AN ORDINANCE

AMENDING the Springfield City Code, Chapter 36, ‘Land Development Code,’ Article III, ‘Zoning Regulations,’ Division 2, ‘Rules of Interpretation and Definitions,’ Section 36-321, ‘Definitions,’ by 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 new section 36-472, ‘Short-Term Rentals,’ establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

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

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

WHEREAS, the City has established a general prohibition of rentals for less than 30 days in furtherance of its efforts to preserve residential areas; and

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

WHEREAS, the City, after review and input from various groups, has determined a desire to allow and the need to regulate this activity to fulfill the goals set forth above.

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

Section 1 - Chapter 36 of the Springfield City Code, ‘Land Development Code,’ is
hereby amended to add new sections and amend existing sections to provide for the use set forth, to read as shown in "Exhibit A," which is attached hereto and incorporated herein by this reference.

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or any rights acquired or liability nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.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

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, subsection, sentence, clause, or phrase be declared invalid.

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

Passed at meeting: ______________________

______________________________ Mayor

Attest: ______________________________, City Clerk

Filed as Ordinance: ______________________

Approved as to form: _________________, Assistant City Attorney

Approved for Council action: _______________, City Manager
EXPLANATION TO COUNCIL BILL 2018-267

FILED: 10-30-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield City Code, Chapter 36, ‘Land Development Code,’ Article III, ‘Zoning Regulations,’ Division 2, ‘Rules of Interpretation and Definitions,’ Section 36-321, ‘Definitions,’ by 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 new section 36-472, ‘Short-Term Rentals,’ establishing rules and regulations for operation and location of Short-Term Stay Rentals; and designating an effective date for said amendments.

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – SHORT-TERM RENTAL AMENDMENTS

The original Short-Term Rental Amendments were considered by Planning and Zoning Commission on January 11, 2018. On April 12th, Planning and Zoning Commission considered revised amendments that were remanded from City Council. On June 7th, City Council referred revised amendments to City Council's Plans and Policies Committee which held multiple meetings to discuss the issue. The Plans and Policies Committee recommends the following changes to the proposed amendments heard by Planning and Zoning Commission on April 12:

Short Term Rentals Type 1 Recommended Changes
• Remove the 500-foot separation and certificate of occupancy requirements from Short-Term Rentals Type 1. Require an affidavit certifying that the owner-occupied primary residence or historic carriage house will not be rented more than 95 days in a calendar year.

Short Term Rentals Type 2 Recommended Changes
• Require a $350 permit. Require a 500-foot separation from other Short-Term Rentals and Bed and Breakfast establishments as measured along street right-of-way.
• Require a neighborhood meeting and a protest period if owners representing 30 percent of total property owners within 500 feet area sign the protest petition within 21 days following the neighborhood meeting. If a valid protest is submitted within 21 days, then the Short-Term Rental Type 2 permit must be forwarded to City Council for review.

Short Term Rentals Type 3 Recommended Changes
• No changes recommended to the original proposal.
Additional Recommended Changes

- Violations of this ordinance may result in a STR Type 2 license being revoked, suspended or denied for a 12-month period. Such use will be prevented from re-establishing after 12 months if another STR Type 2 located within the 500-foot separation area.
- The owner of licensed STR may transfer the property and permitted use to another owner
- The STR cannot be rented solely for receptions, parties, weddings and other similar activities.

Implementation

- Establish a lottery system of random selection where no STR would have an advantage over another. Current illegally-established STRs will not be “grandfathered.”

The Committee recommends all uses be subject to the 500-foot separation and that a lottery system be established for the initial round of licensing. Staff presented an initial implementation process which would allow applicants filing for STR Type 2s within the first 30 days following the ordinance passage to be exempt from the 500-foot separation requirements. Applications for STR Type 2s received after this initial period would be subject to separation requirements. Staff has found approximately 139 Short-Term Rentals currently exist and 12 conflicts.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

FINDINGS FOR STAFF RECOMMENDATION:

1. Short-Term Rentals are currently not permitted in the Zoning Ordinance. The current ordinance only allows the rental of a residential dwelling for more than 30 days. Short-Term Rentals are a growing land use that needs to be addressed with certain conditions and requirements in the Zoning Ordinance to be compatible with other residential uses. The reason for the short-term rental ordinance is to allow this growing industry while protecting the integrity of single-family neighborhoods within the community.

