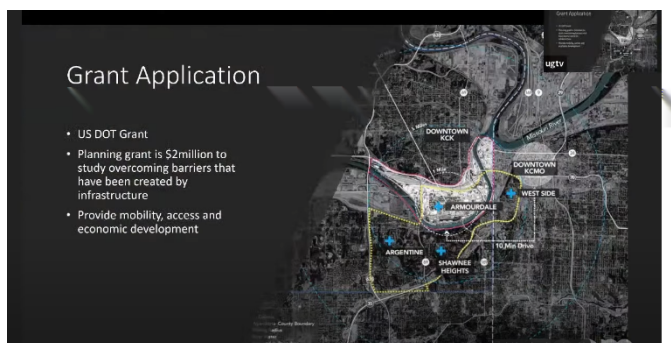
Sarah White, Public Works, said I'm in DC representing MOARK and the Unified Government with talking all things water with all of our reps. I'm out here all week, busy pounding the pavement in DC. Thank you for letting me join virtually. It was not going to be possible to get back, but let me just share really quick, share my screen.



This is the Reconnecting Communities Pilot (RPC) Program. This was something that the Unified Government partnerships between Planning and Public Works/Engineering to put together this grant application and presented to you tonight.



The Green Loop Planning Program, and this is reconnecting the community to the river.



The grant application is through the US DOT. They have two sections that you could apply for. One was for planning, and one was for actual construction. This one is—we went through on the planning side, this is a max of a \$2M planning grant. The purpose of it, and how you become eligible is, it's really looking at communities that are trying to reconnect. These are from barriers

that were created through railways, highways, and natural stuff like the river. This is looking at how do we reconnect with some of those barriers that were put into place. The main purpose of this is to provide mobility, access, and economic development.



The Green Loop is really looking at how do we connect to the Kansas River, across the Kansas River, and connecting some of the communities of Armourdale, and then to the Historic West Bottoms, and the Central Business District in KCMO. This is looking at all of it from the area from the confluence of the Kansas and Missouri River all the way to the upstream of the Kansas Avenue Bridge. Looking at all those different connections, we have kind of a hodgepodge of different infrastructure there and it all kind of creates a barrier with the railways and the highways as well as the topography of the area. This plan will take all of the other Master Plans that are currently either have been adopted or are in process and combine these so that we have an overall planning of this area. The Green Loop really trying to get connections for economic development as well as connecting our existing residents to this wonderful resource, which is the Kansas River.

That's really all I have for this presentation. I know included in your packet was the actual grant application and a big summary of that. I'll entertain—real quick we should find out by the end of the year if we were awarded this grant.

Chairman Markley asked does this great anticipate a match? **Ms. White** said this match would be 10%, sorry it is 20%, is the match for this. We asked for the max of the \$2M, so the plan would be to utilize the matching funds that have been set aside to go after these grants.

Chairman Markley asked any questions. Any questions online? **Ms. Sparks** said no hands raised.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken and there were four “Ayes,” Johnson, Ramirez, Bynum, Markley.

Chairman Markley said I’ll entertain a motion to adjourn.

ADJOURN

Commissioner Bynum made a motion, seconded by Commissioner Johnson, to adjourn. Roll call was taken and there were four “Ayes,” Johnson, Ramirez, Bynum, Markley.

Meeting was adjourned at 6:17 p.m.



Staff Request for Commission Action

Tracking No. 212207

Full Commission Meeting Date: 3/2/2023

Committee: Administration & Human Services

Date of Standing Committee Action: 2/13/23

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/17/2023	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

Consideration to create a new Short-Term Rental Ordinance and Staff review process, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2023 STR Admin Application, 2023 SUP STR Application, STR Ordinance DRAFT_A&HS, STR Presentation_CPC & AHS DRAFT_2023



Department of Planning + Urban Design

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Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL USE PERMIT APPLICATION

Note: This application is only for single-family dwellings of 3 bedrooms or less that accommodate 7 persons or less or for owner-occupied properties. For properties larger than 3 bedrooms, occupancy larger than 7 persons, or is a dwelling type other than a single family property, (duplex, multifamily, mixed use, etc) please contact the Planning & Urban Design Department at planninginfo@wycokck.org to schedule a pre-application appointment for a standard Special Use Permit.

1. Applicant/Property Owner Information

Applicant(s) Name _____ **Company** _____

Street Address _____ **City/State** _____ **Zip** _____

Telephone _____ **E-Mail** _____

Property Owner(s) Name (if different than applicant) _____

Street Address _____ **City/State** _____ **Zip** _____

Telephone _____ **E-Mail** _____

Property Manager (if applicable): _____ **Contact:** _____

Street Address _____ **City/State** _____ **Zip** _____

Telephone _____ **E-Mail** _____

All correspondence on this case should be sent to (check one): Applicant ☐ Owner ☐ Manager ☐

2. Building Information:

- Is this an Accessory Dwelling Unit (ADU) in the rear of the home, such as over a detached garage?
☐ Yes ☐ No
- Type of Property: Single Family ☐ Duplex ☐ Multifamily ☐ Mixed-Use ☐
- Number of Units _____

3. Parking Information

- Total Parking: _____
- Off-Street Covered (garage or carport) _____
- Off-Street Uncovered (driveway) _____

4. Short-Term Rental Guidelines and Regulations: Initial next to each guideline to demonstrate that you have read and acknowledged the guidelines for short-term rentals within the Unified Government.

	Initial
Guest reservations must be for a minimum of 24-hours.	
Guest reservation Information must be maintained and documented for a period of not less than one year.	
Liability insurance must be maintained through the duration of the permit.	
Sleeping quarters for short term tenants or guests shall not be in non-residential areas within buildings that do not contain finished living space (e.g. unfinished garage, unfinished storage shed); or in commercial (office/retail) or industrial (warehouse) spaces.	
The use of short-term rental property for any commercial use or large social events or gatherings, such as weddings, is prohibited.	
The city issued Special Use Permit and Business License numbers shall be used in all rental marketing materials.	
No meals shall be prepared for or served to the renter by the owner or the owner's agents without an approved Food Handler's License.	
The owner or owner's agent will provide information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.	
Property shall be up to date on inspections and related items, including but not limited to: • All bedrooms and sleeping quarter must meet egress requirements either by door or by window. • Smoke detectors shall be installed on each floor of the dwelling unit and in hallways adjacent to sleeping areas, in each bedroom, each room that has a fireplace, each room that has a water heater, furnace, clothing dryer, or electrical panel. • CO2 detectors shall be installed on each floor of the dwelling unit, in hallways adjacent to sleeping areas, and in each room that has a water heater, furnace, or electrical panel. • GFCI outlets shall be provided in each bathroom, kitchen, garage, basement, and exterior areas. Windows must be operable, not blocked or boarded. • All glass shall be free of cracks or defects. • Handrails must be provided with four (4) or more risers, including into basement areas, porches, or other walkways. • Where required, guards and guardrails must be maintained to code. • There shall be no exposed wiring, uncovered junction boxes, improper spicing, or overloaded electrical circuits. • The electrical panel(s) should be properly wired, and the panel must not be of any recalled manufacturers such as Zinsco or Federal Pacific Electric. • Dryer vents must be free and clear of any lint or debris.	
Property shall be up to date on inspections and related items, including but not limited to: • The residential rental shall be equipped with a minimum of one 5 (five) pound C type extinguisher with 75 feet of travel distance to all portions of the structure; there shall	

be no less than one such extinguisher per floor. The fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet and five feet above the floor and shall be always accessible to occupants. Annual certification tags must be provided and be current on all extinguishers. • There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures. • Mechanical flues and associated liners shall be maintained in proper condition and exhaust, including but not limited to furnace and chimney flues. • Faucets and fixtures shall be maintained in working condition. There shall be no leaking fixtures or clogged or leaking wastewater lines. Showers, sinks and bathing facilities shall be clean and shall drain properly. • Hot water tank must be operational at a temperature of no less than 120°F. • All gas shut off valves shall be to current plumbing, mechanical, or fuel gas codes including at water heater, furnace, or fireplace. Copper gas piping is prohibited. • Fireplaces shall be equipped with screens which are adequate to prevent sparks or rolling logs from escaping the fireplace opening. • All outlets shall have properly fitting faceplates. • Double-keyed locks are not allowed. • All exterior doors, landings, and stairs must be well lit. • Sidewalks and exterior pathways must be free of trip hazards such as cracks or other defects. • Overhead power lines must be 10 feet above all porches, decks, balconies, and grade. A 3-foot clearance beside or below operable windows must be maintained. • All powerlines must meet current BPU standards.	
An evacuation diagram identifying all means of egress shall be posted in a conspicuous place near the front door on each unit.	
The guide or manual provided to occupants shall include information for utility service connections, such as location and accessibility, in order to disconnect utilities from service in the event of an emergency.	
There shall be no evidence of pest infestation.	
If there is a fireplace or solid fuel barbecue, the short-term residential rental shall be equipped with a minimum five-gallon heat rated metal container with a tight-fitting lid for ash disposal, which is clearly labeled. Instructions on storage or placement of ashes shall be stated in the rental agreement and on the notice posted within each unit. Do not place can on or near any furniture or other combustible material. Ashes must be wet down thoroughly with water. Ash can must be stored outside with a minimum of three (3) foot clearance from building, porch, trees, etc. A lid must remain on ash can when in use. A proper water source shall be immediately available to the solid fuel BBQ. If fire suspension is in effect in region, all fire codes from local jurisdiction shall be adhered to. Solid fuel barbecues or grills are prohibited on wood decks, landings, or porches.	
A lead-based paint notification should be made available in any guest book or manual for properties built before 1978.	
An asbestos notification should be made available in any guest book or manual for properties built before 1981.	
If pets are allowed on the property, the owner and its agents shall maintain that tenants, guests, and occupants keep the pet in accordance to Chapter 7 of the municipal code, particularly Chapter 7 Article VI.	
Each dwelling must be properly cleaned and sanitized after each guest check-out.	

Trash must only be set to the curb on the designated trash days during specified hours and should not accumulate in the front yard or any right of way space outside the designated trash pickup hours.	
Applicant acknowledges that the property may be inspected at any time upon request, complaint, or emergency.	

5. Applicant(s) Declaration My application consists of the following items and information necessary for a complete application. Please check all that apply:

- ☐ **Completed Application**
- ☐ **Completed owner(s) consent form**
- ☐ **Copy of Property Manager's Business License**
- ☐ **Copy of Liability Insurance Declarations Page - \$1,000,000 Liability Insurance Required**
- ☐ **Required total fee \$_____**
- ☐ **Attached Legal Description – provided in Word Format**

The following declarations are hereby made:

- The undersigned is the owner or authorized agent of the owner or the officers of a corporation or partnership.
- The submitted plan, if any, contains all of the necessary information required by the zoning or other applicable ordinance(s). I will provide any and all omitted information and understand omissions can delay the development process a minimum of thirty (30) days.
- The applicant has discussed this application with a staff planner in the Planning and Urban Design Department. Planner: _____ Date: _____
- The information presented and contained within this application completed as required by this application and the required submission list is true and correct to the best of the undersigner(s) knowledge.
- The proposed plan does not violate any existing Conditions, Covenants, or Restrictions and/or any Homeowners Associations agreements that are set forth on the property.

Signature of Owner(s) or Applicant(s):

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Subscribed and sworn before me on this _____ **day of** _____, **20**__,

in the County of _____, **State of** _____.

Notary Public: _____ **Stamp:**

NOTE: If the owner is not the applicant, an affidavit consenting to the application on their behalf is required.

Zoning Official _____ **Approved** **Denied** **Date** _____

- ☐ **Property is larger than 3 Bedrooms or hosting more than 7 guests**
- ☐ **Missing Property Manager's Business License**
- ☐ **Missing Insurance**
- ☐ **Outstanding Violations or building permits (details below)**
- ☐ **Multiple Disturbance Complaints at property**
- ☐ **Property is not the first registered non-owner occupied STR on the blockface**
- ☐ **Other:** _____

Property Owner Consent Form

Affidavit, Property Owner Consent Form

State of _____)
County of _____) SS:

Comes now _____.
(Property Owner)

of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the property owner of _____ in Kansas City, Kansas.
2. That I have reviewed that application for _____ to add/alter/demo
(Applicant)
_____ on my property.
(Proposed Action)
3. That after discussing the matter and fully reviewing the application, I authorize this application and subsequent applications necessary to accomplish the plan/use noted above to be filed on my behalf.

Further affiant saith not.

Affiant

Subscribed in my presence and sworn before me on this _____, day of _____,
20____, in the County of _____, State of _____.

My commission expires _____ of _____, 20____.

Notary Public: _____ Stamp: _____



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

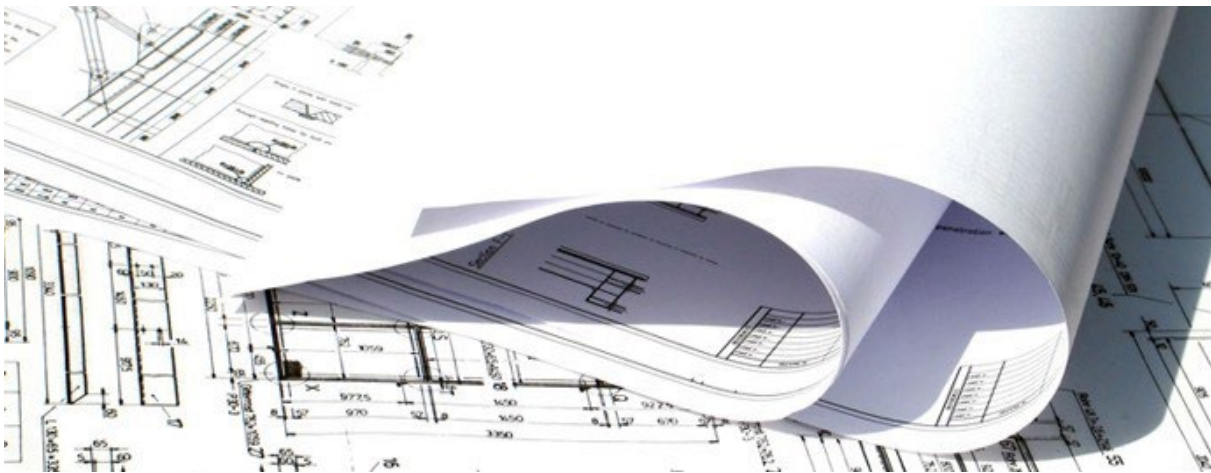
701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

Welcome to the Unified Government's land entitlement process. We look forward to working in collaboration with you on your proposed project.

Prior to submitting your application, you must schedule a pre-application meeting with a member of Planning + Urban Design staff:

Call: (913) 573-5750 **Email:** planninginfo@wycokck.org to set up a pre-application meeting.



You may submit a completed application in one of three ways:

1. **Electronically** through the Accela Citizen Access Portal at <https://mauwi.wycokck.org/CitizenAccess/Default.aspx>
2. **Electronically** by email, at EDR@wycokck.org
3. **In person** at the Planning and Urban Design Annex, located at the Neighborhood Resource Center at 4953 State Avenue, Kansas City, Kansas 66102

NOTE: Your plans must be submitted prior to the monthly submittal deadline. All engineering drawings shall be signed and sealed by a Kansas Licensed Professional Engineer. All drawings shall comply with the Kansas City, Kansas Code of Ordinances. ALL incomplete applications will not be processed.

**If you have any questions or need assistance, please contact us at
(913) 573-5750 or PlanningInfo@wycokck.org.**



Department of Planning + Urban Design

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SHORT-TERM RENTAL SPECIAL USE PERMIT APPLICATION

For Office Use Only: Case Number: _____ Staff Planner: _____ Filing Fee: _____

Date Fee Paid: _____ Anticipated PC Date: _____ Anticipated BOC Date(s): _____

1. Applicant/Property Owner Information

Applicant(s) Name _____ **Company** _____

Street Address _____ City/State _____ Zip _____

Telephone _____ Fax _____ E-Mail _____

Property Owner(s) Name (if different than applicant) _____

Street Address _____ City/State _____ Zip _____

Telephone () _____ Fax () _____ E-Mail _____

Property Manager (if applicable): _____ **Contact:** _____

Street Address _____ City/State _____ Zip _____

Telephone () _____ Fax () _____ E-Mail _____

Cellular Telephone () _____

* All correspondence on this case should be sent to (check one): Applicant ☐ Property Owner ☐ Firm ☐

2. Building Information:

- Is this an Accessory Dwelling Unit (ADU) in the rear of the home, such as over a detached garage?
☐ Yes ☐ No
- Type of Property: Single Family ☐ Duplex ☐ Multifamily ☐ Mixed-Use ☐
- Number of Units _____

3. Parking Information

- Total Parking: _____
- Off-Street Covered (garage or carport) _____
- Off-Street Uncovered (driveway) _____

4. Short-Term Rental Guidelines and Regulations: Initial next to each guideline to demonstrate that you have read and acknowledged the guidelines for short-term rentals within the Unified Government.

	Initial
Guest reservations must be for a minimum of 24-hours.	
Guest reservation Information must be maintained and documented for a period of not less than one year.	
Liability insurance must be maintained through the duration of the permit.	
Sleeping quarters for short term tenants or guests shall not be in non-residential areas within buildings that do not contain finished living space (e.g. unfinished garage, unfinished storage shed); or in commercial (office/retail) or industrial (warehouse) spaces.	
The use of short-term rental property for any commercial use or large social events or gatherings, such as weddings, is prohibited.	
The city issued Special Use Permit and Business License numbers shall be used in all rental marketing materials.	
No meals shall be prepared for or served to the renter by the owner or the owner's agents without an approved Food Handler's License.	
The owner or owner's agent will provide information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.	
Property shall be up to date on inspections and related items, including but not limited to: • All bedrooms and sleeping quarter must meet egress requirements either by door or by window. • Smoke detectors shall be installed on each floor of the dwelling unit and in hallways adjacent to sleeping areas, in each bedroom, each room that has a fireplace, each room that has a water heater, furnace, clothing dryer, or electrical panel. • CO2 detectors shall be installed on each floor of the dwelling unit, in hallways adjacent to sleeping areas, and in each room that has a water heater, furnace, or electrical panel. • GFCI outlets shall be provided in each bathroom, kitchen, garage, basement, and exterior areas. Windows must be operable, not blocked or boarded. • All glass shall be free of cracks or defects. • Handrails must be provided with four (4) or more risers, including into basement areas, porches, or other walkways. • Where required, guards and guardrails must be maintained to code. • There shall be no exposed wiring, uncovered junction boxes, improper spicing, or overloaded electrical circuits. • The electrical panel(s) should be properly wired, and the panel must not be of any recalled manufacturers such as Zinsco or Federal Pacific Electric. • Dryer vents must be free and clear of any lint or debris. • The residential rental shall be equipped with a minimum of one 5 (five) pound C type extinguisher with 75 feet of travel distance to all portions of the structure; there shall be no less than one such extinguisher per floor. The fire extinguisher(s)	

shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet and five feet above the floor and shall be always accessible to occupants. Annual certification tags must be provided and be current on all extinguishers. • There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures. • Mechanical flues and associated liners shall be maintained in proper condition and exhaust, including but not limited to furnace and chimney flues. • Faucets and fixtures shall be maintained in working condition. There shall be no leaking fixtures or clogged or leaking wastewater lines. Showers, sinks and bathing facilities shall be clean and shall drain properly. • Hot water tank must be operational at a temperature of no less than 120°F. • All gas shut off valves shall be to current plumbing, mechanical, or fuel gas codes including at water heater, furnace, or fireplace. Copper gas piping is prohibited. • Fireplaces shall be equipped with screens which are adequate to prevent sparks or rolling logs from escaping the fireplace opening. • All outlets shall have properly fitting faceplates. • Double-keyed locks are not allowed. • All exterior doors, landings, and stairs must be well lit. • Sidewalks and exterior pathways must be free of trip hazards such as cracks or other defects. • Overhead power lines must be 10 feet above all porches, decks, balconies, and grade. A 3-foot clearance beside or below operable windows must be maintained. • All powerlines must meet current BPU standards.	
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The guide or manual provided to occupants shall include information for utility service connections, such as location and accessibility, in order to disconnect utilities from service in the event of an emergency.	
There shall be no evidence of pest infestation.	
If there is a fireplace or solid fuel barbecue, the short-term residential rental shall be equipped with a minimum five-gallon heat rated metal container with a tight-fitting lid for ash disposal, which is clearly labeled. Instructions on storage or placement of ashes shall be stated in the rental agreement and on the notice posted within each unit. Do not place can on or near any furniture or other combustible material. Ashes must be wet down thoroughly with water. Ash can must be stored outside with a minimum of three (3) foot clearance from building, porch, trees, etc. A lid must remain on ash can when in use. A proper water source shall be immediately available to the solid fuel BBQ. If fire suspension is in effect in region, all fire codes from local jurisdiction shall be adhered to. Solid fuel barbecues or grills are prohibited on wood decks, landings, or porches.	
A lead-based paint notification should be made available in any guest book or manual for properties built before 1978.	
An asbestos notification should be made available in any guest book or manual for properties built before 1981.	
If pets are allowed on the property, the owner and its agents shall maintain that tenants, guests, and occupants keep the pet in accordance to Chapter 7 of the municipal code, particularly Chapter 7 Article VI.	
Each dwelling must be properly cleaned and sanitized after each guest check-out.	

Trash must only be set to the curb on the designated trash days during specified hours and should not accumulate in the front yard or any right of way space outside the designated trash pickup hours.	
Applicant acknowledges that the property may be inspected at any time upon request, complaint, or emergency.	

5. Applicant(s) Declaration My application consists of the following items and information necessary for a complete application. Please check all that apply: (See the coversheet for explanation of the following items)

- ☐ **Completed Application**
- ☐ **Completed owner(s) consent form**
- ☐ **Copy of Property Manager's Business License**
- ☐ **Copy of Liability Insurance Declarations Page - \$1,000,000 Liability Insurance Required**
- ☐ **Required total fee \$_____ (see attached fee chart)**
- ☐ **Attached Legal Description and Legal Description in Microsoft Word Document format on a CD or flash/thumb drive**

The following declarations are hereby made:

- The undersigned is the owner or authorized agent of the owner or the officers of a corporation or partnership.
- The submitted plan, if any, contains all of the necessary information required by the zoning or other applicable ordinance(s). I will provide any and all omitted information and understand omissions can delay the development process a minimum of thirty (30) days.
- The applicant has discussed this application with a staff planner in the Planning and Urban Design Department. Planner: _____ Date: _____
- The information presented and contained within this application completed as required by this application and the required submission list is true and correct to the best of the undersigner(s) knowledge.
- The proposed plan does not violate any existing Conditions, Covenants, or Restrictions and/or any Homeowners Associations agreements that are set forth on the property.

Signature of Owner(s) or Applicant(s):

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Signature: _____ **Printed Name:** _____

Date: _____

Subscribed and sworn before me on this _____ **day of** _____, **20**____,

in the County of _____, **State of** _____.

Notary Public: _____ **Stamp:**

NOTE: If the owner is not the applicant, an affidavit consenting to the application on their behalf is required.

Property Owner Consent Form

Affidavit, Property Owner Consent Form

State of _____)
) SS:
County of _____)

Comes now _____.
(Property Owner)

of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the property owner of _____ in Kansas City, Kansas.

2. That I have reviewed that application for _____ to add/alter/demo
(Applicant)

_____ on my property.
(Proposed Action)

3. That after discussing the matter and fully reviewing the application, I authorize this application and subsequent applications necessary to accomplish the plan/use noted above to be filed on my behalf.

Further affiant saith not.

Affiant

Subscribed in my presence and sworn before me on this _____, day of _____,

20__, in the County of _____, State of _____.

My commission expires _____ of _____, 20__.

Notary Public: _____

Stamp:

Minimum Required Submissions



	Change of Zone	Preliminary Plan	Final Development Plan	Special Use Permit	SUP (Home Occupation)	Board of Zoning Appeals	Preliminary Plat	Final Plat	Vacation	Landmark Designation	Certificate of Appropriateness
Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fee (check made to <i>UNIFIED TREASURER</i>)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Legal description (electronically - MS Word File)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Affidavit of ownership/authorization	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Title report (if owner does not match UG records)	✓	✓	✓	✓	*	✓	✓	✓	*	*	*
Digital pictures (.jpg format of all sides/directions)	✓	✓	✓	*	*	✓	✓	✓	*	*	*
Density calculations/development summary	✓	✓	✓	*	*	*	✓	✓	✓	✓	✓
Storm water/drainage calculations	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Preliminary grading plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Final grading and erosion control plan	✓	✓	✓	*	*	✓	✓	✓	*	*	*
Zoning map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preliminary development plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Final development plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Preliminary plat	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Final plat	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preliminary engineering	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Final engineering	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lighting plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Landscape plan	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sign plan and details	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Elevations	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Material palate (material samples and paint chips)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Checklist	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paper copies	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (CD-ROM MS W ORD / ADOBE PDF)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Covenants and restrictions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

NOTES: ✓ Mandatory submission * Determined by staff at pre-application meeting

1. All checked items must be submitted in proper form by the application deadline. Incomplete applications will be held until complete and then entered into the review process at the next deadline date.
2. For small or existing sites the applicant may request a waiver of specific detailed submission requirements in writing to the Director of Planning ten days in advance of the submission deadline.
3. Additional information may be required for unique and/or complex project.
4. All plans and documents including studies and reports shall be placed on a CD or USB Flash Drive formatted in Adobe PDF and MS Word.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
 Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
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Fee Schedule

Effective 03.27.2021

	DESCRIPTION OF SERVICES	UNIT	FEE
I.	MASTER PLAN AMENDMENTS		
	Master Plan Amendment		No Charge
II.	CHANGE OF ZONE APPLICATIONS	TRACT SIZE	
	A. Agricultural Zones	All sizes	\$160.00
	B. Low Density Residential Zones	0-5 acres	\$160.00
		5.1 – 10 acres	\$210.00
	R-1, R-2, R-1(B), R-2(B), RP-1, RP-1(B), RP-2, RP-2(B), R, RP	10.1 – 20 acres	\$260.00
		Over 20 acres	\$315.00
	C. Medium and High Density Residential Zones	0-5 acres	\$260.00
		5.1 – 10 acres	\$365.00
	R-3, R-4, R-5, R-6, R-M, RP-3, RP-4, RP-5, RP-6, RP-M	10.1 – 20 acres	\$470.00
		Over 20 acres	\$470.00 plus \$55.00 for each 5 acres over 20
	D. Office Zones and Multiple District Applications	0-5 acres	\$260.00
	C-O and CP-O	5.1 – 10 acres	\$365.00
		10.1-20 acres	\$470.00
		Over 20 acres	\$550.00 plus \$55.00 for each 5 acres over 20
	E. Commercial Zones	0-5 acres	\$365.00
		5.1 – 10 acres	\$520.00
	C-1, C-D, C-2, C-3, CP-1, CP-2, CP-3, TND	10.1 – 15 acres	\$625.00
		15.1 – 20 acres	\$730.00
		Over 20 acres	\$730.00 plus \$55.00 for each 5 acres over 20
	F. Industrial Zones	0-5 acres	\$420.00
		5.1 – 10 acres	\$520.00
	M-1, M-2, M-3, MP-1, MP-2, MP-3, B-P	10.1 – 15 acres	\$625.00
		15.1 – 20 acres	\$730.00
		Over 20 acres	\$730.00 plus \$55.00 for each 5 acres over 20

	DESCRIPTION OF SERVICES	UNIT	FEE
III.	SPECIAL USE PERMIT APPLICATIONS		
	<u>Not specifically listed below</u>	0-5 acres	\$365.00
		5.1 – 10 acres	\$470.00
		10.1 – 15 acres	\$575.00
		15.1 – 20 acres	\$680.00
		Over 20 acres	\$680.00 plus \$55.00 for each 5 acres over 20
IV.	HOME OCCUPATION SPECIAL USE PERMIT APPLICATIONS		
	Home occupations		\$80.00
	Keeping of farm animals		\$80.00
	Kennel permits		\$365.00
	Temporary use of land		\$365.00
V.	MISCELLANEOUS SPECIAL USE PERMIT APPLICATIONS		
	Fill or removal of earth materials		\$150.00
	Short term permit/ Special event permits (10 days or less)		\$315.00
	Uses of educational, religious, philanthropic or eleemosynary in nature		\$365.00
	Group dwellings		\$260.00
	Permits under section 27-593(b) (Excluding group dwellings)	0 – 5 acres	\$780.00
		5.1 – 10 acres	\$940.00
		10.1 – 15 acres	\$1,145.00
		15.1 – 20 acres	\$1,355.00
		Over 20 acres	\$1,355.00 plus \$105.00 for each 5 acres over 20
VI.	VARIANCE (APPEAL) APPLICATIONS		
	Agricultural/Residential		\$105.00
	Commercial/Industrial		\$210.00
	Appeal of Director's Interpretation		\$200.00
VII.	SIGN FEES		
	Wall and attached signs	Per sign	\$30.00
	Detached monument signs	Per sign	\$80.00
	Billboards	Less than 300 s.f.	\$160.00
		More than 300 s.f.	\$315.00
	Flag		\$25.00
	Incidental		\$25.00
VIII.	PLAT FEES		
	Preliminary and final plat application		No Charge
	Kansas City, Kansas Plat Recording	Per lot	First 10 lots- \$7.00
		Per lot	Lots 11 & up- \$6.00
	Lot Split	Per Split	\$25.00

	DESCRIPTION OF SERVICES	UNIT	FEE
IX.	PRELIMINARY AND FINAL REVIEW APPLICATIONS		
	Preliminary Plan Review		\$150.00
	Final Plan Review		\$250.00
	Preliminary/Final Plan Review		\$250.00
X.	VACATION APPLICATIONS		
	Agricultural/Residential		\$105.00
	Commercial/Industrial		\$315.00
XI.	MISCELLANEOUS FEES		
	Ordinance Publication Fee (For Successful Change of Zone/ Special Use, and Vacation Petitions)		\$125.00
XII.	KANSAS OPEN RECORDS ACT		
	<i>See County Clerk "Kansas Open Records Act Fees"</i>		
XIII.	LANDMARKS		
	Historic Designation (District/Landmark)		\$150.00
	Certificate of Appropriateness		\$75.00
	Environs Review		\$50.00



Department of Planning + Urban Design

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Electronic Document Review: Applicant Users Guide

What is Electronic Document Review?

Electronic Document Review (EDR) is an efficient and cost-effective method of submitting plans to the Unified Government's Department of Planning + Urban Design (Planning Commission/Board of Zoning Appeals) and Development Review Committee (commercial building permit applications). EDR saves applicants time and money by reducing the amount of printed material necessary for navigating the development process. By carefully adhering to the list of required materials, found below, you can help our staff efficiently process and review your application.

What will I need?

You can participate in the EDR process with the free version of Adobe Acrobat Reader ([click here to download](#)). However, your functionality increases if you have an up-to-date version of Adobe Acrobat Pro or DC.

A complete Development Review Committee submittal shall include:

1. DRC permit application.
2. DRC Plan review fee.
3. 1 flash drive or CD containing PDFs of the plan set with electronic seal and signature of all design professionals on all documents. CD shall contain reports, calculations, specs, COMchecks, transmittal letter, etc. Files must be labeled according to the file naming standards in this document.
4. 1 hard set of complete construction plans, signed and sealed by a Kansas-licensed professional(s).

A complete Planning Commission or Board of Zoning Appeals submittal shall include:

1. Development application.
2. Development application fee.
3. 2 individual CDs containing PDFs of the plan set with electronic seal and signature of all design professionals on all documents. The CDs shall contain reports, calculations, specs, COMchecks, transmittal letter, etc. Additionally, the CDs will include a legal description of the property in MS Word format. Files must be labeled according to the file naming standards in this document.
4. Reference the submittal checklist for additional submittal requirements, such as, material palette, affidavits, etc. This document only applied to plan set submittals.

Electronic plan submittal standards:

1. Individual CDs containing PDFs of the plan set shall follow the File Plan Naming Standard.
 - a. PDF sheets shall be saved as D sheets, 24" x 36".
 - b. Submittal shall include complete set of the project as a PDF (civil, architectural, MEP, etc).
 - c. Plan set shall have the legend or table of contents hyperlinked to each section/sheet listed.
 - d. Each sheet shall be required to have the digital seal and signature of the Kansas licensed surveyor, architect, and/or engineer and the seal date. Plans will not be reviewed unless each sheet is sealed and dated. Supporting reports, calculations, COMcheck required seal and signature as well.**
2. Re-submittal shall follow the same schedule for Planning Commission and DRC applications as listed above. CD cover shall be labeled by the project name, address, and submittal date. A PDF detailed transmittal letter specifying how staff comments were addressed shall be included on the CD. The submitted electronic plans shall not use the color "red" for plans, drawings, notations, etc.
3. If revisions are required to the DRC plan set, applicant is responsible for inserting revised sheets into the DRC plan set. This will be a requirement for the submittals and final permitting approvals. This is critical, as it is the set that will be returned to the job site and referenced for inspections.
4. Revised sheets will be accepted via email, with a 150 mb per e-mail limit, at EDR@wycokck.org. If submitting in this manner, send a follow up e-mail to verify receipt. A PDF detailed transmittal letter specifying how staff comments were addressed shall be included on the CD. The submitted electronic plans shall not use the color "red" for plans, drawings, notations, etc. Reference File Plan Naming Standards. Final PDF record of plan sets shall be provided at the time of permit issuance if revised sheets were received via email. Seal date shall match the seal date of the approved sheets. Transmittal letter confirming seal dates and sheets shall be provided by the architect and/or engineer of the record shall be signed and sealed.
5. New electronic submittals and re-submittals shall follow the same submittal process. Submittals shall be provided to the DRC coordinator for distribution:

Neighborhood Resource Center
Attn: DRC Coordinator
4953 State Avenue
Kansas City, Kansas 66102
(913) 573-8664 | edr@wycokck.org

If the electronic submittal is not at the minimal standards listed above, it will not be accepted. Size of your project is taken into consideration and additional printed plan sets may be requested. It shall be at the discretion of the DRC members to accept electronic plan review submittals for DRC projects. If you have a substantially large project, please contact the DRC Coordinator to discuss prior to submittal.

New to DRC

- EDR Submittal Guidelines
- DRC Certificate of Occupancy Inspection Request Guidelines
- Track the status of your DRC plan review online at www.wycokck.org/DRC
- DRC building permits will not be issued until all fees/permits are acquired with the Public Works Department
- Credit card payments are now accepted with the Department of Planning + Urban Design. A 2.5% transaction fee will be applied.

File Plan Naming Standards for EDR

When preparing your plan sheets for an Electronic Document Review (EDR) submittal, please follow the file naming structure shown below. All file names will begin with a letter(s) designation followed by two numbers. Example: Architectural drawings would be designated as A01 through A99.

Exception: The applicant's cover sheet must always start with the number 0 (zero) followed by the letters cs (cover sheet) and then a number: ocs1, ocs2, etc. Using the number 0 (zero) will ensure that your cover sheet will always be alphabetically on top of the list in EDR.

Cover sheet index/legend for your plan set shall be labeled to these standards, in addition to each sheet of your plans. Each set of your supporting documents will be a separate file and must be clearly named.

Example: Z01 COMcheck Building Envelope

Z02 Retaining Wall Calculations

Resubmitted plan sheets shall designate R behind the sheet title and include the revision date. Example: Original sheet titled A01 and revised sheet titled A01R_1_12_14. For DRC Electronic Document Review (EDR) submittal requirements reference Electronic Document Review Submittal Requirements.

We have referenced a standard naming practice for construction plan sets. Plan set shall have the legend or table of contents hyperlinked to each section/sheet listed.

Abbreviation	Definition	Examples
Ocs	Your Cover Sheet(s)	Ocs1, Ocs2, etc. (zerocs1)
A	Architectural Drawing	A01, A02, etc.
C	Civil Engineering & Site Work	C01, C02, etc.
D	Demolition Drawings	D01, D02, etc.
Dt	Details	Dt01, Dt02, etc.
E	Electrical Drawings	E01, E02, etc.
Eq	Equipment Plan	Eq01, Eq02, etc.
F	Fire (Fire Protection) Drawings	F01, F02, etc.
G	Grading Plans	G01, G02, etc.
Gen	General Project Requirements	Gen01, Gen02, etc.
H	Hazardous Materials	H01, H02, etc.
I	Interior Plans	I01, I02, etc.
Irr	Irrigation Plans	Irr01, Irr02, etc.
L	Landscape Plans	L01, L02, etc.
M	Mechanical Plans	M01, M02, etc.
P	Plumbing Drawings	P01, P02, etc.
PI	Plant Drawings	PI01, PI02, etc.
S	Structural Drawings	S01, S02, etc.
Sec	Section Drawings	Sec01, Sec02, etc.
SP	Site Plan (plot plan)	SP01, SP02, etc.
T	Telecommunications Plan	T01, T02, etc.
X	Existing Plan	X01, X02, etc.
W	Water Plan	W01, W02, etc.
Z	Supporting Documents	Z01, Z02, etc.



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Fax: (913) 573-5796
Email: planninginfo@wycokck.org

Contact List

The land development process frequently requires input from a variety of people and organizations. This can include utility companies, local school districts and many departments of the Unified Government. This contact list has been included in the application packet to better facilitate collaboration between you and the other entities involved in the development process. If you can't find a contact you need in this list, feel free to reach out to the Department of Planning + Urban Design and we'll be happy to assist you.

Board of Public Utilities

Water Engineering
Jenny Li
540 Minnesota Avenue
Kansas City, KS 66101-2930
913-573-9845
Fax – 913-573-9851
jl@bpu.com

Gloria Barnett, Water Services Clerk
New Water Services and Maintenance
913-573-9843
gbarnett@bpu.com

Electric Engineering

Courtney Connor, Supervisor
Transmission and Distribution Engineering
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9538
Fax – 913-573-9579
cconnor@bpu.com

Mathew Kreig
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9842
mkreig@bpu.com

Mike Quimby, Electric Service Clerk
New Electric Services and Temporary Services
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9531
Fax – 913-573-9579
mquimby@bpu.com

Building Inspection Department

Anthony Hutchingson, Chief Building Inspector
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8620
Fax – 913-573-8622
buildinginspection@wycokck.org

Chamber of Commerce

Daniel Silva, President
727 Minnesota Avenue
P.O. Box 171337
Kansas City, KS 66117
913-371-3070
Fax: 913-371-3732
daniel@kckchamber.com
www.kckchamber.com

Convention and Visitors Bureau

Alan Carr, Executive Director
755 Minnesota Avenue
P.O. Box 171517
Kansas City, KS 66117
913-321-5800
Fax – 913-371-0204
alan@VisitKansasCityKS.com

Code Enforcement

Patrick Holton, Division Manager
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8600
Fax – 913-573-8732
pholton@wycokck.org

Fire Department

Harvey Fields
815 North 6th Street
Kansas City, KS 66101
913-573-5550
Fax – 913-551-0490
hfields@kckfd.org

GAS SERVICE**Atmos Energy**

Richard Yunghans
25090 West 110th Terrace
Olathe, KS 66061
913-254-6355
richard.yunghans@atmosenergy.com

Kansas Gas Service Company

Christina Murphy
1421 North 3rd Street
Kansas City, KS 66101
913-599-8953
Fax – 913-599-8989

GeoSpatial Services

Chris Cooley, Director
710 North 7th Street, Room 200
Kansas City, KS 66101
913-573-2941
Fax – 913-573-4106
ccooley@wycokck.org

Kansas City Area Transportation Authority

1200 East 18th Street
Kansas City, MO 64108
816-346-0200
metro@kcata.org

Kansas Department of Transportation

Chris Herrick, Director of Planning and Development
Eisenhower State Office Building
700 Southwest Harrison Street
Topeka, KS 66603
785-296-2252

Liveable Neighborhoods

Andrea Generaux, Director
Neighborhood Resource Center
(913) 573-8645
ageneraux@wycokck.org
4953 State Avenue
Kansas City, KS 6610

Public Works Department

Jeff Fisher (Streets)
Sarah White (Sanitary Sewers and Stormwater)
Troy Shaw (Traffic Regulations)
701 North 7th Street, Room 712
Kansas City, KS 66101
913-573-5700
Fax – 913-573-5435
jfisher@wycokck.org
swhite@wycokck.org
tshaw@wycokck.org

Rental Licensing

Rachel Miskec
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8649
Fax – 913-573-8731
rmiscec@wycokck.org

SCHOOL DISTRICTS**Bonner Springs****Unified School District #204**

Dan Brungardt, Superintendent
2200 South 138th Street
Bonner Springs, KS 66012
913-422-5600
Fax - 913-422-4193

**Board of Education
of Kansas City Kansas #500**

Dr. Alicia Miguel, Interim Superintendent
2010 N 59th Street
Kansas City, Kansas 66104
913-279-2235
Fax – 913-279-2084
charles.foust@kckps.org

**Kansas City Kansas Community
College**

Dr. Greg Mosier, President
7250 State Avenue
Kansas City, Kansas 66112
913-334-1100
Fax - 913-288-7609
gmosier@kckcc.edu

**Piper Unified School District Office
#203**

Dr. Jessica Dain, Interim Superintendent
3130 N 122nd Street
Kansas City, Kansas 66109
913-721-2088
Fax – 913-721-3573
bmccann@piperschools.com

**Turner Unified School District Board
of Education #202**

Jason Dandoy, Superintendent
800 South 55th Street
Kansas City, Kansas 66106
913-288-4100
Fax – 913-288-3401
dandoyj@turnerusd202.org

TELECOMMUNICATION

AT&T

2121 E. 63rd Street
Kansas City, MO 64130
800-403-3302

Midco

2000 West 31st Street, Suite C
Lawrence, KS 66046
800-888-1300

Spectrum

550 Westport Road
Kansas City, MO 64111
866-874-2389

**Wyandotte County
Economic Development Council**

Greg Kindle
727 Minnesota Avenue
P.O. Box 171337
Kansas City, KS 66117
913-371-3070
Fax: 913-371-3732
gkindle@wyedc.org

**Wyandotte County
Conservation District**
Cheri Miller, District Director
1204 North 79th Street
Kansas City, KS 66112
913-334-6329
Fax – 913-334-6349
wyco.conservation@gmail.com

**Wyandotte County
Health Department**
Juliann VanLiew, Director
619 Ann Avenue
Kansas City, KS 66101
913-573-8855
Fax – 913-321-7932
tgarrison@wycokck.org

Department of Planning + Urban Design

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NEIGHBORHOOD MEETING GUIDELINES

CRITERIA:

Neighborhood Meeting are required to be conducted fourteen (14) days prior to the City Planning Commission meeting for the following applications:

- Change of Zone Applications
- Special Use Permit Applications – Examples:
 - Fill Permits
 - Kennels
 - Temporary Use of Land for Commercial or Industrial Purposes (i.e. parking of heavy trucks, temporary trailers, etc.)
 - Live Entertainment
- Preliminary Plan Review Applications

NOTE: Although a neighborhood meeting is not required for home occupation or livestock special use permit applications, it is strongly recommended that one be conducted.

INFORMATION PROVIDED BY URBAN PLANNING AND LAND USE DEPARTMENT TO HELP YOU WITH YOUR NEIGHBORHOOD MEETING:

- Instructions/Sample Letter to send out for meeting.
- Affidavit to be signed that the neighborhood meeting was held.
- List of people to be notified of the meeting (property owners within 200' of the property in question, staff, District Commissioner.) NOTE: List will be mailed one (1) week after the deadline for submission of applications.
- List of possible neighborhood meeting locations.
- Sample minutes to follow when taking minutes at the neighborhood meeting (attached).

NOTICE OF NEIGHBORHOOD MEETING:

- Determine location of your meeting. **NOTE:** **The meeting must be held in Kansas City, Kansas and in close proximity to the proposed project.**
- Opt for a public meeting place
- Meetings should be in late afternoon/early evening
- Use attached letter as a **SAMPLE** to write your letter.
- Notices should be mailed ten (10) days prior to the date of the neighborhood meeting. Although notices are not required to be sent certified mail, it is **recommended** so the applicant has a record that the notices were sent.

NEIGHBORHOOD MEETING:

- Provide a sign-in sheet
- If no one shows up for the neighborhood meeting at the scheduled time it is recommended that the applicant wait 30 minutes before leaving.
- Presentation:
 - Provide accurate details/photos/plans for review
 - Answer/address questions and concerns
 - Detail who will be involved (clients, customers, buyers, etc.)
 - Detail operational activity (residential, use, noise, traffic, etc)

AFTER NEIGHBORHOOD MEETING:

- The following shall be sent to the Urban Planning and Land Use Department via e-mail, fax, U. S. mail or in person (two (2) business days after your meeting (twelve (12) days before the City Planning Commission Meeting):
 - Sign-in sheet
 - Minutes from meeting
 - Affidavit confirming that the neighborhood meeting was conducted.

SAMPLE:

(Please use this sample to develop your letter.)

Date:

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #_____. The purpose of this:

(please use all that applies)

- change of zone
- special use permit
- preliminary plan review

is for a _____

at the following address: _____.

I/We am having a neighborhood meeting on _____ at
____p.m. at the following address _____.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Name and Contact Information

SAMPLE MINUTES:

Application Number _____

Date and Location: _____

Meeting called to order at: _____

Names of people in attendance:

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at:

Minutes taken by: _____

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)

) SS:

COUNTY OF _____)

Comes now _____, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #_____.
2. That I conducted a neighborhood meeting on _____.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____. 20__.

My commission expires _____ of _____, 20__.

Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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Fax: (913) 573-5796
www.wycokck.org/planning

ZONING SIGN PLACEMENT GUIDELINES

When placing a zoning sign, keep in mind the purpose of the sign is to inform the public of a pending public hearing. The following criteria are intended to assist in placing the sign.

1. Place the sign conspicuously
2. Place the face of the sign parallel to the street.
3. If there is a choice of streets, place the sign on the most traveled street
4. Post the sign so that it is legible above grass and shrubs in the area
5. The sign should not be placed in the public right-of-way. The right-of-way usually begins at a fence line, utility line or sidewalk. When in doubt, place the sign at least 10 feet behind the edge of the street.
6. The use of trees near the right-of-way and fences are ideal for posting the notice.
7. If trees and fences are not available the use of two "tomato" stakes or a realty style sign are preferred.
8. The sign must be posted at least 20 days prior to the public hearing and needs to be kept in place until the Planning Commission meeting.



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DETAILED APPLICATION CHECK LIST

1. Application

- a. A completed application that has been signed and notarized
- b. On the front page please be sure to designate an official contact
- c. If you do not know your projects proposed land use in the City's Master Plan, please contact the Planning Office for assistance. It is important to know if your project will require a plan amendment prior to application.
- d. Please include the date of your preapplication meeting on Page 3.

2. Fee

- a. A check in the amount required for the application made out to the Unified Treasurer
- b. If the check is returned, the application will be held until the check is made good.

3. Affidavit of Ownership/Authorization

- a. If the applicant is not the current fee owner of the property, an affidavit from the owner or a contract with the owner authorizing the application must be presented with the application (form available).

4. Title Report

- a. If the owner appears as the owner in county records, no title report is necessary. The name/entity must match exactly or a title report showing the current owner or prepared on behalf of the current owner is required.

5. Digital Pictures

- a. If the site is currently raw land, submit 4-6 pictures giving the overall condition of the property
- b. If there are structures, provide pictures of all 4 sides of each building as well as pictures showing the overall site.

6. Density Calculations

- a. On page 2 of the application, there is a density chart to fill out. Please contact the Planning Department if you need assistance.

7. Storm Water Drainage Calculations

- a. Preliminary:
 - i. Gross detention calculations for 100-year floodplain;
 - ii. Stick map with proposed location and routing;
 - iii. Indicate the tie in point to the existing system; and,
 - iv. Information on any portion of the system that is not gravity flow.

- b. Final
 - i. Obtain from Public Works a copy of STORM DRAINAGE DESIGN CRITERIA FOR PRIVATE DEVELOPMENTS be sure to ask for a copy that includes the review check list. The standard book includes the criteria, directions and sample charts/graphs.
 - ii. Submit drawings in accordance with the criteria.

8. Preliminary Grading Plan

- a. Show Areas of slope less than 5 percent;
- b. Show Areas of slope between 5 and 10 percent;
- c. Show Areas of slope greater than 10 percent; and,
- d. Show preliminary erosion control plan.

9. Final Grading Plan

- e. Show existing and proposed 2' contours;
- f. Show final site balance calculations;
- g. Show final erosion control plan; and,
- h. Indicate where any excess/shortage of dirt is going to/coming from.

10. Zoning Map

- i. The Preliminary Plat or Plan can act as a zoning map if accompanied by a legal description; and,
- j. A proposal with more than one zoning category proposed may either be divided into multiple applications, or must provide legal descriptions for each proposed zoning category.

11. Preliminary Development Plan

- k. Preliminary site plan;
- l. Preliminary landscape plan;
- m. Preliminary utility plan including storm water;
- n. Preliminary 4 sided elevations;
- o. If the proposal EXACTLY replicates another Wyandotte County Project, Pictures may be substituted for preliminary elevations;
- p. Preliminary list of materials and colors;
- q. Preliminary lighting plan if abutting a residential property or residential zone; and,
- r. A traffic study may be required. This should be discussed at the preapplication meeting.

12. Final Development Plan

- s. Site plan;
- t. Landscape plan;
- u. Utility plan including storm water;
- v. Four (4) sided elevations;
- w. Material Palette including sample materials and colors (a small board 11X17 is sufficient);
- x. Lighting plan if abutting a residential property or residential zone otherwise showing the proposed light poles is sufficient; and,
- y. Detail sheets on other amenities and open spaces.

13. Preliminary and Final Plat

- a. See Code Section 27-245 through Section 27-251.

14. Preliminary Engineering

- a. See #7 above for storm water;
- b. Street layout with preliminary line and grade over proposed grading;
- c. Sewer layout (stick map) with location and routing to the existing system;
- d. Any plans for sewer systems other than a gravity system;
- e. Water and electric are designed by the Board of Public Utilities; and,
- f. Reference the following documents:
 - I. TECHNICAL PROVISIONS AND STANDARD DRAWINGS*
 - II. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS*

15. Final Engineering

- a. See #7 above for storm water
- b. Complete street documents
- c. Complete Sewer documents
- d. Complete plans for sewer systems other than a gravity system
- e. Reference the following documents:
 - I. TECHNICAL PROVISIONS AND STANDARD DRAWINGS*
 - ii. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS*

16. Lighting Plan

- a. When abutting a residence or other than a commercial or industrial zoning district a lighting plan indicating the foot candles at the property line is required
- b. All exterior light fixtures should be 180 degree cut off fixtures unless other specialty lighting is approved.

17. Landscape Plan

- a. Landscape plan sheet
- b. Include planting details
- c. Locate any statuary or art
- d. List in table format types and quantities of plat materials
- e. Include Irrigation plan
- f. Include details of perennial or annual planting areas

18. Sign Plan and Details

- a. Sign plan showing each sign and accessory sign location; and,
- b. Detail of the size and dimension of each sign



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Sec. 27-214. Special use permit.

- (a) *Purpose.* In recognition of certain uses and situations with characteristics which may not blend or harmonize with the uses in the standard zoning districts, the unified government board of commissioners may, by special use permit, authorize the location of specified uses, under such conditions as to operation, site development, signs, time limit, or other conditions as may be deemed necessary to assure that the use will not injure neighboring property or the welfare of the community.
- (b) *Applicant.* A special use permit application may be initiated by the unified government board of commissioners, planning commission, or upon application of the property owner or owner's agent.
- (c) *Applicability.* A special use permit application shall be required for all uses so identified pursuant to these regulations or the applicable comprehensive plan.
- (d) *Preapplication conference.* A preapplication conference is required pursuant to section 27-197.
- (e) *Submission requirements.* The director of planning shall prepare an application form specifying the information to be submitted in support of a special use permit application. The application shall include at least the following:
 - (1) A preliminary development plan as identified in section 27-212(d). A preliminary development plan is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (2) A statement of the reasons why the special use permit is being requested.
 - (3) All studies as may reasonably be required by the director of planning or his designee.
- (f) *Application and review procedures.*
 - (1) *Determination of completeness.* Applications shall be submitted to the director of planning or director's designee for a determination of completeness pursuant to section 27-198. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the department of urban planning and land use.
 - (2) *Neighborhood meeting.* The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-199.
 - (3) *Staff review.* Following a determination of completeness, the staff shall review the application pursuant to section 27-521. As part of the review, staff shall recommend appropriate conditions to be placed on the approval, construction, and continuing function of the special use. Such conditions may be drawn from local, regional, or national standards and requirements.
 - (4) *Notice and public hearing.* Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.
 - a. Notice shall be provided pursuant to section 27-203.

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- b. The planning commission shall consider the criteria listed in subsection (f)(5) of this section in making a recommendation.
 - c. Following the final hearing on an application for a special use permit the planning commission shall recommendation approval or denial at the earliest reasonable time, and shall prepare an accurate written summary of the proceedings for the unified government board of commissioners. If the planning commission fails to make a recommendation on a special use permit request within 63 days of the close of the public hearing regarding the application, the planning commission shall be deemed to have made a recommendation of disapproval. The application will be forwarded by the director to the unified government board of commissioners within 50 days of the deemed denial.
- (5) *Factors to be considered.* Approval or denial of the special use permit shall be based upon consideration of the following factors, in addition to those factors specific to each use:
- a. The character of the neighborhood.
 - b. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.
 - c. Where applicable, hours of operation.
 - d. Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.
 - e. Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for nearby property.
 - f. Whether the proposed use would pollute the air, land or water.
 - g. Compatibility with existing and proposed land uses in the surrounding area.
 - h. Whether the use would damage or destroy an irreplaceable natural resource.
 - i. The relative gain to the public health, safety, morals, and welfare as compared to the hardship imposed upon the individual landowner or landowners.
 - j. The applicant's ability to maintain the use in an "as proposed" condition.
 - k. Whether the proposed use would result in overcrowding of land or cause an undue concentration of population.
 - l. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.
- (6) *Action by unified government board of commissioners.* When the planning commission submits a recommendation of approval, conditional approval, or disapproval of a special use permit and the reasons therefore, the unified government board of commissioners shall consider the criteria established in subsection (f)(5) of this section and may take any action consistent with sections 27-205 and 27-206, including:
- a. Adopting such recommendations by ordinance, which may include such conditions as the unified government board of commissioners deems necessary;
 - b. Overriding the planning commission's recommendation by a two-thirds majority vote of the membership of the unified government board of commissioners; or

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- c. Where there is new material evidence received at the unified government board of commissioners hearing that was not available to the planning commission, then returning such recommendation to the planning commission for reconsideration based on the new evidence.
- (7) *Conditional approval of special use permit.* In cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval.
 - (8) *Duration of approval.* Special use permits may be approved at initial issuance for up to two years. Subsequent renewals may be granted for up to five years depending upon the information submitted at the renewal hearing. Race tracks, sanitary landfills, medical waste incinerators and other very large uses may be approved for longer periods.
 - (9) Final plan review approval by the planning commission, according to section 27-212(g), is required following unified government board of commissioners' approval of the special permit.
- (g) *Exceptions from procedures and fees.* Home occupations or keeping of livestock require a fee in the amount established by the director. The procedure shall vary from that established for other special use permits in that upon receipt of recommendations from the planning commission, the unified government board of commissioners may approve or disapprove the special use permit. For these uses, the unified government board of commissioners will not be required to return the matter to the planning commission for reconsideration. A neighborhood meeting is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (h) *Termination.* If a use granted a special use permit is discontinued for a period of six months, or inadequate progress toward initiating the use, such as failing to meet or make progress toward meeting the initial conditions of approval, is made in six months, the special use permit shall no longer be valid. Any use requiring a special use permit from that time on will require a new application and the procedure set out under this section.
 - (i) *Revocation.*
 - (1) The unified government board of commissioners may revoke and discontinue a special use permit pursuant to section 27-209 based on the criteria listed in subsection (f)(5) of this section or for any one of the following reasons:
 - a. Failure to maintain the premises in such manner as required by ordinance;
 - b. Failure to comply with the requirements set forth herein or established by the unified government board of commissioners as a condition for approval;
 - c. Failure to construct or maintain the improvements according to the plans presented at the time of approval; or
 - d. Unforeseen incompatibility with surrounding or adjacent uses.
 - (2) If the unified government board of commissioners revokes the special use permit, it shall set an effective date for discontinuance, and the office of the chief counsel may take appropriate action to ensure compliance.

(Code 1988, § 27-279; Ord. No. O-27-05, § 1, 3-24-2005)

Published in the *Wyandotte Echo* on _____

ORDINANCE NO. _____

AN ORDINANCE defining and regulating short-term rental uses through the identification of dwelling typologies, owner-occupancy, and zoning districts, amending **Sections 27-340, and 27-593**, and wholly adding **Sections 27-623 and 27-624** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the housing stock is one of the Unified Government's most important built assets, and therefore must be maintained in a manner that allows for a variety of tenancy and ownership options in response to the market demands of residents and visitors;

WHEREAS, short-term rentals are intended for transient use, and, while such use is needed and necessary by local and visiting populations, the time constraints inherent to such a use does not create social connections and foster neighborhood investment in the same manner that long-term rentals and homeownership create; and,

WHEREAS, the ability for a homeowner to use their property to the greatest extent as allowed by the respective zoning district, in consideration of the effects that such uses may have upon the rights of adjacent property owners, the surrounding, neighborhood, and the community of the Unified Government; therefore,

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-340. Definitions.

For the purpose of this article, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The term "building" includes the term

"structure." The term "shall" is mandatory and not directory. Definitions relating specifically to floodplain zoning, signs, and landscaping and screening are included elsewhere.

Accessory building means a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building.

Accessory dwelling, primary unit means the accessory dwelling unit that the property owner resides within that otherwise satisfies the definition of owner-occupied, as defined in this section.

Accessory use, accessory structure means a use of land or structure which involves all of the following characteristics:

- (1) Subordinate to and serves a principal use or structure.
- (2) Subordinate in area, extent and purpose to the principal use or structure served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served.
- (4) Located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Adult book store or adult video store means an establishment having as a predominant part of its stock in trade or predominant portion of its revenues, books, magazines, photographs, pictures, periodicals, recordings or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and limited in sale of such sexual material to adults.

Adult nightclub or cabaret means any place serving food or drink, regardless of whether alcoholic beverages are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers, waitresses or waiters, or features material relating to specified sexual activities or specified anatomical areas.

Adult theater means a facility with a capacity of two or more persons used predominantly for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Agricultural use refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including, but not limited to, forages, grains and feed crops, dairy animals and dairy products, poultry and poultry products, beef cattle, sheep, swine and horses, bees and apiary products, trees and forest products, fruits, nuts and berries, vegetables, or nursery, floral, ornamental and greenhouse products. The term "agricultural use" shall not include use of land for recreational purposes, suburban residential acreage, rural home sites or farm homes sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alley means a public right-of-way no wider than 24 feet that affords only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a building.

Antenna means any structure or device used to receive or transmit electromagnetic waves.

Apartment house means any building or portion thereof that contains three or more dwelling units.

Applicant means a person who applies for a permit as provided in this section.

Building means a permanently erected structure having a roof supported by columns or walls.

Building, completely enclosed, means a building separated on all sides from the adjacent open spaces or from other buildings or structures by a permanent roof, and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

Bulk means a composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

- (1) Size and height of building.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- (3) Gross floor area of the building in relation to lot area (floor area ratio).
- (4) All open spaces allocated to the building.
- (5) Amount of lot area provided per dwelling unit.

Campground means an area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

Children's day care and nursery centers means facilities where part-time lodging and meals are provided, excluding permanent or overnight lodging, for six or more children in return for compensation. For the purpose of this article, family day care homes under state regulations will not be included in this definition.

Collection facility means a designated, semi-permanent container intended for public use or public drop-off of recyclable materials such as glass or metal and periodically emptied by a recycling or waste management company or other designated organization. Collection facilities should be constructed of a durable material, such as metal or hard plastic, and are intended for materials undergoing further processing or refining.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the high point of the crown of the street in front of the building shall be used.

Decibel means a unit of measurement of the intensity (loudness) of sound. In this article, decibel levels shall be measured on the A scale and referred to as dB(A).

Detached means a building that does not have a wall, roof or other structural member in common with or in contact with another building.

Dismantled means that a number of useful parts, including but not limited to, tires, batteries, doors, hoods, or windows, have been removed from the automobile as to render the automobile unsafe to operate.

Dog kennel means any premises where four or more dogs are boarded, bred and/or offered for sale.

Donation bin means a designated, semi-permanent container in which previously owned items, such as clothing, shoes, and books can be placed by the public and periodically emptied by a non-profit organization for resale or donation. A donation bin is distinct and separate from a collection facility.

Drive means an improvement which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in or drive-through establishment means a place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or

otherwise conduct their business while remaining in their automobiles. A restaurant that does not provide at least 15 seats within the enclosed interior of the building shall be considered a drive-in establishment.

Dwelling means a building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, temporary shelters, tourist homes, or trailers.

Dwelling house, condominium, means a building containing dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Dwelling, multiple-family, means a dwelling, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a dwelling containing one dwelling unit.

Dwelling, two-family means a dwelling containing two dwelling units, a duplex.

Dwelling unit means one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one family, and which includes cooking, living, sanitation and sleeping facilities.

Dwelling unit, full means a dwelling unit, as defined in division 1, or the extent of the dwelling unit to be rented to and accessible by a short-term rental tenant(s), with the remainder of the dwelling unit both inaccessible to said tenant(s) and not otherwise occupied or rented.

Dwelling unit, partial means a portion of a dwelling unit or the extent of the dwelling unit to be rented to and accessible by a short-term tenant, with the remainder of the dwelling unit occupied by the property owner. A partial dwelling unit at minimum must include a bedroom and access to a bathroom; the portion of the dwelling unit occupied by the property owner may or may not be accessible to short-term tenants.

Dwelling unit, primary means the dwelling unit that the property owner resides within in satisfaction of the definition of owner-occupied, as defined in this section. For buildings in which the property owner either consists of more than one individual residing in separate and distinct dwelling units or is a corporation, government entity, non-profit, or trust, a single primary dwelling unit shall be established by the property owner, or, if the property owner does not assert a primary dwelling unit, by the determination of the unified government.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Family means one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farmers' market means a seasonal outdoor market where fresh produce, animal food products, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, and must consist of the majority of the sales in both scope and dollars. Animal food products include

meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Flea market means a market, indoors or out of doors, where new or used items are sold from individual sellers, where each seller operates independently from other sellers. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines. The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Floor area means the total floor area designed for tenant or owner occupancy measured from the exterior surfaces of outside walls and including mezzanines, unfinished floors and basements, but excluding loading docks and service corridors or any common areas not leasable to individual tenants.

Floor area, habitable, means the area of all floor space on all levels measured from the exterior surface of outside walls, but excluding garages, porches and nonhabitable basements as determined by the International Building Code, as adopted and amended by the unified government.

Food establishment means a business where prepared food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. Examples of a food establishment may include sit-down restaurants, fast-food restaurants, delis, smoothie bars, coffee and tea shops, and ice cream parlors. Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:

- (1) Ducks.
- (2) Female chickens.

Garage, private, means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept.

Gross vehicle weight rating or GVWR means the manufacturer's rating of the combined weight of the vehicle and the maximum load it is designed to carry. Where such information is not available, the following shall be used to make the determination:

- (1) Vehicles of no greater than 10,000 pounds GVWR: Pickup trucks and passenger vans, trucks considered one-ton rated capacity or less.
- (2) Vehicles of no greater than 30,000 pounds GVWR: Commercial-type trucks of wide variety, but excluding dump trucks, semitrailer trucks, trucks with tandem axles, and other similar heavy-duty trucks.

Group dwelling means a residential dwelling occupied as a residence by persons who do not constitute a family.

Halfway house means a facility, such as a community corrections center, serving temporary residents who have been released or diverted from an institution. A nonfamily residential dwelling that houses persons protected by the Fair Housing Act, such as the mentally ill or the mentally retarded, is a group dwelling, not a halfway house, so long as it is clearly the domicile of the residents and the typical length of stay is long enough to differentiate it from a motel or hotel.

Heavy automotive/truck service, repair, and mechanics means major mechanical repair shops including any of the following:

- (1) Body work and painting.
- (2) Tire recapping.
- (3) Engine and transmission repair.

Height of building or structure means the vertical distance from the average elevation of the ground abutting a building or structure to the highest point of a building or structure. Height, when not regulated in feet, shall be regulated by stories and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

Home occupation means an activity for gain customarily carried on in a dwelling or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. In general, a home occupation is an accessory use so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. Such activity may employ only members of the immediate family residing on the premises.

Inoperable means that an automobile or truck which cannot be driven away in a safe condition.

Inoperable vehicles means vehicles missing major body, chassis, or engine components or not fit for street travel.

Light automotive service and maintenance means any of the following:

- (1) Tire and battery sales and installation.
- (2) Brakes and other similar diagnostic and repair services.
- (3) Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services.

Livestock means horses, mules, cattle, sheep, and goats.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this article, and having its principal frontage upon a public street. A lot may consist of one or more platted lots, or tracts as conveyed, or parts thereof.

Lot or site area means the land area within the tract or lot lines and excluding street right-of-way.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot may be deemed to front on either street frontage.

Lot, depth means the horizontal distance from the front street line to the rear line.

Lot, interior means a lot whose side lines do not abut upon any street.

Lot line, front means the street line, which is the boundary between a lot and the street on which it fronts.

Lot line, rear means the boundary line that is opposite the most distant from the front street line, except that in the case of uncertainty, the building official shall determine the rear line.

Lot line, side means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a structure, transportable in one or more sections, which has a body width of eight feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which was designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture. This term shall not include a recreational vehicle. A structure which otherwise falls within this definition shall be considered a mobile home even if it does not have the required dimensions so long as it is in place as of May 1, 1995, and has a model year of no later than 1969.

Mobile home park means a tract of land meeting the requirements of this article containing suitable drives, utilities and other supporting elements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile home space means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

Mobile market means the selling of food products, including, but not limited to: fresh produce, animal food products, and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise or service is sold, given away, performed, displayed, or offered for sale, at retail. Items for sale may include clothing, jewelry, souvenirs. Non-food merchandise also includes plant products that may be consumable, but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Nonvehicular open space means uncovered areas such as lawns, planting space, walks, terraces, sitting areas and balconies, one-half of covered nonvehicular open space, and clubhouses and indoor recreational areas. No paved areas for vehicular traffic or parking may be included as nonvehicular open spaces.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Operator means any person who operates a vending vehicle or farmers' market stand for the purpose of vending food, beverage, product or service therefrom.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the state department of revenue alcoholic beverage control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants; and any other privately-owned property comprising the-outdoor café or outdoor tavern.

Outdoor retail means advertising, displaying, distributing, giving away, promoting, selling, or vending, in a space outside but within the boundaries of the property, items normally advertised, displayed, distributed, given away, promoted, sold, or vended.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Overlay district means a zoning district that acts in conjunction with the underlying zoning district or districts.

