

ORDINANCE NO. 25-12-01

AN ORDINANCE OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AMENDING TITLE IV, CHAPTER 400 OF THE CODE OF ORDINANCES REGARDING MOTOR VEHICLE SALES AND OTHER RELATED LAND USES

WHEREAS, the City of Excelsior Springs, Missouri, periodically reviews and updates its Code of Ordinances to ensure consistency and alignment with the City’s Comprehensive Plan and long-term goals; and

WHEREAS, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on November 24, 2025, to consider proposed amendments to Chapter 400, specifically concerning the motor vehicle sales and related land uses; and

WHEREAS, the Planning and Zoning Commission, following said public hearing, recommended approval of the proposed amendments to the City Council by a vote of 6-0; and

WHEREAS, the City Council of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on December 1, 2025 to consider the proposed amendments and the recommendation of the Planning and Zoning Commission; and

WHEREAS, the City Council finds that the proposed amendment will modernize the zoning code by separating incompatible uses, provide greater flexibility for pedestrian-oriented retail in the downtown core, and ensure commercial regulations are clear and consistent for staff, businesses, and property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. Amendments. Chapter 400 of Title IV of the Code of Ordinances is hereby amended to read as written in Exhibit A, which is attached and incorporated into the Ordinance.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Errors. That correction of any scrivener’s errors identified within these articles are hereby authorized by this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval by the City Council.

PASSED AND APPROVED by the City Council of the City of Excelsior Springs, Missouri, this 8th day of December, 2025.

Mark D. Spohn, Mayor

ATTEST:

REVIEWED BY:

Shannon Stroud, City Clerk

Molly McGovern, City Manager

EXHIBIT A

Section 400.180. District "C-2" – General Business District.

- A. Permitted Uses. In District "C-2," no building, structure, land premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:
1. Any use permitted in District "C-1";
 2. Shops and stores for the sale at retail or wholesale of department store merchandise, furniture and appliances, ~~new motor vehicles and trucks, used car lots, motor vehicle supplies, motorcycles, petroleum products (bulk plants not permitted)~~, newspapers, pets, books, stationery, handcraft, office and hotel supplies;
 3. Services such as assembly and meeting halls, clubs, hotels and motels, ~~motor vehicle repair in connection with new auto sales~~, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, on-site handcrafting, health spa, delivery services, radio and television broadcasting studios, public or private entertainment and recreation, places where alcoholic beverages are served;
 4. Mixed residential and non-residential use as provided in Subsection (F) hereunder.
 5. Medical marijuana dispensaries, microbusiness dispensary facilities, comprehensive marijuana dispensary facilities, subject to the further requirements and restrictions of Section 400.300.
[Ord. No. 23-11-05, 11-6-2023]

B. Performance Standards.

1. Drive-through or drive-in services may be provided, except where alcoholic beverages in any form are served, dispensed or otherwise change hands;
2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and not dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;
- ~~3. Motor vehicles and trucks for sale may be stored or displayed outside a building but not within five (5) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Chapter.~~

-- (Please note that Section 400.190 contains subsections C, D, E, and F. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

Section 400.200. District "C-3" – Service Business District.

- A. Permitted Uses. In District "C-3," no building, structure, land premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:
1. Any use permitted in District "C-2";
 2. Shops, stores and yards for the sale at retail or wholesale, or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery, and supplies, building supplies, ~~and~~ lawn accessories, **motor vehicle supplies, and motor vehicle fuel sales;**
 3. Services such as assembly and meeting halls, motor vehicle repair and washing, farm machinery repair, pop bottling, miniature golf and commercial recreational parks, drive-in theaters, general repair and fix-it shops, frozen foods, including lockers, swimming pools, and trade schools;
 4. Nurseries, greenhouses and bakeries;
 5. Manufacture or assembly of products to be sold only at retail on the premises;
 6. Recycling, subject to special use permit.
 7. **Establishments for the sales and leasing of new motor vehicles, including but not limited to passenger vehicles, trucks, motorcycles, and recreational vehicles. The sale of used vehicles is permitted only as an accessory use incidental to the primary business of new vehicle sales, and all used vehicle inventory must be located on the same site as the new vehicle inventory. Establishments for the sales and leasing of used motor vehicles as a principal use are permitted only by approval of a Special Use Permit pursuant to Section 400.230.**

-- (Please note that Section 400.190 contains subsections B, C, and D. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

Section 400.230. Special Use Permits.

-- (Please note that Section 400.190 contains subsections A, B, C, D, and E. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

- F. Uses Which May Be Permitted. Any of the following uses may be located in any district, **unless otherwise stated**, by Special Use Permit:

-- (Items 1 – 28 are not included in the amendment. Only the text to be amended is displayed here.)

29. **Used motor vehicle sales, as a principal use, only in C-3 and M-1 Districts. This special use permit shall be valid for a period not to exceed two (2) years, but may be renewed after a full and complete review by the Planning and Zoning Commission and City Council.**