2. The proposed Zoning Ordinance will allow three Types of Short-Term Rentals; owner-occupied in the R-SF and R-TH with limited rental days, non-owner occupied in the R-SF and R-TH which requires a Short-Term Rental permit, and the third Short Term Rental type is allowed in all other districts but limited to two per premise.

REMARKS:

The Planning and Zoning Commission held a public hearing on October 11, 2018, and recommended denial, by a vote of 8 to 0, of the proposed changes to the Zoning
Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:

__________________________
Daniel Neal, Senior Planner

Recommended by: Approved by:

__________________________ ______________________________
Mary Lilly Smith, Director Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Proposed Amendments
Attachment 3, Public Comments and Correspondence
Short-Term Rental Amendments
Citywide
**Applicant:** City of Springfield

Mr. Daniel Neal stated that this is a request to amend the proposed regulations for Short-Term Rentals.

**Type 1**
Eliminates the following requirements: 500-foot separation and Certificate of Occupancy.

Adds requirement: Affidavit certifying that the primary residence or historic carriage house will not be rented more than 95 days in the calendar year.

**Type 2**
Modifies permitting process for Type 2; Neighborhood Meeting; Post property 10 days prior; Notices mailed to property owners within 500 feet and registered neighborhood association 10 days prior.

If owners representing 30% of property within 500 feet sign protest within 21 days following the neighborhood meeting, application is forwarded to City Council then Council acts on one-reading resolution. If no sufficient protest filed within 21 days after the neighborhood meeting, application approved and permit issued and Type 2 STR must obtain business license and certificate of occupancy; $350 permit fee, subject to annual fee study; 500-foot separation from other STR’s or Bed and Breakfast.

**Type 3**
No changes to original proposal; Rented for periods of less than 30 consecutive days; Located in districts other than R-SF and R-TH.

No more than two STR Type 3s permitted on a premise; Premise- any tract of land consisting of one or more lots, under single or multiple ownership, which functions as one unit; All other requirements such as notification, certificate of occupancy, business license, violations and other rental requirements consistent with Type 1 & 2.

**Notification Requirements**
- No changes to original proposal.
- Must post conspicuously in each dwelling rental unit:
  - Names and contact information of person/persons responsible for day-to-day operations.
  - Certificate of occupancy and business license number.
  - City restrictions on noise including limitations on amplified sound.
  - Parking restrictions.
  - Trash collection schedule.
  - That property shall not be used solely for receptions, parties, weddings or other similar events.

**Revocation, Suspension or Denial of License**
- Adds language about licensing
- Director of Building Development Services can revoke, suspend or deny issuance or renewal of a license for period of 12 months.
• Failure to comply with STR requirements or any other City code or ordinance.
• License issued on misstatement of fact, fraud or noncompliance.
• Appeal to City Council.
• Another STR Type 2 could locate within the 500-foot separation and prohibit revoked or denied STR from being re-established.

Housekeeping
• Clarifies original proposal.
• Owner of a licensed STR may transfer property and permitted use to another owner.
• New owner must complete application and provide required information to City.
• Clarifies items that must be posted in STR.
• Short-Term Rentals cannot be rented solely for receptions, parties, weddings and other similar events.

Implementation
• Current and new STR’s following ordinance passage subject to 500-foot separation requirements.
• Applications for STR’s shall commence two weeks after passage of the ordinance with an initial 30-day review period to determine any conflicts.
• If conflicts exist; lottery system to randomly select which property can apply.

Mr. Doennig opened the public hearing.

Ms. Cox asked about the differences between the neighborhood meeting radius and 500-foot separation requirements for STR Type 2s.

Mr. Neal stated that separation requirements for Short-Term Rentals Type 2 is measured by the street right-of-way.

Mr. Neal noted the notification of the neighborhood meeting and protest area (30% of properties) are 500-foot radius from the property line.

Ms. Cox had an issue with requiring protest petitions if we are not rezoning.

Mr. Neal noted other ordinances that have protest petitions, i.e., liquor licenses, etc.

Mr. Doennig asked about the logic of the 500-foot separation and 500-foot protest areas for STR Type 2s being different.

Mr. Neal stated that Plans and Policies had recommended the 500-foot neighborhood meeting and protest area for STR Type 2s similar to rezoning cases so that those affected by the separation requirements for STR Type 2s were notified and could protest.

Mr. Thomas asked about the 500-foot separation requirements and how long a standard block in Springfield was?

Mr. Neal stated that that a typical block is 500 to 600-feet in length.

Mr. Rose asked about the exclusion area and protest petitions.

Mr. Jobe has concerns regarding the proposed language (Sec. 36-472 – