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Sponsored by: McGull, Hosmer, Carroll, Lee

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-237 GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 36-321, "Definitions," and Section 36-473, "Short-term
2 rentals," of the City Code.
3
4

5 WHEREAS, Section 36-473, "Short-term rentals," of the City Code was referred
6 by City Council to the Plans and Policies Committee on February 26, 2024; and
7

8 WHEREAS, the Plans and Policies Committee adopted the amendments
9 contained herein as a recommendation to City Council on August 14, 2024; and
10

11 WHEREAS, the Planning and Zoning Commission held a public hearing on these
12 amendments on October 10, 2024, and recommended approval with additional changes
13 by a vote of 4 to 2, as shown in "Exhibit A," attached hereto and incorporated herein by
14 this reference.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 – That Section 36-321, "Definitions," of the City Code is hereby
20 amended by changing the definition of short-term rental to read as follows:
21

22 Note: language, which is **bold, underlined** has been added; language which is
23 [~~bracketed, stricken~~] has been removed.
24

25 "*Short-term rental*: The rental of an entire dwelling, or any portion thereof, for a period of
26 [~~not more~~]**less** than 30 **consecutive** days, where the owner is engaged in a contract for
27 the rental of that specific dwelling, or any portion thereof. Short-term rentals are further
28 categorized as Type 1, 2, or 3, and subject to the conditions set forth in this
29 **Code**[~~article~~]."
30

31 Section 2 – That Section 36-473, "Short-term rentals," of the City Code is hereby
32 amended to read as follows:
33

34 Note: language, which is **bold, underlined** has been added; language which is
35 [~~bracketed, stricken~~] has been removed.

36
37 "Sec. 36-473. - Short-term rentals.

38
39 (1) *Short-term rental type 1.*

40
41 (a) This section **(1)** shall apply to a short-term rental use that:

- 42
43 1. Is rented for periods of less than 30 consecutive days; [~~and~~]
44
45 2. Is located within a R-SF or R-TH zoning district; and
46
47 3. Is a [~~n owner-occupied primary~~] **residential dwelling that is the primary**
48 **residence of the short-term rental owner or operator.** [~~and is not rented~~
49 ~~for more than 95 days in a calendar year when the owner is absent from the~~
50 ~~premises; or~~
51
52 4. [~~If the owner is present on the premise during the entire time it is rented,~~
53 ~~there is no limit on the number of rental days per year~~].

54
55 (b) The following provisions shall apply to a short-term rental type 1:

- 56
57 1. A short-term rental type 1 shall only be located in the primary structure or
58 a historic carriage house per section 36-464[.];
59
60 2. [~~No exterior alterations that would change the single-family character of~~
61 ~~the short-term rental type 1, other than those necessary to ensure the safety~~
62 ~~of the structure, shall be made.] **Annual business license shall be**
63 **obtained;**
64
65 [~~3. No residential structure shall be removed for parking or to expand the~~
66 ~~short-term rental type 1.~~
67
68 4. [~~A short-term rental type 1 shall not be rented solely for receptions,~~
69 ~~parties, weddings or any similar activities.~~
70
71 5. [~~The owner of a short-term rental type 1 shall provide notification as~~
72 ~~required by subsection 36-472(4).~~
73
74 **6.] 3. It shall be a violation of this section for an owner to advertise or**
75 **promote or to use a third-party intermediary to advertise or promote a**
76 **short-term rental type 1 which is not in compliance with the provisions**
77 **of this section.**
78~~

79 ~~(c) An affidavit certifying that the primary residence, legal accessory apartment or~~
80 ~~historic carriage house will not be rented for more than 95 days in a calendar year~~
81 ~~when the owner is absent from the premise.~~

82
83 ~~(d) Annual business license shall be obtained.]~~

84
85 (2) *Short-term rental type 2.*

86
87 (a) This section **(2)** shall apply to a short-term rental use that:

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89 1. Is rented for periods of less than 30 consecutive days; ~~[and]~~
90
91 2. Is located within a R-SF or R-TH zoning district; and
92
93 3. Is not a ~~[n-owner-occupied]~~ **residential dwelling that is the primary**
94 **residence of the short-term rental owner or operator** ~~[or is an owner-~~
95 ~~occupied primary residence, legal accessory apartment or historic carriage~~
96 ~~house and is rented for more than 95 days in a calendar year when the~~
97 ~~owner is absent from the premise].~~

98
99 ~~[(b) A certificate of occupancy shall be obtained in accordance with section 36-~~
100 ~~333, certificate of occupancy.~~