Owner-occupied means that the homeowner physically resides in the primary building on the subject property at least 272 days per year and has designated the subject property as both their legal voting address (if the property owner is eligible and registered to vote) and the address of their driver's license or equivalent community-issued identification card.

Owner-occupied, actively means the subject property fulfills the definition of owner-occupied, as defined in this section; and that homeowner is sleeping at said residence for the majority of the nights in which a short-term rental tenant is paying rent for a dwelling unit within the same property.

Parking lot, commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Performance standards means criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

Planned zoning district means the zoning of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Prepared food vending vehicle means a self-propelled, hitched trailer, or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed or offered for sale, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, or an ice cream product truck.

Private club means an organization licensed hereunder to which the club members shall be permitted to resort for the purpose of consuming alcoholic liquor.

Property owner means the individual person or persons, corporation, government entity, non-profit, or trust who holds ownership of the building and real property.

Public right-of-way means any public street, alley, pathway, roadway, sidewalk, walkway, highway, bicycle lane, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Recreational vehicle means ~~is~~ a vehicle that is:

- (1) Built on a single chassis.
- (2) Four hundred square feet or less when measured at the exterior.
- (3) Self-propelled or permanently towable by a light duty truck.
- (4) Designed not as a dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Residentially zoned area means an area zoned A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, or these districts' planned equivalents.

Ruined means that an automobile which is substantially damaged to the extent that it is valueless or useless as an operable automobile or truck or parts thereof are only useful as materials for reprocessing, melting, remanufacturing, or disposal for salvage or scrap material.

Seating area means open space within any enclosed structure used for purposes of seating numbers of people for any purpose, including all aisles necessary for circulation.

Self-contained recreational vehicle is a recreational vehicle that includes all of the following:

- (1) Heating and/or air conditioning.
- (2) A sink and shower.
- (3) Self-contained toilet.
- (4) Cooking facilities.
- (5) Refrigerator.

Site area means the land area within the tract or lot lines and excluding street right-of-way.

Specified anatomical area means any of the following:

- (1) Any less than completely or opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttocks.
 - c. Portion of the areola of the female breast.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Short-term rental means the rental or leasing of a dwelling unit for a period of less than 30 consecutive days.

Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Storm protection areas means any new residential use, for multifamily residential development or single-family residential development for which a preliminary plan/plat application is approved by the planning commission, shall contain an area of storm protection. Such area may be a room or space, such as a basement, a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto shall comply with this requirement. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof.

Story means that part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top-story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way that affords principal means of vehicular access to property abutting thereon.

Street line means the dividing line between the street right-of-way and the abutting property.

Street, private means a street which provides principal access to abutting property, but which is not maintained by the unified government. A private street may exist within dedicated public right-of-way.

Structural alteration means any change other than incidental repairs in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to a permanent location on the ground, including, but not limited to, signs, and excepting customary utility poles, retaining walls and boundary fences.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Tavern means an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Telecommunications tower means a tower constructed as a freestanding structure or in association with a building, other permanent structures or equipment, containing one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation.

Trailer means a vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising means a trailer that carries or has attached thereto a sign, billboard or other media for advertising as the prime purpose and use of the trailer.

Trailer hauling means a trailer, as defined in this section, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trash container means a durable, rust-resistant, non-absorbent, leak-proof container of no more than 50 gallons that is made of metal or hard plastic and which is mounted on a stand attached to the ground and which typically has a cover with openings on the side for where trash can be disposed.

Used car/truck lot means the use of a parcel of land, either with or without structures, for the purpose of offering for sale, rent, or lease, automobiles, light duty trucks or heavy duty trucks.

Variance means a variation from a specific requirement in this article, as applied to a specific piece of property, as distinct from rezoning.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendor's person, on private property.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Wrecked means those automobiles or trucks that have more than 25 percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback. On multibuilding projects where access is derived from private drives, the orientation of individual buildings shall be used to determine the type of yard along the project boundary.

Yard, front, means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard across the full width of the lot extending from the rear lot line to the rear line of the main building.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

Sec. 27-593. – Allowable special uses.

(a) The following uses may be permitted under special use permit in any zoning district except as specifically limited herein:

(1) Amusement parks, privately owned and operated athletic fields, and race tracks.

....

(31) *Short-term rentals, subject to section 623.*

Sec. 27-623. – Short-term rentals.

I. Allowed zoning districts

(A) *Short-term rentals are allowed in the following zoning districts, so long as the building typology used as a short-term rental meets all requirements of said district or is legally non-conforming.*

(1) *A-G Agriculture*

(2) *R Rural Residential*

(3) *R-1 and R-1(B) Single-Family*

(4) *R-2 and R-2(B) Two-Family*

(5) *R-3 Townhouse*

(6) *R-4 Garden Apartment*

(7) *R-5 Apartment*

(8) *R-6 High-Rise Apartment*

(9) *C-1 Limited Business*

(10) *C-D Central Business*

(11) *C-2 Limited Business*

(12) *C-3 Commercial*

(13) *TND Traditional Neighborhood Design, subject to the following building typologies:*

(a) *Accessory unit*

(b) *Apartment building*

(c) *Flat over flat (duplex)*

(d) *Live/work building*

(e) *Mixed-use building (vertical mixed-use or horizontal mixed use—attached only)*

(f) *Paired house (duplex)*

(g) *Row house*

(h) *Single-family detached house.*

(14) *All equivalent planned districts, as identified in division 3.*

(B) *Short-term rentals are allowed in the following zoning districts only if the subject property is in conformance with both the allowed building typology and use of one of the zoning districts identified in subsection III(A).*

(1) *R-M Mobile Home Park*

(2) *C-0 Nonretail Business*

(3) *M-1 Light Industrial and Industrial Park*

(4) *M-2 General Industrial*

(5) *M-3 Heavy Industrial*

(6) *TND Traditional Neighborhood Design, subject to the following building typologies:*

- (a) Horizontal mixed use, detached*
- (b) Prominent civic building*
- (c) Small civic building*
- (d) Small commercial building*
- (7) B-P Planned Business Park*
- (8) All equivalent planned districts, as identified in division 3.*

II. Process

(A) Administrative Review

- (1) The short-term rental of any portion of a residential building shall be subject to administrative review by the unified government department of planning and urban design upon satisfaction of the requirements based on the typology, number of dwelling units for the building in question, and concentration of other short-term rentals.*
 - (a) A property that is eligible for administrative review shall reapply to the department of planning and urban design in order to ensure continued compliance with the standards of this section.*
 - (b) A property shall not be eligible for administrative review if the property in question meets any of the requirements of subsection IV(A)(3).*
- (2) Allowed building types and occupancy statuses.*
 - (a) Single-family residences.*
 - (i) Actively owner-occupied. An actively owner-occupied residence may be used as a short-term rental under one of the following sets of rental options:*
 - A. An actively owner-occupied residence may be used as a short-term rental in one of the following distinct areas. Each distinct area may be simultaneously used as short-term rentals by separate tenant parties:*
 - 1. Partial dwelling unit; and*
 - 2. Full accessory dwelling unit.*
 - B. A full primary residence of an actively owner-occupied residence may be used as a short-term rental, if the property owner is residing in the accessory dwelling unit or temporarily occupying the accessory dwelling unit for the duration of the short-term rental lease.*
 - (ii) Owner-occupied. A residence that is owner-occupied, but not actively owner-occupied, may be used as a short-term rental in one of the following distinct areas:*
 - A. Full dwelling unit; or,*
 - B. Full accessory dwelling unit, if the primary single-family residence will not be simultaneously rented for any length of time.*
 - (b) Duplexes.*
 - (i) The dwelling unit in which the property owner actively occupies is the primary dwelling unit; the other dwelling unit is the secondary dwelling unit.*
 - A. Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units; however an owner-occupied accessory dwelling unit shall be the primary accessory dwelling unit and the two units within the duplex residential building shall be the secondary units.*

- B. Any secondary unit or accessory dwelling unit that is not operated as a short-term rental may operate as a long-term rental, unless otherwise prohibited by this subsection, and subject to all applicable requirements.
- (ii) **Actively owner-occupied.** An actively owner-occupied residence may be used as a short-term rental in one or more of the following distinct areas. Each distinct area may be simultaneously used as short-term rentals by separate tenant parties:
 - A. Partial primary dwelling unit;
 - B. Full secondary dwelling unit;
 - C. Full accessory dwelling unit or full second secondary dwelling unit, if the property owner actively occupies the accessory dwelling unit.
- (iii) **Owner-occupied.** A residence that is owner-occupied, but not actively owner-occupied, may be used as a short-term rental in one of the following areas.
 - A. Full primary unit, if the secondary unit is registered with the rental licensing division as a long-term rental. An accessory dwelling unit may be short-term rented to the same tenant party in conjunction with the full primary dwelling unit.
 - B. Full secondary unit, if the primary unit is not registered as a short-term rental. An accessory dwelling unit may be short-term rented to the same tenant party in conjunction with the full secondary dwelling unit.
 - C. Both the primary and secondary dwelling units, if rented to the same tenant party. An accessory dwelling unit may be short-term rented to the same tenant party in conjunction with the full primary and secondary dwelling units.
 - D. The full accessory dwelling unit, if the secondary unit is registered with the rental licensing division as a long-term rental. An accessory dwelling unit shall not be simultaneously operated as a short-term rental separate from a short-term rental unit operating within the duplex residential building.
- (c) **Multi-family residences.**
 - (i) The dwelling unit in which the property owner actively occupies is the primary dwelling unit; all other dwelling units within the primary residential building are secondary dwelling units. Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units.
 - (ii) **Multi-family residences of three to 12 primary and secondary dwelling units.**
 - A. **Actively owner-occupied.** A residence that is actively owner-occupied may be used as a short-term rental under one of the following conditions.
 - 1. Up to three primary, secondary, and accessory dwelling units, plus 50 percent of all remaining dwelling units after the initial three units, if:
 - a. The primary dwelling unit is only a partial dwelling unit, and,
 - b. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.
 - 2. Up to 50 percent of all total dwelling units on site.
 - B. **Owner-occupied.** An owner-occupied, but not actively owner-occupied, residence shall not operate more than three short-term rental units or no more than 50 percent of all dwelling units within the residential building,

whichever number is less. A partial dwelling unit rental shall count toward this total.

(iii) Multi-family residences of over 12 dwelling units.

A. Actively owner-occupied. A residence that is actively owner-occupied may be used as a short-term rental under one of the following conditions.

- 1. Up to six primary, secondary, and accessory dwelling units, plus 60 percent of all remaining dwelling units after the initial six units, if:
 - a. The primary dwelling unit is only a partial dwelling unit, and,*
 - b. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.**

- 2. Up to 40 percent of all total dwelling units on site.*

B. Owner-occupied. An owner-occupied, but not actively owner-occupied, residence shall not operate more than six short-term rental units or no more than 50 percent of all dwelling units within the residential building, whichever number is less. A partial dwelling unit rental shall count toward this total.

(d) Mixed-use commercial-residential buildings.

(i) Actively owner-occupied. A mixed-use building that is actively owner-occupied may be used as a short-term rental under one of the following conditions.

- A. Up to two primary, secondary, and accessory dwelling units; or,*
- B. Full dwelling units with a habitable floor area no greater than the commercial area within the building.*

- 1. Only commercial floor space that is actively engaged in commercial activity may contribute toward this area.*

(ii) Owner-occupied. A mixed-use building that is owner-occupied, but actively owner-occupied, may be used as a short-term rental under one of the following conditions, so long as the equivalent of 50 percent of the total commercial floor area has been actively operable within the past 12 months.

- A. Up to two primary, secondary, and accessory dwelling units; or,*
- B. Full dwelling units with a habitable floor area no greater than the commercial area within the building.*

(e) A non-owner-occupied property is eligible for administrative review subject to the following conditions:

- (i) Conformance with subsections IV(A)(2)(a) or (b);*
- (ii) The short-term rental is the first non-actively owner-occupied on the block to properly register for administrative approval;*
- (iii) Conformance with the requirements of subsection IV(A)(3); and,*
- (iv) No conformance with any requirements of subsection IV(A)(4).*

(3) Requirements. Any building or site in which a short-term rental operates shall meet the following requirements. Failure to meet all applicable requirements will result in the building or site's loss of eligibility of administrative review, and will be subject to subsection IV(B).

(a) An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.

- (b) Proof of an active lodging establishment license, if required by state statute.*
- (c) Proof of active rental licenses issued by the rental licensing division, if required by the conditions of the short-term rental in subsection IV(A)(2).*
- (d) Proof of a \$1,000,000 insurance liability policy covering the entire subject property.*
- (e) Provide a guest book of important contact information, including contact information by which the property owner and/or a designated property manager is reasonably accessible.*
- (4) Ineligibility for Administrative Review. If a property satisfies all the applicable requirements to be eligible for administrative review, as identified in subsection IV(A)(2), but also meets any of the following conditions, a property is instead subject to the special use permit requirements in subsection IV(B):*
 - (a) The following conditions related to a lodging establishment license are met:*
 - (i) The property is within the AG, R, R-1, R-1(B), R-2, R-2(B), or any equivalent planned district, and*
 - (ii) The property is required by state statute to obtain a lodging establishment license. For the purposes of determining if a property meets the threshold to require a lodging establishment license, the following standards apply unless superseded by state statute or department of agriculture interpretation or policy.*
 - (b) Failure to demonstrate on-site parking in compliance with the zoning code and improved to UG standards.*
 - (c) The subject property, under the current property owner, has received and been found in violation of an administrative code enforcement citation within the past 24 months.*
 - (d) The subject property, under the current property owner, has received a notice, and has been found in violation, of an administrative citation, issued by the department of planning and urban design or by the property maintenance compliance division, within the past six months.*
 - (e) Under the current property owner, a police call related to disturbances or violations caused by the property owner, tenants, or guests of the subject property has been received within the past 6 months.*
 - (f) Failure to prove owner occupation of the subject property, or a change in owner occupation status.*
 - (g) For non-actively owner-occupied short-term rentals only, if another short-term rental that is not actively owner-occupied is at present operating in compliance on the same block.*
- (B) Special Use Permit*
 - (1) The short-term rental of any portion of a residential building shall be required to obtain a special use permit under any of the following sets of conditions:*
 - (a) The property meets the following conditions:*
 - (i) The property is not actively owner-occupied; and,*
 - (ii) The property is not the first non-actively owner-occupied or non-owner-occupied property on the block.*
 - (b) A residence exceeds the maximum number of dwelling units eligible for short-term rental, under the applicable requirements of subsection IV(A)(2).*

(c) Fulfillment of any of the requirements of subsection IV(A)(4).

(2) Standards

(a) A special use permit process for a short-term rental shall follow all applicable requirements and procedures identified in article IV.

(b) Length of approval of a special use permit for a short-term rental.

(i) Operating under a special use permit is generally limited to a set time period, by the end of which the special use permit must be reapplied for, subject to a new (de novo) review, and granted approval by the board of commissioners.

(ii) The time period for which a special use permit for any owner-occupied short-term rental shall remain effective, upon final approval by the board of commissioners, is as follows:

A. First approval – no more than 24 months

B. Second approval – no more than 60 months

C. Third approval and beyond – no more than 120 months

(iii) The time period for which a special use permit for a non-owner-occupied short-term rental shall remain effective, upon final approval by the board of commissioners, is as follows:

A. First approval – no more than 12 months

B. Second approval – no more than 24 months

C. Third approval – no more than 60 months

D. Fourth approval and beyond – no more than 120 months

(iv) The date for which a time period begins to run shall be the date of approval of the special use permit by the board of commissioners. The first date of effective use of the short-term rental shall be the date of completion of all post-approval procedural requirements, including, but not limited to, publication in the newspaper, the payment of all outstanding administrative fees, and proof of completion of the conditions of approval, but not including conditions of approval which specifically may be fulfilled while the short-term rental is in use.

(v) The time periods and dates identified in within this subsection (b) apply to a special use permit associated with a sole property owner and a sole parcel. The special use permit shall not be transferrable to another property owner or to another parcel owned by the same property owner. Any change in ownership shall require approval of a new and distinct special use permit before any short-term rental may continue operating.

(c) In addition, the following requirements must be met as part of the submission materials for a short-term rental special use permit:

(i) The report from a full safety home inspection conducted within the past 6 months by a home inspector registered with the unified government and in compliance with all business licensing requirements;

(ii) Reports from any other inspection, as determined by unified government staff;

(iii) An active lodging establishment license, if required by state statute;

(iv) An active rental license issued by the rental licensing division, if required by the conditions of the short-term rental in subsection IV(A)(2);

- (v) A guest book of important contact information, including contact information by which the property owner and/or a designated property manager is reasonably accessible;
- (vi) An accurate and to-scale floor plan and exits for fire safety purposes; and,
- (vii) An accurate and to-scale site plan of the property, demonstrating all accessory buildings, yards, parking spaces, and driveways.

