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First Reading: _____
SUBSTITUTE
COUNCIL BILL 2018-041

Second Reading: _____
GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code, Chapter 36, 'Land Development Code,' Article III.-
2 'Zoning Regulations,' Division 2.- 'Rules of Interpretation and
3 Definitions,' Section 36-321.- 'Definitions'; and Division 4.- 'District
4 Regulations,'; and Division 5.- 'Supplemental District Regulations';
5 Section 36-451.- 'Home Occupations'; and adding a new Section 36-
6 472; for the purpose of establishing rules and regulations regarding the
7 operation of Short-Term Stay Rentals; and designating an effective date
8 for said amendments.
9 _____

10
11 WHEREAS, the City of Springfield desires to preserve the quality, integrity, and
12 stability of its residential areas; and
13

14 WHEREAS, the City has enacted a variety of ordinances which govern the extent
15 and location of certain uses, including overnight lodging; and
16

17 WHEREAS, the City has established a general prohibition regarding the rental,
18 for less than 30-days, of premises, in furtherance of its efforts to preserve the quality,
19 integrity, and stability of the City's residential areas; and
20

21 WHEREAS, the City has identified a new trend in the community of allowing
22 rentals of less than 30 days in primarily residential areas; and
23

24 WHEREAS, the City, after review and input from various interested groups, has
25 determined to allow such use, subject to regulations, in order to fulfill the goals of
26 preserving the quality, integrity, and stability of the City's residential areas.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:

30 Section 1 - Chapter 36 of the Springfield City Code, 'Land Development Code,' is
31 hereby amended to add new sections and amend existing sections as follows:

32
33 Note: Language to be added is underlined, language to be deleted is ~~stricken~~.

34
35 **Sec. 36-321. - Definitions.**

36
37 **Short-Term Stay:** A Short-Term Stay is defined as the rental of an entire dwelling, or
38 any portion thereof, for a period of not more than 30 days, where the owner is engaged
39 in a contract for the rental of that specific dwelling, or any portion thereof. Short-Term
40 Stays are further categorized as Type 1, 2 or 3.

41
42 **Sec. 36-380. - R-SF - Single-family residential district.**

43 (2) *Permitted uses.*

44 (o) Short-Term Stay Type 1 in accordance with section 36-472.

45 ~~(pe)~~ Temporary uses, as permitted by section 36-452, temporary uses.

46 ~~(qp)~~ Tier I and II wireless facilities in accordance with section 36-466,
47 telecommunication towers.

48 ~~(rq)~~ Transitional housing for single-family use.

49 ~~(sf)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
50 construction.

51 (3) *Conditional uses.* The following conditional uses may be permitted provided they
52 meet the provisions of, and a conditional use permit is issued pursuant to, section 36-
53 363, conditional use permits, of this article.

54 (i) Short-Term Stay Type 2 in accordance with section 36-472.

55
56 **Sec. 36-381. - R-TH - Residential townhouse district.**

57 (2) *Permitted uses.*

58 (p) Short-Term Stay Type 1 in accordance with section 36-472.

59 ~~(qp)~~ Temporary uses, as permitted by section 36-452, temporary uses.

60 ~~(rq)~~ Tier I and II wireless facilities in accordance with section 36-466,
61 telecommunication towers.

62 ~~(sf)~~ Townhouses.

63 ~~(ts)~~ Transitional housing for single-family or low to moderate residential density.

64 ~~(ut)~~ Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
65 construction.

66 (3) *Conditional uses.* The following conditional uses may be permitted provided they
67 meet the provisions of, and a conditional use permit is issued pursuant to, section 36-
68 363, conditional use permits, of this article.

69 (i) Short-Term Stay Type 2 in accordance with section 36-472.

70
71 **Sec. 36-382. - R-LD - Low-density multifamily residential district.**

72 (2) *Permitted uses.*

73 (r) Short-Term Stay Type 3 in accordance with section 36-472.

74 ~~(sf)~~ Temporary uses, as permitted by section 36-452, temporary uses.

- 75 (ts) Tier I and II wireless facilities in accordance with section 36-466,
76 telecommunication towers.
77 (ut) Transitional housing for single-family or low to moderate residential density.
78 (vt) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
79 construction.
80

81 **Sec. 36-383. - R-MD - Medium-density multifamily residential district.**

- 82 (2) *Permitted uses.*
83 (r) Short-Term Stay Type 3 in accordance with section 36-472.
84 (sf) Temporary uses, as permitted by section 36-452, temporary uses.
85 (ts) Tier I and II wireless facilities in accordance with section 36-466,
86 telecommunication towers.
87 (ut) Transitional housing for single-family or low to moderate residential density.
88 (vt) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
89 construction.
90

91 **Sec. 36-384. - R-HD - High-density multifamily residential district.**

- 92 (2) *Permitted uses.*
93 (u) Short-Term Stay Type 3 in accordance with section 36-472.
94 (vt) Temporary uses, as permitted by section 36-452, temporary uses.
95 (wv) Tier I and II wireless facilities in accordance with section 36-466,
96 telecommunication towers.
97 (xw) Transitional housing for single-family or low to moderate residential density.
98 (yx) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
99 construction.
100

101 **Sec. 36-385. - R-MHC - Manufactured home community district.**

- 102 (2) *Permitted uses.*
103 (p) Short-Term Stay Type 3 in accordance with section 36-472.
104 (gp) Temporary uses, as permitted by section 36-452, temporary uses.
105 (rq) Tier I and II wireless facilities in accordance with section 36-466,
106 telecommunication towers.
107 (sf) Transitional housing for single-family.
108 (ts) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
109 construction.
110

111 **Sec. 36-400. - O - Office districts.**

- 112 (2) *Permitted uses.*
113 (v) Short-Term Stay Type 3 in accordance with section 36-472.
114 (wv) Schools or development centers for persons with handicaps or development
115 disabilities.
116 (xw) Substance abuse treatment facilities for 50 or fewer residents, provided the
117 facility:

- 118 1. Is located at least 2,000 feet from any other substance abuse treatment
 119 facility, emergency shelter, soup kitchen, transitional service shelter,
 120 substance abuse treatment facility, or any community corrections facility, jail,
 121 prison, or detention facility, as measured from property lines; and
 122 2. A plan of operation, including, but not limited to, administration contact
 123 information, patron access requirements, hours of operation and security
 124 measures, is on file with the City of Springfield Planning and Development
 125 Department.
 126 (yx) Temporary uses, as permitted by section 36-452, temporary uses.
 127 (zy) Tier I and II wireless facilities in accordance with section 36-466,
 128 telecommunication towers.

129
 130 **Sec. 36-401. - GI - Government and institutional use district.**

131 (2) *Permitted uses.*

132 (cc) Short-Term Stay Type 3 in accordance with section 36-472.

133 (ddee) Substance abuse treatment facilities for 50 or fewer residents, provided
 134 the facility:

- 135 1. Is located at least 2,000 feet from any other substance abuse treatment
 136 facility, emergency shelter, soup kitchen, transitional service shelter,
 137 substance abuse treatment facility, or any community corrections facility, jail,
 138 prison, or detention facility, as measured from property lines; and
 139 2. A plan of operation, including but not limited to: administration contact
 140 information, patron access requirements, hours of operation and security
 141 measures, is on file with the City of Springfield Planning and Development
 142 Department.

143 (eedd) Temporary uses, as permitted by section 36-452, temporary uses.

144 (ffee) Tier I wireless facilities in accordance with section 36-466,
 145 telecommunication towers.

146 (ggff) Tier III wireless facilities in accordance with section 36-466,
 147 telecommunication towers, provided wireless towers 60 feet or greater in height
 148 allow collocation of at least one additional provider's facilities.

149 (hhgg) Tier IV wireless facilities in accordance with section 36-466,
 150 telecommunication towers, provided wireless towers are setback from any
 151 residential district at least two feet for every one foot of tower height and allow
 152 collocation of at least one additional provider's facilities or at least two additional
 153 providers' facilities if the tower height is 120 feet or greater.

154 (iijh) Other towers, less than 100 feet in height, and related facilities provided
 155 telecommunication towers comply with section 36-466, telecommunication
 156 towers.

157
 158 **Sec. 36-409. - WC - West College Street district.**

159 (2) *WC-1, Mixed-use sub-area.*

160 (a) *Permitted uses.*

161 21. Short-Term Stay Type 3 in accordance with section 36-472.

162 (3) *WC - 2, live/work sub-area.*

163 (b) *Permitted uses.*
164 10. Renting sleeping rooms and serving meals to not more than two persons
165 (and not exceeding three unrelated) not members of the family occupying the
166 dwelling unit for more than 30 days provided one off-street parking space is
167 provided for each person.

168 22. Short-Term Stay Type 3 in accordance with section 36-472.

169 (4) *WC - 3, residential sub-area.*

170 (a) *Permitted uses.*

171 14. Short-Term Stay Type 3 in accordance with section 36-472.

172 1514. Temporary uses, as permitted by section 36-452, temporary uses.

173 1615. Townhouses.

174 1716. Zero-lot-line construction, in accordance with section 36-362, zero-lot-line
175 construction.

176

177 **Sec. 36-420. - LB - Limited business district.**

178 (2) *Permitted uses.*

179 (n) Short-Term Stay Type 3 in accordance with section 36-472.

180 (o) Temporary uses, as permitted by section 36-452, temporary uses.

181 (p) Tier I and II wireless facilities in accordance with section 36-466,
182 telecommunication towers.

183 (q) Water reservoirs, water standpipes, and elevated and ground-level water storage
184 tanks.

185

186 **Sec. 36-421. - GR - General retail district.**

187 (2) *Permitted uses.*

188 (bb) Short-Term Stay Type 3 in accordance with section 36-472.

189 (c) Taxidermists.

190 (d) Temporary lodging use group.

191 (e) Temporary uses, as permitted by section 36-452, temporary uses.

192 (f) Temporary vendors as permitted under subsection 36-452(3)(b)2.

193 (g) Towers other than wireless facilities, less than 100 feet in height, and
194 related facilities provided telecommunication towers comply with section 36-466,
195 telecommunication towers.

196 (h) Veterinary clinics, animal hospitals, pet daycare services, pet grooming
197 facilities and kennels. No outside activities shall be permitted for kennels.
198 Veterinary clinics, animal hospitals, pet daycare services and pet grooming
199 facilities may have supervised outside activities, which are defined as having a
200 single animal under the physical control of an individual. All outside activity
201 spaces shall be fully enclosed and screened from adjacent residential uses,
202 districts and all public rights-of-way with a six-foot tall barrier that is in
203 conformance with subsection 36-480(3). No outside activity spaces shall be
204 located within 25 feet of any residential use or district, and all animal waste shall
205 be collected and disposed of on a daily basis.

206

207 **Sec. 36-422. - HC - Highway commercial district.**

208 (2) *Permitted uses.*

209 (pp) Short-Term Stay Type 3 in accordance with section 36-472.

210 (~~qq~~) Swimming pool sales and displays.

211 (~~rr~~) Taxi dispatch yards and offices.

212 (~~ss~~) Taxidermists.

213 (~~tt~~) Temporary lodging use group.

214 (~~uu~~) Temporary uses, as permitted by section 36-452, temporary uses.

215 (~~vv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

216 (~~ww~~) Overnight shelters or transitional service shelters for 50 or fewer residents,
217 which are located at least 500 feet from a residential district, as measured from
218 property lines provided that no overnight shelter or transitional service shelter
219 shall locate within a 2,000-foot radius of another transitional service shelter, soup
220 kitchen, overnight shelter, substance abuse treatment facility or community
221 correctional facility as measured from property lines, in accordance with
222 subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued
223 for a transitional service shelter herein if it is less than 1,000 feet from an
224 elementary or secondary school as measured from property lines.

225 (~~xx~~) Upholstery shops.

226 (~~yy~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming
227 facilities, and kennels. No outside activities shall be permitted for kennels.
228 Veterinary clinics, animal hospitals, pet daycare services, and pet grooming
229 facilities may have supervised outside activities, which are defined as having a
230 single animal under the physical control of an individual. All outside activity
231 spaces shall be fully enclosed and screened from adjacent residential uses,
232 districts and all public rights-of-way with a six-foot tall barrier that is in
233 conformance with subsection 36-480(3). No outside activity spaces shall be
234 located within 25 feet of any residential use or district, and all animal waste shall
235 be collected and disposed of on a daily basis.

236 (~~zz~~) Wholesale sales.

237
238 **Sec. 36-423. - CS - Commercial service district.**

239 (2) *Permitted uses.*

240
241 (xx) Short-Term Stay Type 3 in accordance with section 36-472.

242 (~~yy~~) Substance abuse treatment facilities for 50 or fewer residents, provided the
243 facility:

- 244 1. Is located at least 2,000 feet from any other substance abuse treatment
245 facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional
246 service shelter or community corrections facility, as measured from property
247 lines; and
- 248 2. A plan of operation, including, but not limited to: administration contact
249 information, patron access requirements, hours of operations and security
250 measures, is on file with the City of Springfield Planning and Development
251 Department.

- 252 (~~zzyy~~) Swimming pool sales and display.
 253 (~~aaazz~~) Taxi dispatch yards and offices.
 254 (~~bbbaaa~~) Taxidermists.
 255 (~~cccbbb~~) Temporary uses, as permitted by section 36-452, temporary uses.
 256 (~~dddccc~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.
 257 (~~eeeddd~~) Towers other than wireless facilities, less than 100 feet in height and related
 258 facilities.
 259 (~~fffeee~~) Overnight shelters or transitional service shelters for 50 or fewer residents,
 260 which are located at least 500 feet from a residential district, as measured from
 261 property lines provided that no overnight shelter or transitional service shelter
 262 shall locate within a 2,000-foot radius of another transitional service shelter, soup
 263 kitchen, overnight shelter, substance abuse treatment facility or community
 264 correctional facility as measured from property lines, in accordance with
 265 subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued
 266 for a transitional service shelter herein if it is less than 1,000 feet from an
 267 elementary or secondary school as measured from property lines.
 268 (~~gggfff~~) Truck stops.
 269 (~~hhhggg~~) Upholstery shops.
 270 (~~iiihhh~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the
 271 time the use is established any outdoor activities are clearly accessory to the
 272 primary use and provided that no outdoor activities are located closer than a 300-
 273 foot radius from a building used for a church, school, hotel, motel, or restaurant,
 274 or from a property zoned residential or a building used for residential purposes.
 275 (~~jjj###~~) Wholesale sales use group.
 276