101
102 ~~(c) Annual business license shall be obtained.]~~

103
104 ~~[(d)]~~**(b)** The following provisions shall apply to a short-term rental type 2:

105
106 1. Density limitations: ~~[A short-term rental type 2 shall be limited to no more~~
107 ~~than one STR type 2 or bed and breakfast per eight residential structures~~
108 ~~on the block face in R-SF or R-TH districts. No STR type 2 shall be permitted~~
109 ~~on a block face with fewer than four residential structures unless an appeal~~
110 ~~is granted by city council (i.e. one to three: No STR; four to eight: One STR;~~
111 ~~nine to 15: One STR; 16 to 23: Two STR). For purposes of this section,~~
112 ~~block face shall be defined as one side of a street, from one intersection to~~
113 ~~the next, not including alleys. Residential structures' block face shall be~~
114 ~~determined by the mailing address assigned to each]~~ **No short-term rental**
115 **type 2 shall be located within five hundred (500) feet of another short-**
116 **term rental type 2, as measured by the shortest distance between the**
117 **two closest property lines[-];**

118
119 2. A short-term rental type 2 shall only be located in the primary structure or
120 a historic carriage house per section 36-464[.];

121
122 3. No exterior alterations that would change the single-family character of
123 the short-term rental type 2, other than those necessary to ensure the safety

124 of the structure, shall be made[.];

125
126 4. No residential structure shall be removed for parking or to expand the
127 short-term rental type 2[.];

128
129 5. A short-term rental type 2 shall not be rented [~~solely~~] for receptions,
130 parties, weddings, or any similar activities **on the property**[.];

131
132 6. The owner of a short-term rental type 2 shall provide notification as
133 required by subsection 36-~~[23]~~**47**(4)[.];

134
135 **7. A certificate of occupancy shall be obtained in accordance with**
136 **section 36-333, certificate of occupancy;**

137
138 **8. Annual business license shall be obtained; and**

139
140 ~~[7.]~~**9.** It shall be a violation of this section for an owner or operator to
141 advertise or promote or to use a third-party intermediary to advertise or
142 promote a short-term rental type 2 which is not in compliance with the
143 provisions of this section.

144
145 ~~([e]c)~~ A short-term rental type 2 permit shall be required for short-term rental type
146 2 uses.

147
148 1. Application fee. A fee of \$350.00 or as set forth in the schedule of fees,
149 shall accompany any short-term rental type 2 application and is in addition
150 to the [~~license~~]**permit** and certificate of occupancy fee required by this
151 section. The additional fee shall be for the costs of processing the
152 application.

153
154 2. Applicant(s) shall hold a neighborhood meeting at the property involved
155 in the application or in the immediate vicinity. Notice of the meeting shall be
156 sent by first-class mail, postage paid, at least [~~ten~~]**10** days prior to the
157 meeting, to [~~at least one record~~] **the** owner of each real property within 500
158 feet of the short-term rental property, as shown on the records of the county
159 assessor, **to the occupant of each real property within 500 feet of the**
160 **short-term rental property, which may be addressed to “occupant”**
161 **and mailed to the physical address,** and to the president or other
162 association officer(s) of any neighborhood association(s) as on file with the
163 director of planning and development.

164
165 3. Notice of the neighborhood meeting shall be posted by the applicant at
166 least [~~ten~~]**10** days prior to the meeting and 21 days after for a total of at least
167 31 days in conspicuous places on or in the immediate vicinity of the property
168 which is the subject of the short-term rental type 2. One sign shall be posted

169 on each street frontage of the subject property. Additional signs or alternate
170 posting locations may be required at the discretion of the director of the
171 planning and development department. Such notice shall be at least 18
172 inches in height and 24 inches in width and shall contain the words
173 "NEIGHBORHOOD MEETING" and in addition the date, time, and place of
174 the public meeting, and a telephone number where additional information
175 can be secured.

176
177 4. It is recommended the meeting be held early enough to provide time for
178 the applicant to consider any neighborhood input, allow any changes to be
179 evaluated by staff, and to resolve any issues if possible. The meeting shall
180 be scheduled from 4:00 p.m. to 6:30 p.m.

181
182 5. The mailing shall be performed by the planning and development
183 department; however, the letters and envelopes themselves must be
184 prepared, and postage placed on same by the applicant. The neighborhood
185 letters shall be submitted to the planning and development department for
186 mailing, in sufficient time to allow for mailing for at least ~~ten~~10 days prior
187 to the date of the neighborhood meeting. A file copy of the letter shall be
188 provided to the planning and development department. The notice letter
189 shall contain the following at a minimum and any additional information as
190 required by the director of planning and development:

191
192 a. Description and details of proposed short-term rental operation
193 including number of days per month to be rented and any other
194 proposed changes[-];

195
196 b. Meeting date, time and location[-];

197
198 c. Applicant or their representative's contact information[-]; **and**

199
200 d. Information sheet provided by the city, **including notice that an**
201 **owner of residential real property within 500 feet of the short-term**
202 **rental property has 10 days from the date of the neighborhood**
203 **meeting to submit a letter objecting to the short-term rental.**

204
205 6. No more than ~~ten~~10 days following the neighborhood meeting, the
206 applicant shall submit a summary of the meeting to the planning and
207 development department using the following format as set forth below
208 (**"meeting summary"**):

209
210 a. Meeting date, time and location[-];

211
212 b. Number of ~~neighbors in attendance~~**attending owners of**
213 **residential real property within 500 feet of the short-term rental**

214 property, with an attached sign-in sheet[-];

215
216 c. List of issues raised, and any verbal comments from
217 [neighbors]attending owners of residential real property within 500
218 feet of the short-term rental property and how the applicant plans to
219 respond[-]; and

220
221 d. Additional information, such as comment cards and letters from
222 owners of residential real property within 500 feet of the short-
223 term rental property neighbors shall be attached to the summary.

224
225 ~~[e. Notarized affidavit containing signatures of at least 55 percent of~~
226 ~~adjacent residential property owners, including those adjoining and~~
227 ~~immediately across the street.]~~

228
229 7. If the applicant does not submit ~~[the information listed above]~~a complete
230 meeting summary within ~~[ten]~~10 days of the neighborhood meeting, the
231 application shall be considered incomplete, and the applicant will be
232 required to conduct a new meeting.

233
234 8. ~~[If the signatures of at least 55 percent of neighboring property owners~~
235 ~~cannot be secured the applicant may apply to the city council to obtain a~~
236 ~~resolution granting the STR type 2 permit]~~If at least two (2) or at least
237 thirty percent (30%), whichever is greater, of adjacent owners of
238 residential real property, including those adjoining and immediately
239 across the street, submit a letter of objection, the application shall be
240 denied. If the application is denied for this reason, an applicant may
241 file an appeal to the planning and zoning commission for a resolution
242 to approve the application. An appeal must be filed within 10 days of
243 denial. The decision of the planning and zoning commission shall be
244 final for the purposes of Chapter 536, RSMo.

245
246 9. If the applicant submits a complete meeting summary and less than
247 two (2) or less than thirty percent (30%), whichever is greater, of
248 adjacent owners of residential real property, including those adjoining
249 and immediately across the street, submit a letter of objection, the
250 application shall be approved, provided that all other requirements
251 have been satisfied.

252
253 ~~[9]~~10. The city shall have the authority from time to time to prepare forms to
254 implement this section including ~~[a sample affidavit form,]~~ application forms,
255 ~~[and]~~ forms for notice, forms for proof of ownership, and other appropriate
256 requirements.

257
258 (3) *Short-term rental type 3.*

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(a) This section **(3)** shall apply to a short-term rental use that:

1. Is rented for a period of less than 30 consecutive days; and
2. Is not located in an R-SF or R-TH zoning district, **but in a zoning district that allows residential uses.**

(b) The following provisions shall apply to a short-term rental type 3:

1. No more than two short-term rental type 3 units are allowed on a premises;

2. A short-term rental type 3 unit shall not be rented for receptions, parties, weddings, or any similar activities on the property;

~~[2.]~~ **3.** A short-term rental type 3 shall provide notification as required by subsection 36-47~~[23]~~(4)~~[-]~~;

~~[3. A short-term rental type 3 unit shall not be rented solely for receptions, parties, weddings or any similar activities.~~

~~4. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.]~~

~~[(e)]~~ **4.** A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy~~[-]~~;

~~[(d)]~~ **5.** Annual business license shall be obtained~~[-]~~; **and**

6. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.

(4) Short-term rental notification requirements.