(C) Prohibitions

- (1) A dwelling unit or partial dwelling unit in the primary residential building and an accessory dwelling unit shall not be used as a short-term rental simultaneously, except under the following conditions:
 - (a) The property is actively owner-occupied; or,
 - (b) A single short-term tenant party is occupying the accessory dwelling unit and is the only rental party occupying the property.

(D) Exceptions. The following types and uses of residential buildings are not subject to the short-term rental standards of this section.

- (1) Group homes;
- (2) Summer camps;
- (3) Hospitals and convalescent homes;
- (4) Senior assisted-living homes;
- (5) Other lodging establishments as defined by existing hotel and motel standards.

(E) Application of District Standards to Short-Term Rentals as Accessory Uses. All accessory uses related to short-term rentals apply to the district standards under which the primary use is allowed or operates. Short-term rental standards are not applied by default to the zoning district in which the use lies.

III. Taxation of short-term rental units

(A) Collection by the property owner

- (1) The property owner shall be responsible for the collection of all lodging/hotel taxes duly owed under state and local law.

Short-Term Rental Ordinance Presentation

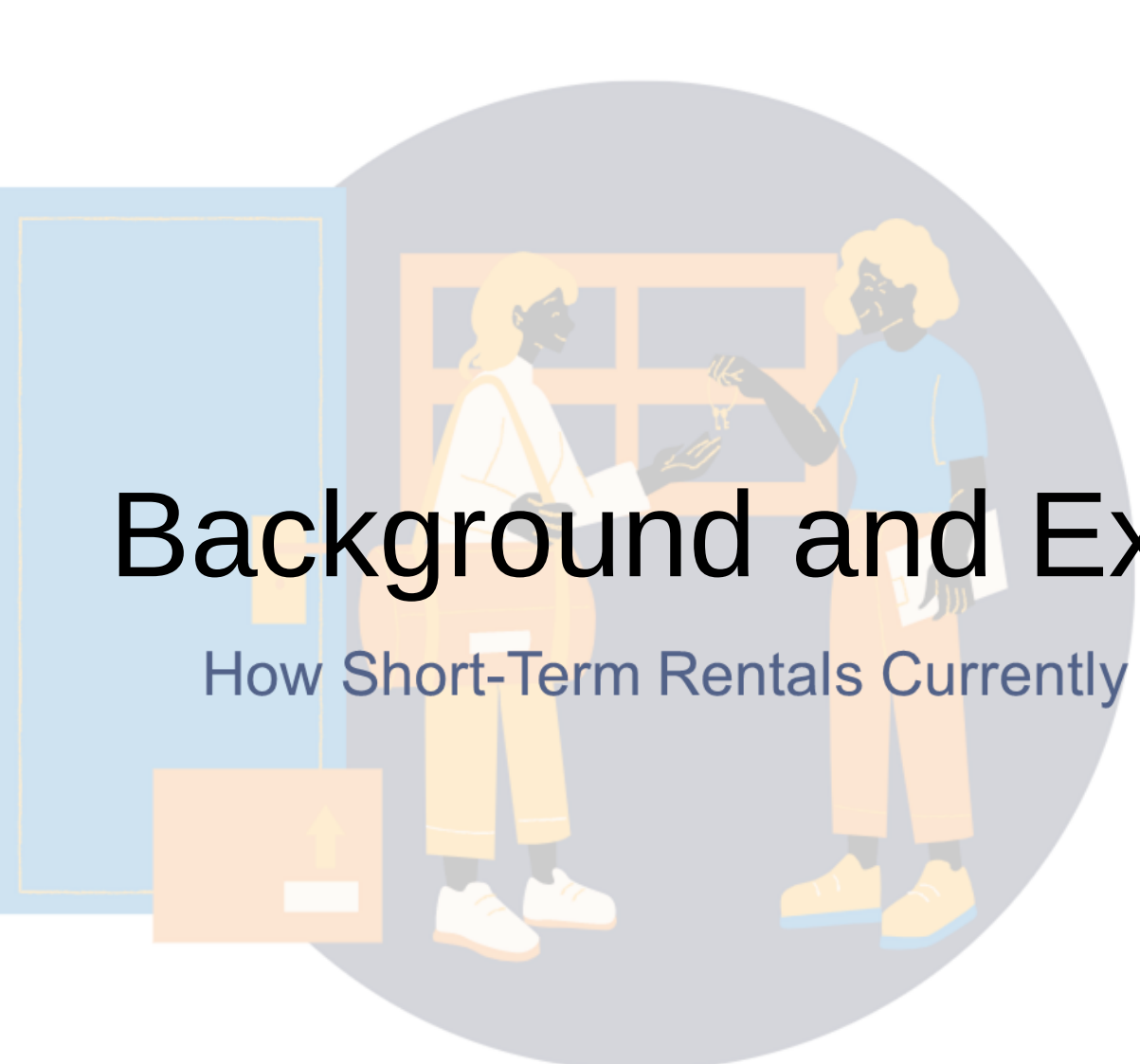
January 2023



Gunnar Hand, AICP
Director of Planning +
Urban Design

Michael Farley
Ordinance Studies
Division Lead

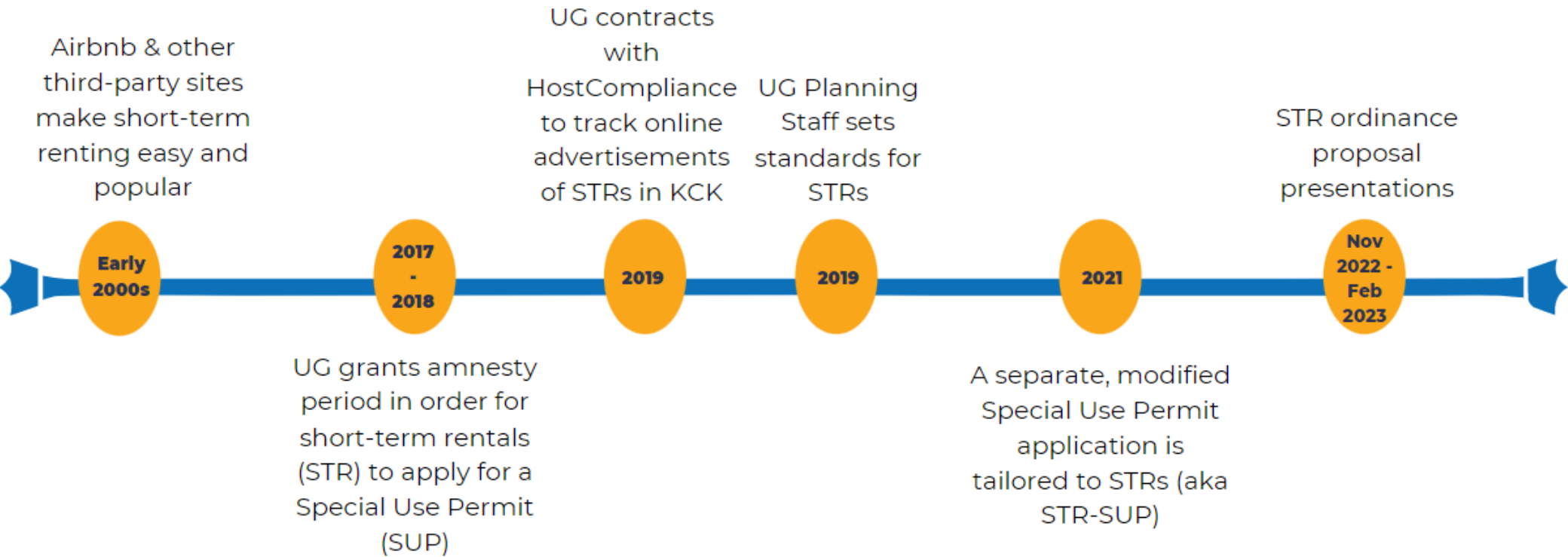


An illustration on the left side of the slide depicts two people in a room. One person, with dark skin and blonde hair, wears a white shirt and yellow pants, carrying a brown bag. The other person, with light skin and blonde hair, wears a blue shirt and orange pants. They are standing in front of a window with a wooden frame. A brown box with a yellow arrow pointing up is on the floor to the left. The background of the illustration is a light blue wall and a grey floor.

Background and Existing Conditions

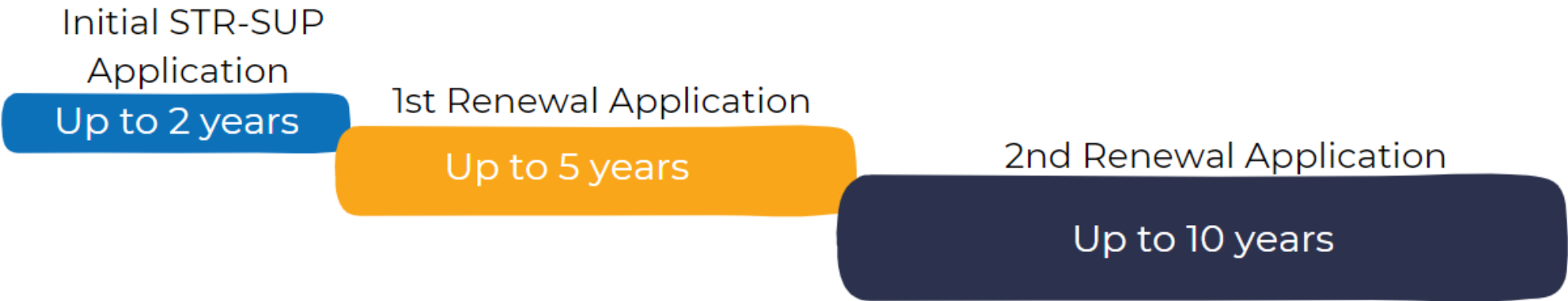
How Short-Term Rentals Currently Operate In Wyandotte County

History of Short-Term Rental In Wyandotte County

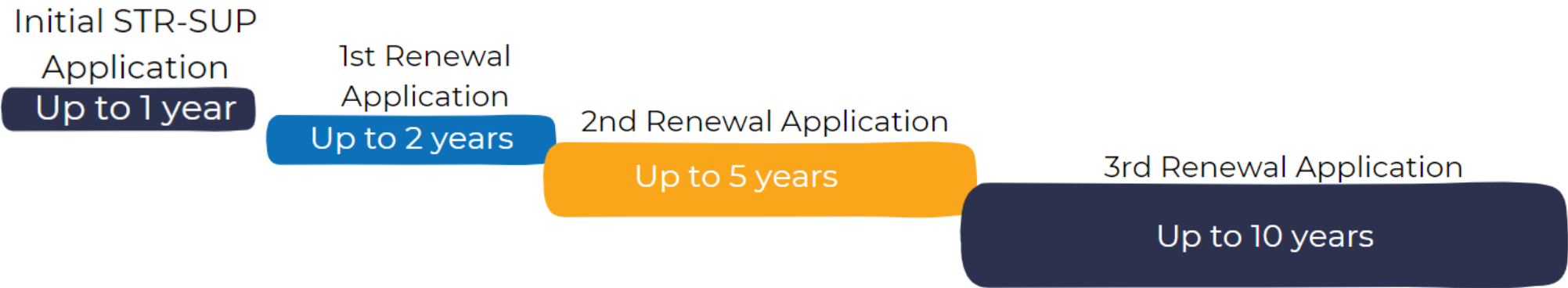


Current SUP Application & Renewal Terms

Owner Occupied Properties



Non-Owner Occupied Properties



Short-Term Rental Snapshot

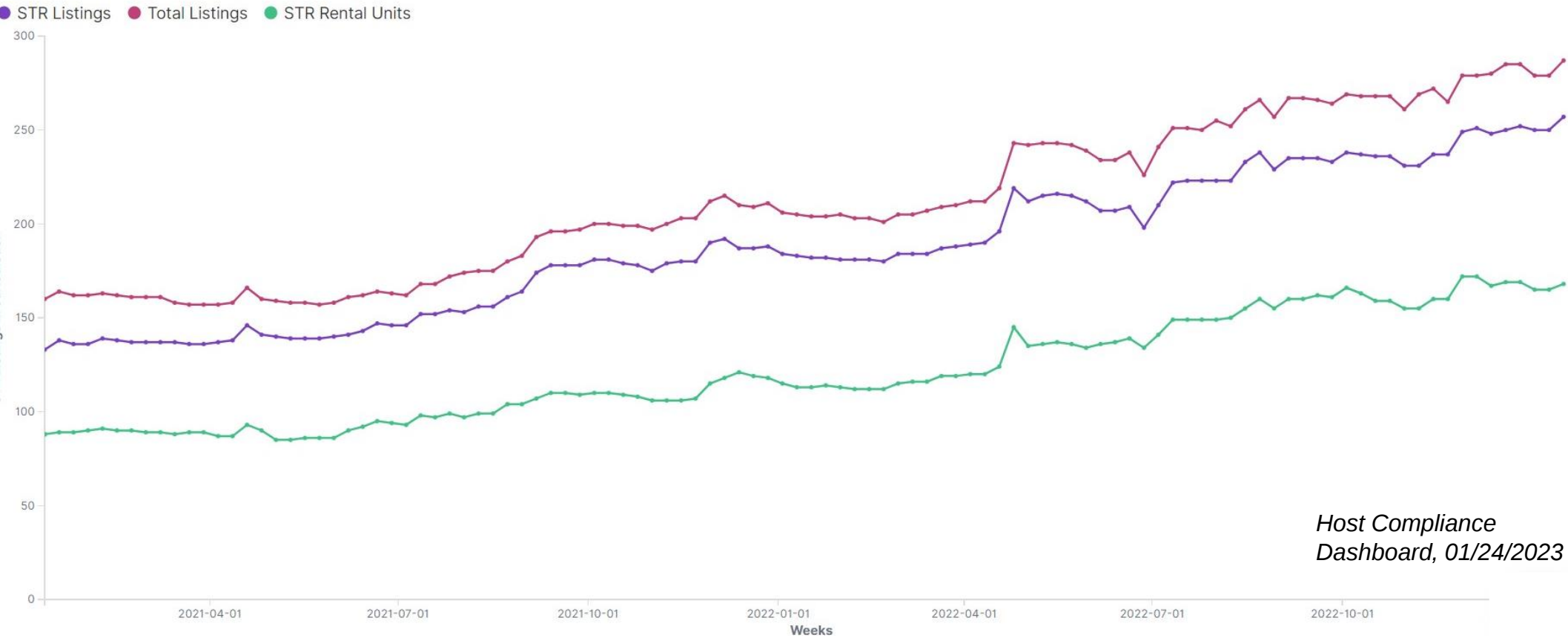
Number of STRs currently advertised: 178

New STRs in the last 30 days: 11

STR-SUPs on file: ~50

Owner-occupied STRs: ~4

Rental Units and Listings Over Time [Ⓜ]

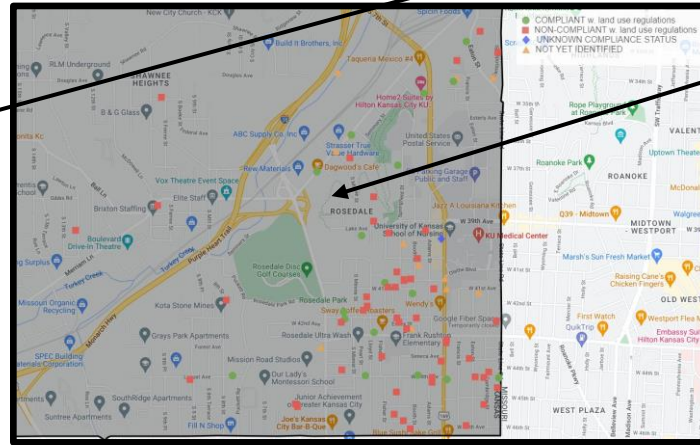
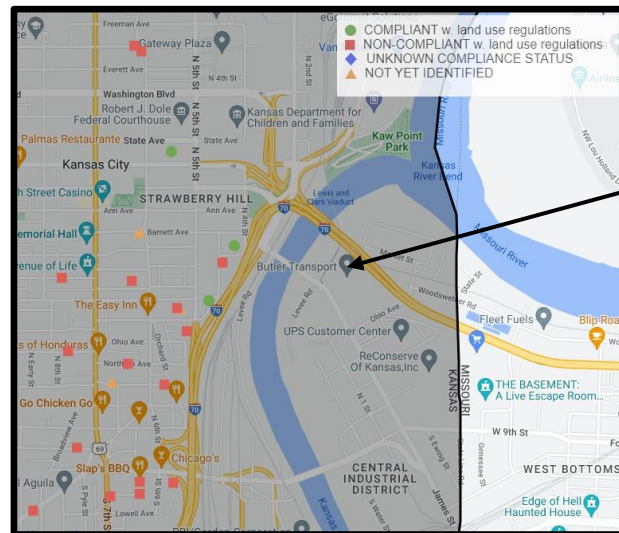
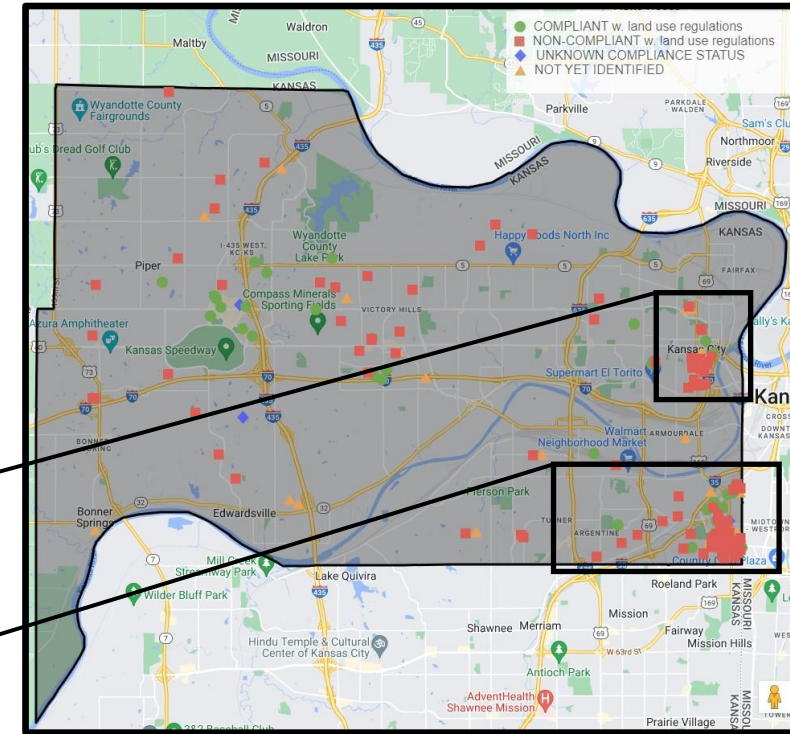