277 **Sec. 36-424. - CC - Center city district.**

278 (2) *Permitted uses.*

279 (~~nn~~) Short-Term Stay Type 3 in accordance with section 36-472.

280 (~~ooaa~~) Substance abuse treatment facilities for 50 or fewer residents, provided the
 281 facility:

- 282 1. Is located at least 2,000 feet from any other substance abuse treatment
 283 facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional
 284 service shelter or community corrections facility, as measured from property
 285 lines; and
- 286 2. A plan of operation, including, but not limited to: Administration contact
 287 information, patron access requirements, hours of operations and security
 288 measures, is on file with the City of Springfield Planning and Development
 289 Department.

290 (~~ppoe~~) Taxi dispatch yards and offices.

291 (~~qqpp~~) Temporary uses, as permitted by section 36-452, temporary uses.

292 (~~rrqq~~) Temporary lodging use group.

293 (~~ssrr~~) Towers other than wireless facilities, less than 100 feet in height, and
 294 related facilities.

295 (~~ttss~~) Veterinary clinics. Facilities may have supervised outside activities, which
 296 are defined as having a single animal under the physical control of an individual.

297 All outside activity spaces shall be fully enclosed and screened from adjacent
298 residential uses, districts and all public rights-of-way with a six-foot tall barrier that
299 is in conformance with subsection 36-480(3). No outside activity spaces shall be
300 located within 25 feet of any residential use or district, and all animal waste shall
301 be collected and disposed of on a daily basis.

302 (uu) Wholesale sales.
303

304 **Sec. 36-425. - COM - Commercial street district.**

305 (2) *Permitted uses.*

306 (a) The following uses are permitted on any floor unless the development project is
307 greater than 10,000 square feet in total floor area, which requires a conditional
308 use permit.

309 27. Short-Term Stay Type 3 in accordance with section 36-472.

310 (b) The following uses are only permitted above the first floor or in the second layer
311 of the first floor unless the development project is greater than 10,000 square feet
312 in total floor area, which requires a conditional use permit for the use set out in
313 this subsection. The first layer of the first floor is the first 50 feet of lot depth
314 measured from the front of the lot. The second layer is located behind the first 50
315 feet of lot depth measured from the front of the lot. An entrance and hallway
316 through the first layer to provide access to the second layer or upper floors is
317 permitted.

318 14. Short-Term Stay Type 3 in accordance with section 36-472.
319

320 **Sec. 36-430. - RI - Restricted industrial district.**

321 (2) *Permitted uses.*

322 (y) Short-Term Stay Type 3 in accordance with section 36-472.

323 (zy) Swimming pool sales and display.

324 (aa) Taxidermists.

325 (baa) Temporary uses, as permitted by section 36-452, temporary uses.

326 (ccb) Towers other than wireless facilities, less than 100 feet in height, and
327 related facilities.

328 (dde) Upholstery shops.

329 (eed) Veterinary clinics, animal hospitals, and kennels, with no outside activities.

330 (fee) Warehouses, storage and distribution centers.

331 (gff) Wholesale sales.
332

333 **Sec. 36-431. - LI - Light industrial district.**

334 (2) *Permitted uses.*

335 (w) Short-Term Stay Type 3 in accordance with section 36-472.

336 (xw) Substance abuse treatment facilities for 50 or fewer residents, provided the
337 facility:

338 1. Is located at least 2,000 feet from any other substance abuse treatment
339 facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional

- 340 service shelter or community corrections facility, as measured from property
 341 lines; and
- 342 2. A plan of operation, including but not limited to: administration contact
 343 information, patron access requirements, hours of operations and security
 344 measures, is on file with the City of Springfield Planning and Development
 345 Department.
- 346 (~~yx~~) Swimming pool sales and display.
- 347 (~~zy~~) Temporary uses, as permitted by section 36-452, temporary uses.
- 348 (~~aa~~~~z~~) Towers other than wireless facilities, less than 100 feet in height, and
 349 related facilities.
- 350 (~~bb~~~~aa~~) Upholstery shops.
- 351 (~~cc~~~~bb~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the
 352 time the use is established any outdoor activities are clearly accessory to the
 353 primary use and provided that no outdoor activities are located closer than a 300-
 354 foot radius from a building used for a church, school, hotel, motel, or restaurant,
 355 or from a property zoned residential or a building used for residential purposes.
- 356 (~~dd~~~~ee~~) Warehouses, storage and distribution centers.
- 357 (~~ee~~~~dd~~) Wholesale sales and distribution.
- 358 (~~ff~~~~ee~~) Wholesale sales use group.

359

360 **Sec. 36-432. - GM - General manufacturing district.**

361 (2) *Permitted uses.*

362 (~~cc~~) Short-Term Stay Type 3 in accordance with section 36-472.

363 (~~dd~~~~ee~~) Substance abuse treatment facilities for 50 or fewer residents, provided the
 364 facility:

- 365 1. Is located at least 2,000 feet from any other substance abuse treatment
 366 facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional
 367 service shelter or community corrections facility, as measured from property
 368 lines; and
- 369 2. A plan of operation, including but not limited to: Administration contact
 370 information, patron access requirements, hours of operations and security
 371 measures, is on file with the City of Springfield Planning and Development
 372 Department.

373 (~~ee~~~~dd~~) Swimming pool sales and display.

374 (~~ff~~~~ee~~) Temporary uses, as permitted by section 36-452, temporary uses.

375 (~~gg~~~~ff~~) Towers other than wireless facilities, less than 100 feet in height, and
 376 related facilities.

377 (~~hh~~~~gg~~) Upholstery shops.

378 (~~ii~~~~hh~~) Vehicle rental, towing and storage services.

379 (~~jj~~~~ii~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time
 380 the use is established any outdoor activities are clearly accessory to the primary
 381 use and provided that no outdoor activities are located closer than a 300-foot
 382 radius from a building used for a church, school, hotel, motel, or restaurant, or
 383 from a property zoned residential or a building used for residential purposes.

384 (~~kk~~~~jj~~) Warehouses, storage and distribution centers.

385 (llkk) Wholesale sales use group.
386

387 **Sec. 36-433. - HM - Heavy manufacturing district.**

388 (2) *Permitted uses.*

389 (mm) Short-Term Stay Type 3 in accordance with section 36-472.

390 (~~nnmm~~) Stockyards or feed lots.

391 (~~ooaa~~) Substance abuse treatment facilities for 50 or fewer residents, provided the
392 facility:

393 1. Is located at least 2,000 feet from any other substance abuse treatment
394 facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional
395 service shelter or community corrections facility, as measured from property
396 lines; and

397 2. A plan of operation, including, but not limited to: Administration contact
398 information, patron access requirements, hours of operations and security
399 measures, is on file with the City of Springfield Planning and Development
400 Department.

401 (~~ppoe~~) Swimming pool sales and display.

402 (~~qqpp~~) Temporary uses, as permitted by section 36-452, temporary uses.

403 (~~rrqq~~) Towers other than wireless facilities, less than 100 feet in height, and
404 related facilities.

405 (~~ssrr~~) Upholstery shops.

406 (~~ttss~~) Vehicle rental, towing and storage services.

407 (~~uu#~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the
408 time the use is established any outdoor activities are clearly accessory to the
409 primary use and provided that no outdoor activities are located closer than a 300-
410 foot radius from a building used for a church, school, hotel, motel, or restaurant,
411 or from a property zoned residential or a building used for residential purposes.

412 (~~vvuu~~) Warehouses, storage and distribution centers.

413 (~~wwvv~~) Wholesale sales.

414 (~~xxww~~) Wood preserving operations using formulations of Chrome-Copper-
415 Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
416

417 **Sec. 36-434. - IC - Industrial commercial district.**

418 (2) *Permitted uses.*

419 (mm) Short-Term Stay Type 3 in accordance with section 36-472.

420 (~~nnmm~~) Swimming pool sales and display.

421 (~~ooaa~~) Taxi dispatch yards and offices.

422 (~~ppoe~~) Taxidermists.

423 (~~qqpp~~) Temporary lodging use group.

424 (~~rrqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

425 (~~ssrr~~) Towers other than wireless facilities, less than 100 feet in height, and
426 related facilities.

427 (~~ttss~~) Upholstery shops.

428 (~~uu#~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the
429 time the use is established any outdoor activities are clearly accessory to the

430 primary use and provided that no outdoor activities are located closer than a 300-
431 foot radius from a building used for a church, school, hotel, motel, or restaurant,
432 or from a property zoned residential or a building used for residential purposes.

433 (~~vvuu~~) Warehouses, storage and distribution centers.

434 (~~wwvv~~) Wholesale sales use group.