(a) The owner of a short-term **type 2 or short-term rental type 3** rental shall post, conspicuously in each rental unit the following information:

1. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;

- 304 2. The certificate of occupancy and business license number;
305
306 3. The restrictions on noise applicable under section 36-485, noise
307 standards, including limitations on the use of amplified sound;
308
309 4. Any applicable parking restrictions;
310
311 5. Trash collection schedule; **and**
312
313 6. That the short-term rental unit may not be rented [~~solely~~] for receptions,
314 parties, weddings or other similar [~~events~~]**activities on the property.**
315

316 (5) *Short-term rental revocation, suspension, or denial of a [~~license~~]**permit.***
317

318 (a) The director of [~~building development services~~]**planning and development**
319 may immediately revoke or suspend [~~the~~]**a** [~~license~~]**permit,** or deny either the
320 issuance or renewal thereof, if it is found that:

321
322 1. The owner or operator failed to comply with the short-term rental
323 requirements in this section or any other city codes and ordinances. The
324 director may suspend, revoke, or deny an application to renew a short-term
325 rental [~~license~~]**permit** for a period of 12 months. During that time, another
326 short-term rental may be established [~~following the requirements~~] **pursuant**
327 **to this section** and cause the revoked or denied short-term rental from
328 being re-established due to the [~~separation requirement~~] **density**
329 **limitation.**
330

331 2. The director of [~~building development services~~]**planning and**
332 **development** may, in writing, suspend, deny, or revoke a [~~license~~]**permit**
333 issued under provisions of this section whenever the [~~license~~]**permit** is
334 issued on the basis of a misstatement of fact, fraud, or noncompliance with
335 this article.
336

337 3. When a short-term rental [~~license~~]**permit** is denied by the director of
338 [~~building development services~~]**planning and development,** written notice
339 shall be given of the denial to the owner, together with a brief written
340 statement of the reason for the denial. Such denials shall have referenced
341 the section of this article or other pertinent code used as a standard for the
342 basis of denial.
343

344 4. If the director of [~~building development services~~]**planning and**
345 **development** denies, suspends, or revokes [~~the~~]**a** [~~license~~]**permit,** the
346 owner may file an appeal request to [~~city council~~]**the planning and zoning**
347 **commission. The decision of the planning and zoning commission**
348 **shall be final for the purposes of Chapter 536, RSMo.**

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(6) Transferability.

(a) The owner of a ~~licensed~~**permitted** short-term rental may transfer the property along with the permitted use to another, subject to the transferee completing an application and providing all required information to the city. This transfer does not trigger a new certificate of occupancy inspection by virtue of the transfer alone.

(7) Implementation.

(a) For the purpose of the implementation of the short-term rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for short-term rentals shall commence two weeks after the passage of this ordinance.

(b) Implementation and suspension of density limitations. Applicants filing an application for a short-term rental type 2 within the first 30 days following passage of this ordinance shall not be subject to the density limitations set forth in subsection 36-~~23~~**47**(2)(~~d~~**b**)(1). Applications received after this initial period will be subject to this density.

(8) Hosting platform responsibilities.

(a) Definitions.

1. Booking transaction. Any reservation or payment service provided by a person who facilitates a short-term rental transaction between a short-term rental licensee and a transient guest.

2. Hosting platform. A person who participates in the rental of a short-term rental by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

3. Person. Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, limited liability company, or organization of any kind.

4. Short-term rental: see Sec. 36-321.

5. Short-term rental licensee: a person who holds a business license for a short-term rental.

6. Transient guest. A person who occupies a room or rooms in a short-term rental for less than 30 days during any calendar quarter.

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(b) Hosting platforms shall be responsible for collecting all applicable City taxes and remitting the same to the City. The hosting platform shall be considered an agent of the short-term rental licensee for tax collection and remittance responsibilities as set forth in Chapter 70, Article V of this Code.

(c) Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each short-term rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.

(d) Hosting platforms shall not complete any booking transaction for any property subject to this section unless it is licensed as a short-term rental at the time the hosting platform receives a fee for the booking transaction.

(9) Penalties.

(a) Any violation of this section shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in jail for a period not exceeding 180 days, or both such fine and imprisonment. The court shall not suspend imposition of sentence for any violation of this section.

(b) Each day a violation continues shall be deemed a separate offense.

(c) Any person found guilty of a violation of this section shall be sentenced to a minimum fine of \$500.00.

(d) Any person found guilty of a violation on this section who has previously been found guilty of a violation of this section shall be sentenced to a minimum fine of \$1,000.00.”

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4 – This Ordinance shall become effective immediately upon its passage.

Passed at meeting: _____

Mayor

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Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Laura Vales, Assistant City Attorney

Approved for Council action: Jason A. Hage, City Manager