Concentrations of Short-Term Rentals

Trend shows STRs concentrate in only a few neighborhoods

Methods to address density:

- Apply density limits based on city blocks
- Require SUPs for STRs within a specified buffer area





Factors, Input and Research

How a Short-Term Rental Ordinance is Developed

Short-Term Rental Ordinance Context

Ownership & Renting Models

- Owner-occupation
- Long-term rentals
- Short-term rentals

Uses & limitations of enforcement

- Finite enforcement resources
- Equitable application of enforcement

Balance Utility with Neighborhood Character

- Emphasizing incremental changes
- Providing property owners' more uses of their land
- Maintaining opportunities for neighbors' notice and input

Leverage STRs for Redevelopment

- Revitalization without displacement
- Keep benefits within the community by promoting local investment



Peer Cities Comparisons

LOCAL/METRO-AREA	NATIONWIDE
• Bonner Springs • Edwardsville • Kansas City, MO • Lawrence • Leawood • Lenexa • Olathe • Overland Park • Prairie Village • Roeland Park • Westwood • Wichita	• Albuquerque, NM • Atlanta, GA • Blacksburg, VA • Charleston, SC • Denver, CO • Honolulu, HI • Long Beach, CA • New Orleans, LA • Portland, OR • Santa Fe, NM • Vermont (state-level)
MIDWEST • Des Moines, IA • Minneapolis, MN	



Local Outreach and Input

✓

Livable Neighborhood Task Force

✓

Rosedale Development Association

✓

Strawbery Hill Neighborhood Association

UG Planning Commission & Standing Committee

Central Avenue Betterment Association & Cathedral Neighborhood Group

Short-Term Rental Snapshot

Number of STRs currently advertised: 171

New STRs in the last 30 days: 15

STR SUPs on file: ~50

Owner-occupied STRs: ~4

Rental Units and Listings Over Time

STR Listings

Total Listings

STR Rental Units

Back to top

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Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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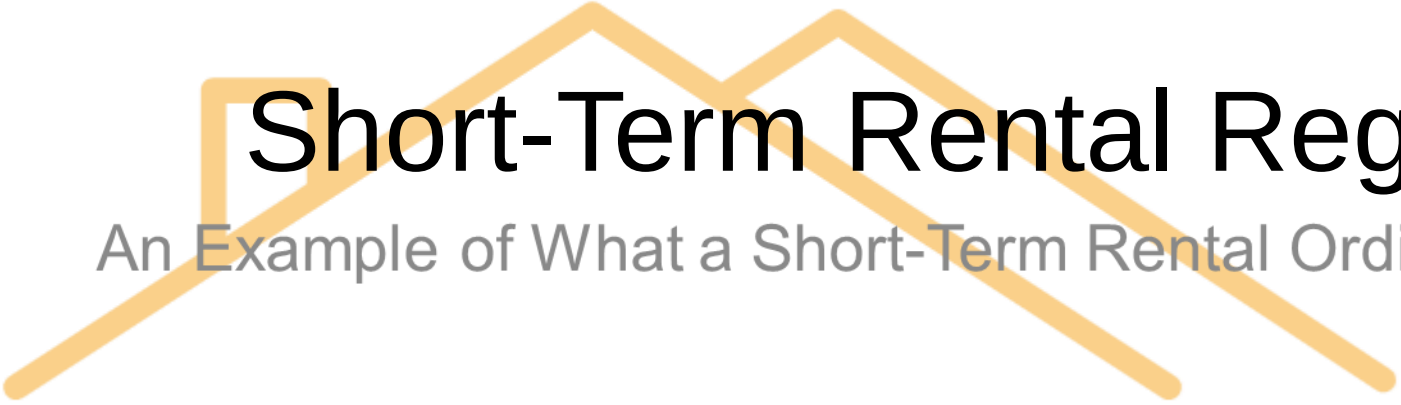
41 KSHB

Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

Creation of the Short-Term Rental Ordinance





Short-Term Rental Regulations

An Example of What a Short-Term Rental Ordinance Could Look Like

Example: Dual-Approach Permitting System

Level 1: Administrative Review

- Expedited process
- Fewer requirements (i.e., less noticing, no public meetings, etc.)
- Focus on owner-occupied houses and accessory buildings

Level 2: Special Use Permit

- Standard SUP process (~90 days)
- More proof of standards met
- Focus on broader neighborhood engagement



Example: New & Amended Definitions

Short-term rental: a rental less than 30 days.

Homeowner: individual person or persons, corporation, government entity, non-profit, or trust who holds ownership of the building and real property.

Owner-occupied: a residence in which the homeowner primarily resides in the dwelling, does not primarily reside in another dwelling, & uses the dwelling address as their home address.

Owner-occupied, actively: residence in which the homeowner is sleeping at the residence for the majority of the nights in which a short-term rental tenant is occupying the same residence.

Block: all properties on both sides of a street between two consecutive bisecting streets; a consecutive bisecting street & a change in street name; two consecutive changes in a street name, if no streets bisect the street between the points the names change.



Example: Level 1 – Administrative Review

Administrative review is based on the following factors:

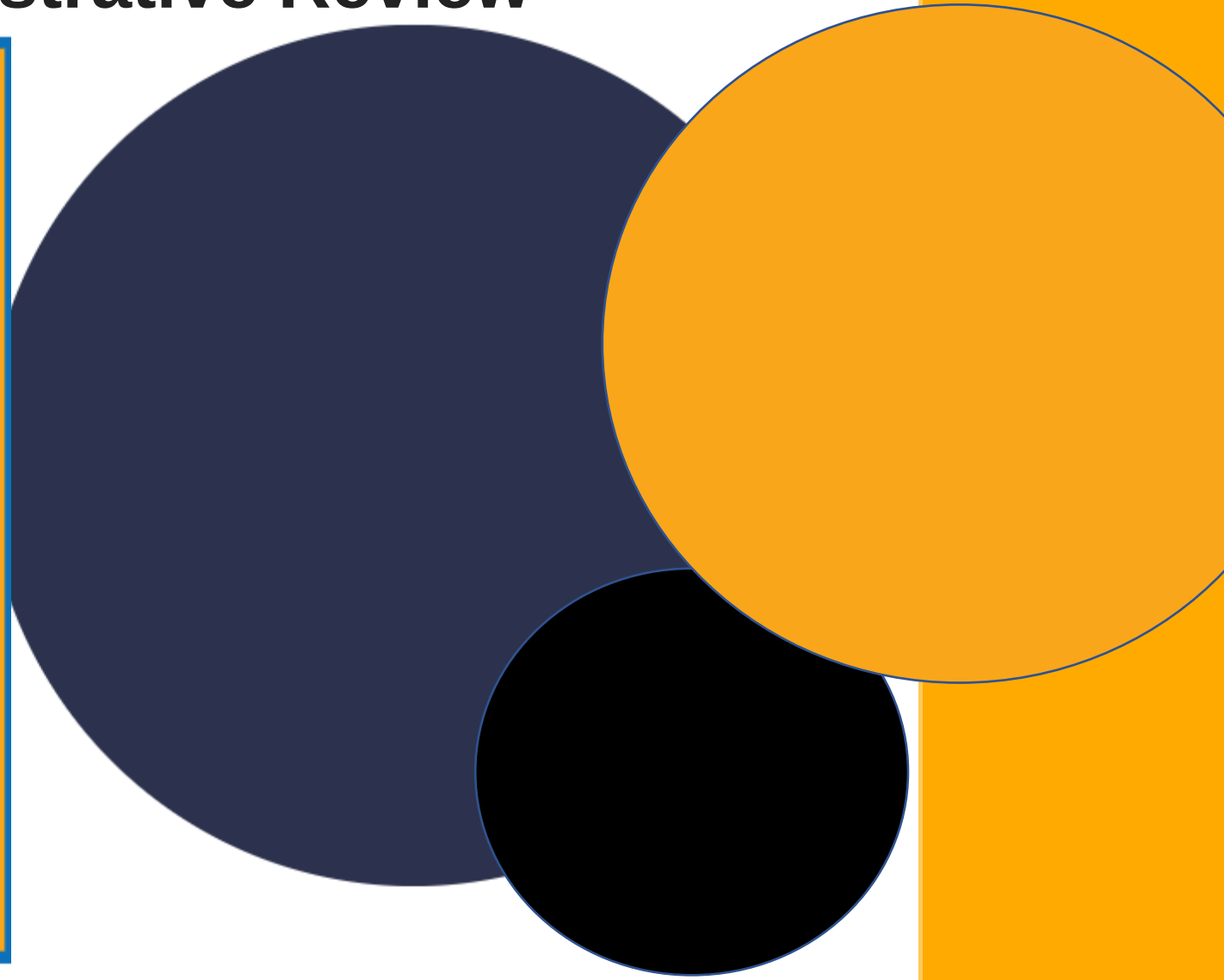
- Owner occupation of the residence, including active owner occupation
- Dwelling unit type to be used (room/suite, full unit, ADU, etc.)
- Presence of other short-term rentals on the block
- Percentage of units used (for multi-family residential/mixed-use buildings)



Example: Level 1 – Administrative Review

Single-family residences must be:

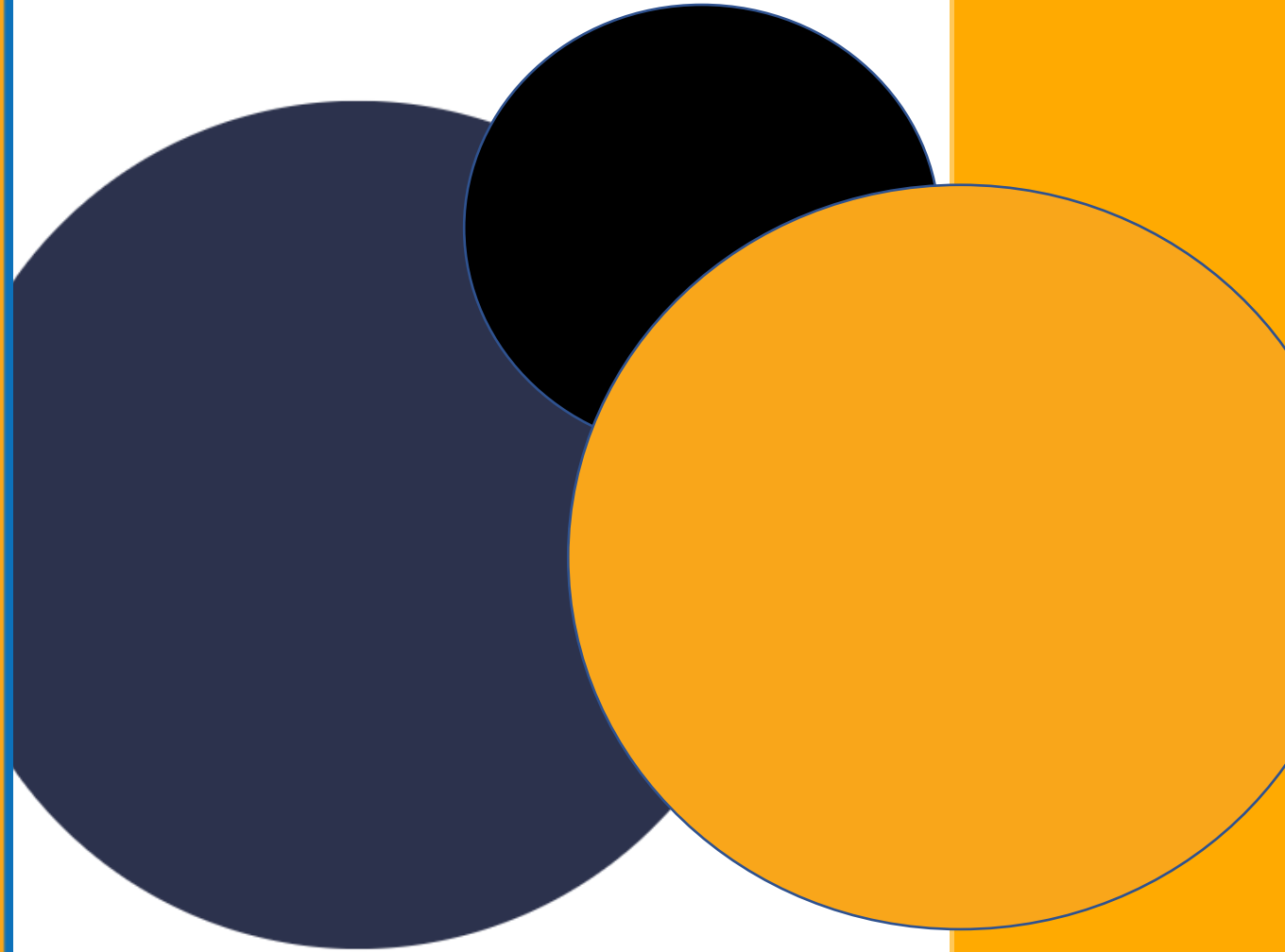
- Owner-occupied (e.g., Charleston, SC), or
- Actively owner-occupied, if only a portion of the primary residence is short-term rented, or
- An accessory dwelling unit (ADU), if primary residence is actively owner-occupied, but not used as a short-term rental, or
- The only short-term rental on the block



Example: Level 1 – Administrative Review

Duplexes must be...

- Actively owner-occupied in 1 unit, or
- Short-term renting only the ADU, if
 - One (1) duplex unit is actively owner-occupied, but not used as a short-term rental, and
 - The other unit is rented by a tenant for 30 consecutive days or more (long-term rental), or
- The only short-term rental on the block



Example: Level 1 – Administrative Review

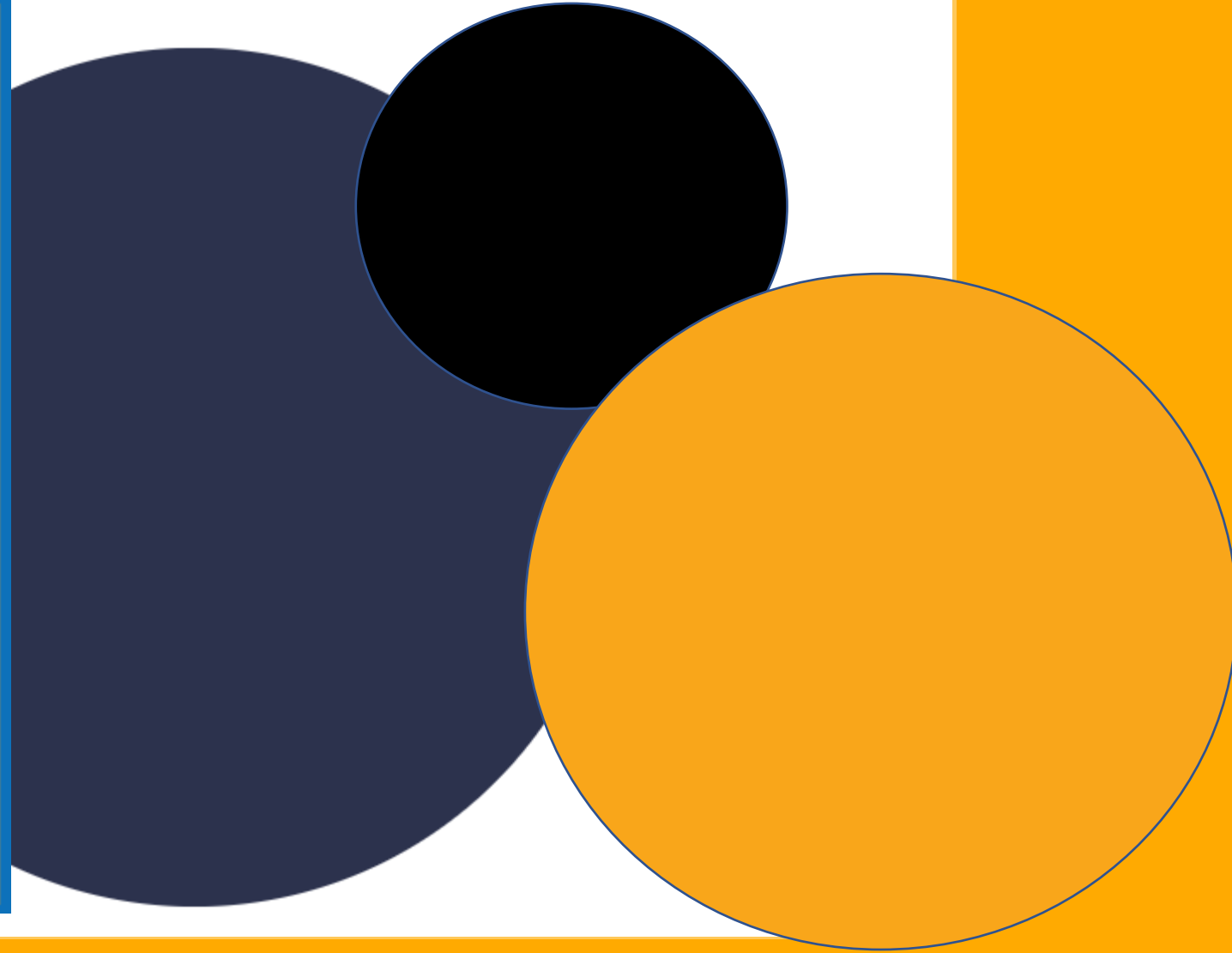
Other multi-family residences can be either...