435
436 **Sec. 36-451. - Home occupations.**

437 (3) *Home occupations permitted.* Home occupations include, but are not limited to, the
438 following occupations:

- 439 (i) Renting sleeping rooms and serving meals to not more than two persons (and
440 not exceeding three unrelated) not members of the family occupying the dwelling
441 unit for more than 30 days provided on off-street parking space is provided for
442 each person.

443
444 **Sec. 36-472. - Short-Term Stay Rentals.**

445 (1) Short-Term Stay Type 1

446 (a) This section shall apply to a Short-Term Stay use that:

- 447 1. is rented for periods of less than 30 consecutive days; and
448 2. is located within a R-SF or R-TH zoning district; and
449 3. is an owner-occupied primary residence and is not rented for
450 more than 95 days in a calendar year.

451
452 (b) The following provisions shall apply to a Short-Term Stay Type 1:

- 453 1. A Short-Term Stay Type 1 shall not be located within five-
454 hundred (500) feet along or across the street from another
455 Short-Term Stay or Bed and Breakfast as measured
456 between the shortest distance between the lot lines of each
457 parcel.
458 2. A Short-Term Stay Type 1 shall only be located in the primary
459 structure or a historic carriage house per Section 36-464.
460 3. No exterior alterations that would change the single-family
461 character of the Short-Term Stay Type 1, other than those
462 necessary to ensure the safety of the structure, shall be
463 made.
464 4. No residential structure shall be removed for parking or to
465 expand the Short-Term Stay Type 1.
466 5. A Short-Term Stay Type 1 shall not be rented solely for
467 receptions, parties, weddings or any similar activities.
468 6. The owner of a Short-Term Stay Type 1 shall provide
469 notification as required by Section 36-475.
470 7. It shall be a violation of this section for an owner to advertise
471 or promote a Short-Term Stay Type 1 which is not in
472 compliance with the provisions of this section.

473 (c) A certificate of occupancy shall be obtained in accordance with Section
474 36-333, Certificate of occupancy.

- 475 (d) Annual business license shall be obtained.
- 476 (2) Short-Term Stay Type 2
- 477 (a) This section shall apply to a Short-Term Stay use that:
- 478 1. is rented for periods of less than 30 consecutive days; and
- 479 2. is located within a R-SF or R-TH zoning District; and
- 480 3. is not an owner-occupied residence or is an owner-occupied
- 481 primary residence and is rented for more than 95 days in a
- 482 calendar year.
- 483 (b) A certificate of occupancy shall be obtained in accordance with Section
- 484 36-333, Certificate of occupancy.
- 485 (c) Annual business license shall be obtained.
- 486 (d) The following provisions shall apply to a Short-Term Stay Type 2:
- 487 1. A Short-Term Stay Type 2 shall not be located within five-
- 488 hundred (500) feet along or across the street from another
- 489 Short-Term Stay or Bed and Breakfast as measured
- 490 between the shortest distance between the lot lines of each
- 491 parcel.
- 492 2. A Short-Term Stay Type 2 shall only be located in the primary
- 493 structure or a historic carriage house per Section 36-464.
- 494 3. No exterior alterations that would change the single-family
- 495 character of the Short-Term Stay Type 2, other than those
- 496 necessary to ensure the safety of the structure, shall be
- 497 made.
- 498 4. No residential structure shall be removed for parking or to
- 499 expand the Short-Term Stay Type 2.
- 500 5. A Short-Term Stay Type 2 shall not be rented solely for
- 501 receptions, parties, weddings or any similar activities.
- 502 6. The owner of a Short-Term Stay Type 2 shall provide
- 503 notification as required by Section 36-475.
- 504 7. It shall be a violation of this section for an owner or operator
- 505 to advertise or promote a Short-Term Stay Type 2 which is
- 506 not in compliance with the provisions of this section.
- 507 (e) A Short-Term Stay Type 2 permit shall be required for Short-Term Stay
- 508 Type 2 uses.
- 509 1. Application fee. A fee of \$350.00 or as set forth in the schedule
- 510 of fees, shall accompany any Short-Term Stay Rental Type 2
- 511 application and is in addition to the license and certificate of
- 512 occupancy fee required by this section. The additional fee shall
- 513 be for the costs of processing the application.
- 514 2. Applicant(s) shall hold a neighborhood meeting at the property
- 515 involved in the application or in the immediate vicinity. Notice
- 516 of the meeting shall be sent by first-class mail, postage paid, at
- 517 least ten days prior to the meeting, to at least one record
- 518 owner of each real property within 200 feet of the Short-Term
- 519 Stay Rental property, as shown on the records of the county

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assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development. Owners within said 200 feet shall have the right within 21 days from the date of meeting to protest the granting of a permit for the Short-Term Stay Rental Type 2 by mailing or delivering to the director of planning and development the protest as contained in the neighborhood meeting notice.

3. Notice of the neighborhood meeting shall be posted by the applicant at least ten days prior to the hearing and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the Short-Term Stay Rental Type 2. One sign shall be posted on each street frontage. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words "NEIGHBORHOOD MEETING" and in addition the date, time, and place of the public hearing, and a telephone number where additional information can be secured.
4. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The meeting shall be scheduled from 4:00 to 6:30 p.m.
5. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum and any additional information as required by the director of planning and development:
 - a. Description and details of proposed Short-Term Stay Rental operation including number of days per month to be rented and any other proposed changes.
 - b. Meeting date, time and location.
 - c. Applicant or their representative's contact information.
 - d. Information sheet provided by the City.
6. No more than ten days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the

- 565 planning and development department using the following
566 format as set forth below:
567 a. Meeting date, time and location.
568 b. Number of neighbors in attendance with an attached sign-
569 in sheet.
570 c. List of issues raised, any verbal comments and how
571 applicant plans to respond.
572 d. Additional information, such as comment cards and letters
573 from neighbors shall be attached to the summary.
574 7. If the applicant does not submit the information listed above
575 within ten days of the neighborhood meeting, the application
576 shall be considered incomplete and the applicant will be
577 required to conduct a new meeting and the protest timeline will
578 restart.
579 8. Protest requirements. If within the 21 days following the
580 neighborhood meeting, a protest to granting the permit for the
581 proposed Short-Term Stay Rental Type 2 is signed by owners
582 representing 50 percent or more of the land located within 200
583 feet of the proposed Short-Term Stay Rental property, then the
584 application shall be forwarded to City Council for its resolution
585 in favor or against said application. If, however, no sufficient
586 protest shall be filed within 21 days following the neighborhood
587 meeting, then the permit may be issued, all other requirements
588 of the law of the City of Springfield having been met and
589 complied with.
590 9. The City shall have the authority from time to time to prepare
591 forms to implement this section including protest forms,
592 application forms, and forms for notice, forms for proof of
593 ownership, and other appropriate requirements. Forms of
594 protest shall in any event be acknowledged by some person
595 other than a protesting owner located within the 200 feet area,
596 acknowledging the signatures of the persons contained
597 thereon to be the free act and deed of the persons so signing.
598 In determining those persons entitled to be counted in such
599 protest, only those persons who are owners of the land of
600 record on the date that the application shall have been filed
601 shall be entitled to protest.

602
603 (3) Short-Term Stay Type 3

604 (a) This section shall apply to a Short-Term Stay use that:

605 1. is rented for a period of less than 30 consecutive days; and

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607 2. is not located in an R-SF or R-TH zoning district.

608 (b) The following provisions shall apply to a Short-Term Stay Type 3:

609 1. No more than two Short-Term Stay Type 3 units are allowed

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- on a premise.
- 2. A Short-Term Stay Type 3 shall provide notification as required by Section 36-475.
- 3. A Short-Term Stay 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 a Short-Term Stay Type 3 which is not in compliance with the provisions of this section.
- (c) A certificate of occupancy shall be obtained in accordance with Section 36-333, Certificate of occupancy.
- (d) Annual business license shall be obtained.
- (4) Short-Term Stay Notification Requirements.
 - (a) The owner of a Short-Term Stay 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 Stay;
 - 2. The certificate of occupancy and business license number;
 - 3. The restrictions on noise applicable under Section 36-485, Noise standards., including limitations on the use of amplified sound;
 - 4. Any applicable parking restrictions;
 - 5. Trash collection schedule;
 - 6. That the Short-Term Stay unit may not be rented solely for receptions, parties, weddings or other similar events.
- (5) Short-Term Stay Rental Revocation, Suspension or Denial of a License.
 - (a) The Director of Building Development Services may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:
 - 1. The owner or operator failed to comply with the Short-Term Stay Rental requirements in this section or any other city codes and ordinances. The director may suspend, revoke or deny an application to renew a Short-Term Stay Rental license for a period of 12 months. During that time, another Short-Term Stay Rental may be established following the requirements and cause the revoked or denied Short-Term Stay Rental from being re-established due to the separation requirement.
 - 2. The director of building development services may, in writing, suspend, deny or revoke a license issued under provisions of this section whenever the license is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.
 - 3. When a Short-Term Stay Rental license is denied by the director of building development services, written notice shall

655 be given of the denial to the owner, together with a brief
656 written statement of the reason for the denial. Such denials
657 shall have referenced the section of this article or other
658 pertinent code used as a standard for the basis of denial.

659 4. If the director of building development services denies,
660 suspends or revokes the license, the owner may file an
661 appeal request to City Council.

662 (6) Implementation and Suspension of 500-foot Separation Requirement.

663 (a) Applicants filing an application for a Short-Term Stay Rental Type 1 or
664 Type 2 within the first thirty (30) days following passage of this
665 ordinance shall not be subject to the 500-foot separation requirement
666 set forth herein. Applications received after this initial period will be
667 subject to this distance requirement.

668 (7) Transferability.

669 (a) The owner of a licensed Short Term Stay Rental may transfer the
670 property along with the permitted use to another, subject to the
671 transferee completing an application and providing all required
672 information to the City. This transfer does not trigger a new Certificate of
673 Occupancy inspection by virtue of the transfer alone.

674
675 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
676 affect any suit or proceeding now pending in any court or any rights acquired or liability
677 nor any cause or causes of action occurred or existing, under any act or ordinance
678 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or
679 affected by this Ordinance.

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

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688 Section 4 - This Ordinance shall be in full force and effect from and after
689 passage.

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691 Passed at meeting: _____

692
693 _____
694 Mayor

695
696 Attest: _____, City Clerk

697
698 Filed as Ordinance: _____

699

700 Approved as to form: , Assistant City Attorney

701

702 Approved for Council action: , City Manager

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2018-041

FILED: 03-09-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Zoning Regulations,'; Division 2, 'Rules of Interpretation and Definitions,' amending Section 36-321, 'Definitions,'; adding a definition for Short-Term Stay Rentals; amending Division 4, 'District Regulations,'; by adding as a permitted use Short-Term Stay Rentals to each district contained therein; amending Division 5, 'Supplemental District Regulations' Section 36-451, 'Home Occupations,'; and adding a new section 36-472 establishing rules and regulations for operation and location of Short-Term Stay Rentals; for the purpose of establishing rules and regulations regarding the operation of Short-Term Stay Rentals; and designating an effective date for said amendments.

BACKGROUND INFORMATION: City Council conducted a public hearing on Corrected Council Bill 2018-041 on February 12, 2018. The bill was tabled until March 12, 2018, to allow Council members time to provide feedback to staff on desired changes to the bill. The substitute bill is similar to the bill previously filed and corrected, with the following changes:

Changes the permitting process for Short-Term Stay Rental Type 2. The original ordinance required a Conditional Use Permit ("CUP") for Type 2s which involved public hearings at Planning and Zoning Commission and City Council. The CUP process takes a minimum of 77 days with a fee of \$1,389 (this fee decreased from \$1760 as of January 29, 2018). Staff has drafted a new process that mirrors the Zoning Ordinance process for liquor licenses within 200 feet of residential districts. In essence, the proposed process requires the following:

- Posting the property; notices mailed to property owners within 200 feet and the registered neighborhood association 10 days prior to the neighborhood meeting; and a neighborhood meeting.
- If owners representing 50 percent of the property within 200 feet sign a protest within 21 days following the neighborhood meeting, the application is forwarded to City Council. Council may approve the application with a one-reading Resolution.
- If no sufficient protest is filed within 21 days following the neighborhood meeting, the application will be approved and a Type 2 permit issued.
- Type 2 Rental will still be subject to the business license and certificate of occupancy requirements required for Types 1 and 3.
- The cost for the Type 2 permit is \$350, and will be adjusted annually subject to the Fee Study.

Suspends the 500-foot separation requirement for the initial 30 days. Applicants who file for a Short-Term Stay Rental Type 1 or Type 2 within 30 days of passage of the ordinance will not be subject to the 500-foot separation requirement.

Adds the ability to locate a Short-Term Stay Type 1 or 2 in a historic carriage house. Section 36-464 of the Zoning Ordinance permits accessory apartments in historic carriage houses constructed prior to January 1, 1940. This provision extends the ability to operate a Short-Term Stay Rental to those carriage houses consistent with the accessory apartment ordinance.

Adds a section concerning revocation, suspension or denial of a Short-Term Stay Rental license. This new section gives the Building Development Services director the authority to revoke, suspend or deny a license if the operator fails to comply with the ordinance or provides fraudulent information in the application. The director's decision may be appealed to City Council.

Transferability. This section permits the owner of a licensed Short-Term Stay Rental to transfer the property and permitted use to another owner, provided the new owner completes an application and provides required information to the City.

Clarifies the items that must be posted in a Short-Term Stay Rental. The original ordinance indicated that the notice must say that receptions, parties, weddings and other similar events were prohibited, however, the restrictions outlined elsewhere in the ordinance indicated that Short-Term Stays could not be rented *solely for this purpose*. The posting requirement has been modified to accurately reflect the restriction.

REMARKS: The changes proposed in the Substitute bill are substantive. Staff recommends that the Substitute be remanded to the Planning and Zoning Commission for further review and recommendation.

Submitted by:



Mary Lilly Smith
Director, Planning and Development



Greg Burris
City Manager