- Actively owner-occupied. If so...
 - Up to a set number of primary and accessory dwelling units may be STRs, or
 - Up to a specific percentage* of rented units may be STRs

OR

- Not actively owner-occupied. If so...
- No more than a specified percentage* of all units are used as STRs
 - (e.g., Kansas City, MO)

**Density maximums are on a tiered system, allowing for greater density of STRs in larger buildings.*



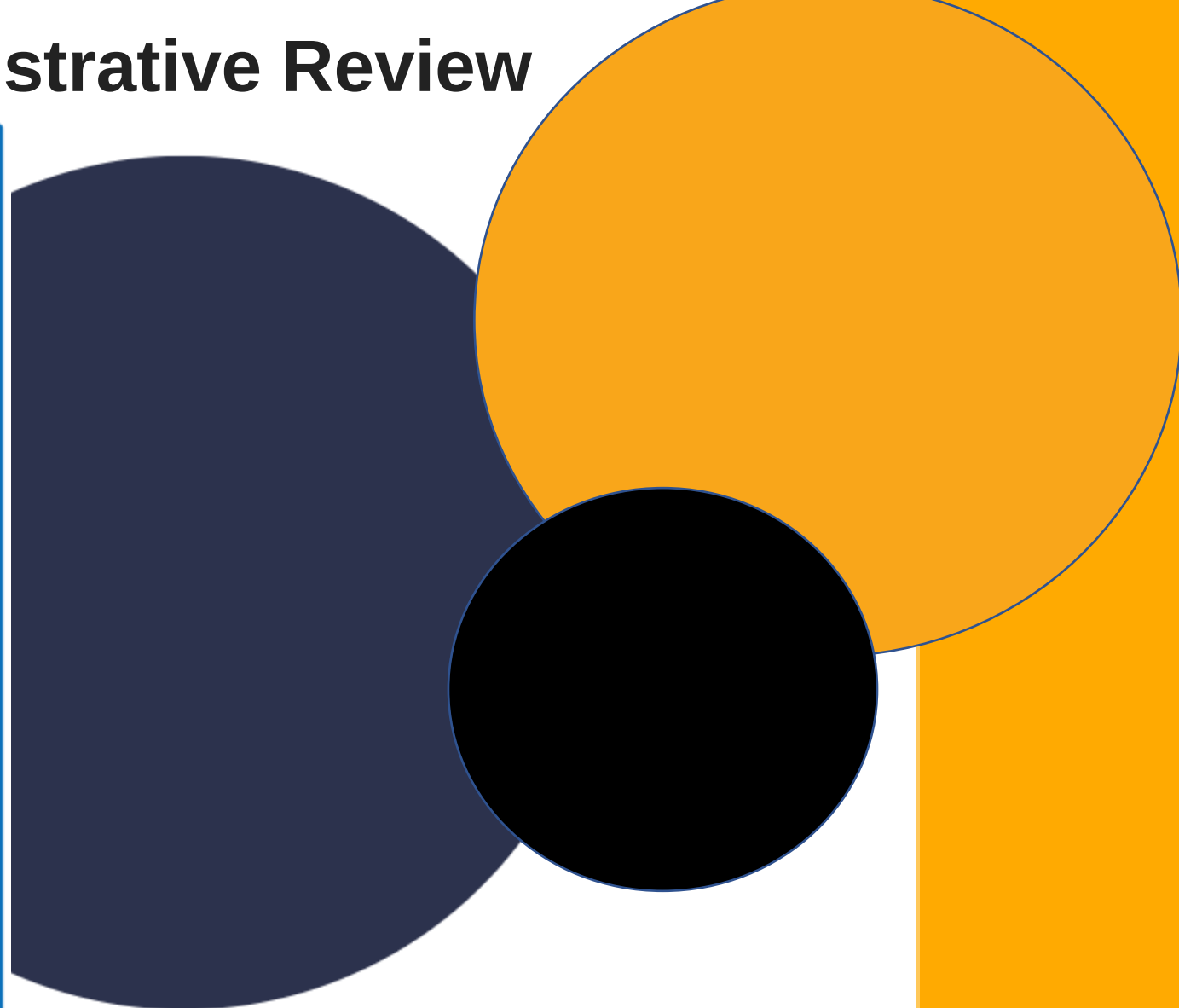
Example: Level 1 – Administrative Review

Mixed-use buildings can be either...

- Actively-owner occupied. If so...
 - STR units are allowed up to specified density maximums
 - Density maximums are on a tiered system, allowing for greater density of STRs in larger buildings

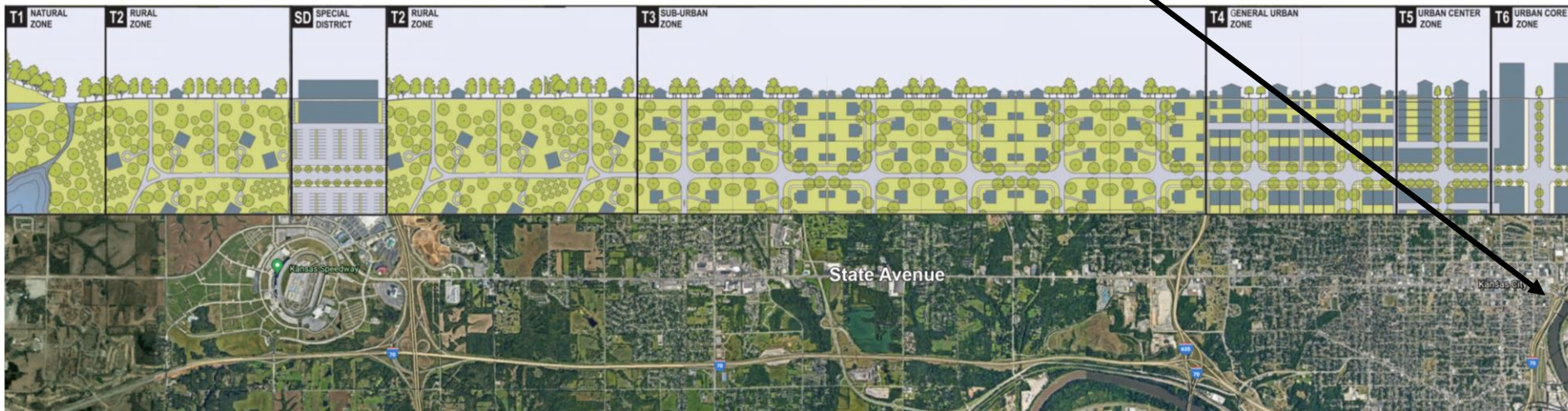
OR

- Not actively owner-occupied. If so...
 - STR units are allowed up to specified, lesser density maximums
 - Density maximums are on a tiered system, allowing for greater density of STRs in larger buildings (but not as great a density as an owner-occupied building), and
 - Commercial space must be occupied, subject to specified time lengths



Example: Level 1 – Administrative Review

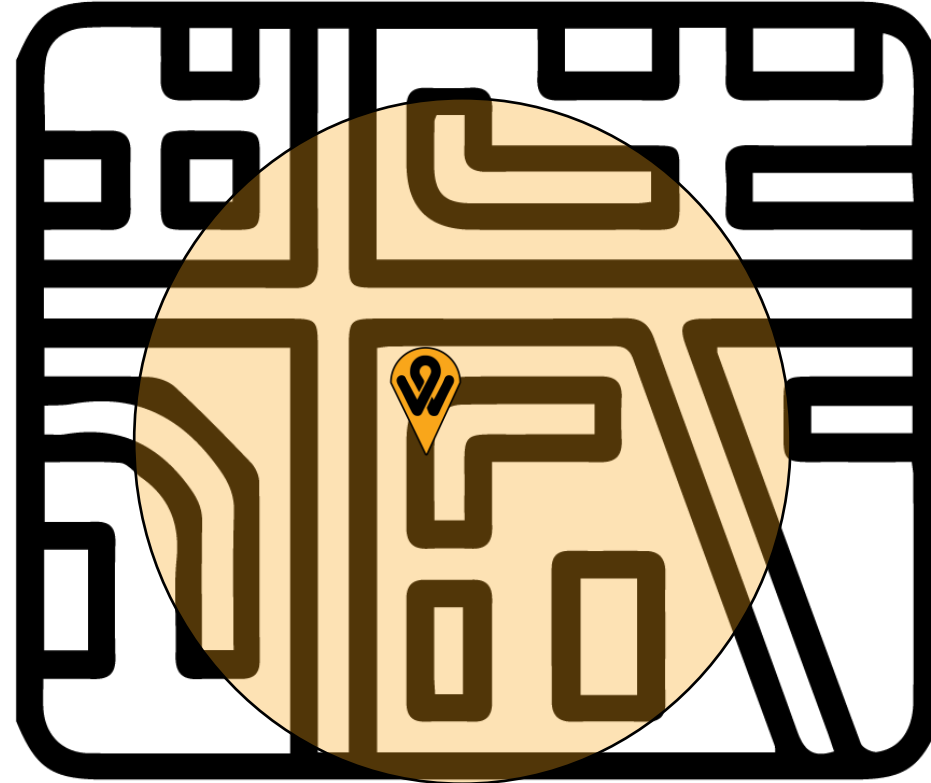
TND District
buildings: Apply
the same
standards as like
building types



Example: Level 1 – Administrative Review

Escalation Clause: a short-term rental otherwise allowed under administrative review will be required to apply for a Special Use Permit (and a possible revocation of the administrative approval) if there is:

- Another short-term rental on the same block, or
- Zoning or Property Maintenance Compliance citation, or
- History of police calls to the property, or
- Failure to prove compliance with administrative review requirements



Example: Level 2 – Special Use Permit

A Special Use Permit is required for all short-term rentals that do not meet the requirements of an administrative review, or that trigger the escalation clause. This includes:

- All single-family residences and duplexes with an off-site property owner
- Collectively for all STR units in a multi-family residential building if the number of STRs exceeds the allowed percentage/density
- Collectively for all STR units in a mixed-use building if the number of STRs exceeds the allowed percentage/density, or if the commercial space does not meet minimum tenancy standards

...with the exception that if the property in question is the sole STR on the block, then administrative review can be applied, subject to triggering any other escalation clause.



Example: Level 2 – Special Use Permit

A SUP represents a higher standard of review and more requirements for all short-term rentals that either do not meet the requirements of an administrative review or which trigger an escalation clause. This process includes:

- Following the same process as all SUP requests follow now, including all short-term rentals. The SUP process takes about 90-120 days.
 - Neighborhood meeting (for properties within 200 ft)
 - Public meetings (City Planning Commission & Board of Commissioners)
 - Approval by the BOC
- Obtaining a Lodging Establishment License from the Kansas Department of Agriculture (e.g., Lawrence, KS)
 - Full home inspection conducted by Department of Agriculture staff





Questions to Consider & Next Steps

What Do You Think? What Would You Like to See? What's Next?

Questions to Consider

Two-tier model: Administrative Review & Special Use Permits

Does it make sense to allow for some STRs to go through an administrative review process, rather than be required to apply for a Special Use Permit?

What are the requirements that are important to have as part of the administrative review process?



Questions to Consider

Buffers and Limits to Address Density:

- Example “buffer” – a block (both sides of the street)
- Example “limit” – one (1) non-actively-owner-occupied STR

Under this model, the “buffer” would be one block (both sides of the street) and the “limit” would allow for a non-owner-occupied STR to undergo administrative review if it were the only non-actively owner-occupied STR on the block.



Next Steps

- Input from the City Planning Commission at the Nov. 14, 2022 CPC meeting ✓
- Informational presentation at the December 12, 2022 A&HS Standing Committee meeting ✓
- Informational presentations to SHNA on Dec. 13 & RDA on Dec. 20, 2022 ✓
- Informational presentation to Livable Neighborhoods on Jan. 26, 2023 ✓
- Informational presentation to CABA/Cathedral Neighborhood Association on Feb. 6, 2023
- Comment from related and affected UG departments
- Draft ordinance to CPC, Standing Committee, & BOC meetings for approval/adoption(Feb./Mar. 2023)



Additional Questions?

Contact Mike Farley
Ordinance Studies Specialist
mfarley@wycokck.org





Staff Request for Commission Action

Tracking No. 212232

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
02/03/2023	Misty Brown	x5067	mbrown@wycokck.org	Administrator's Office

Item Description:

A Resolution amending Section 203 of the Unified Government's Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Compromise.Resolution.StandingCommitte.ROP.V7

(Published _____)

RESOLUTION NO. _____

**A Resolution amending original Section 203 of the Unified Government
Commission Standing Committee Rules of Procedure as codified in
Appendix C of the Unified Government Code of Ordinances; and
repealing original Section 203 of Appendix C of the Unified Government
Commission Standing Committee Rules of Procedure.**

WHEREAS, on December 15, 2022 the Board of Commissioners of the Unified Government of Wyandotte County/ Kansas City, Kansas voted to approve amendments to Sections 202 and 203 of the Unified Government Commission Rules of Procedure; and

WHEREAS, on January 12, 2023, the Unified Government Mayor/CEO notified the Board of Commissioners that he was exercising his right to veto the amendments pursuant to the Unified Government Charter, Charter Ordinance 114, and Section 2-81(7) of the Unified Government Code of Ordinances; and

WHEREAS, no action was taken to override the veto, and the Mayoral veto subsequently held; and

WHEREAS, the Unified Government Mayor/CEO and the Board of Commissioners alternatively and collectively agreed to bring forward an amendment to Section 203 of the Unified Government Commission Standing Committee Rules of Procedure for consideration at the January 26, 2023 meeting of the full Commission; and

WHEREAS, the Commission voted 10-0 on January 12, 2023 to direct the County Administrator to instruct staff to prepare a resolution amending Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as directed in the motion on January 12, 2023 by the full Commission meeting on January 26, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That Section 203 of the Unified Government Commission Rules of Procedure, codified in Appendix C of the Unified Government Code of Ordinances, be and the same are hereby amended to read as follows:

ARTICLE II. STANDING COMMITTEES

Sec. 203. Agenda for meetings.

- a. The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation for action, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, ~~with the assistance of the standing committee's staff coordinator~~ for placement on the full commission standing committees' agenda.
- b. The mayor ultimately determines the final agenda for the full commission meetings; however, items advanced from standing committee to the full commission may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action. If the standing committee that recommended the action to the full commission again recommends the action to the full commission, the action shall be placed on an agenda at a full commission meeting pursuant to paragraph (a) of this Section.
- c. Any agenda item recommended for action by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to fully manage an agenda item ~~place emergency or time-sensitive items~~ on any agenda in the interest of the unified government or the public so long as the management of said agenda item does not conflict with paragraph (b) of this Section.

(Res. No. R-58-98, § 2, 6-4-1998)

Section 2. That said original Section 203 of the Unified Government Commission Rules of Procedure as Codified in Appendix C of the Unified Government Code of Ordinances be and the same are hereby repealed.

Section 3. This Resolution shall be in full force and take effect upon adoption.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNT/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2023.**

Attest:

Unified Government Clerk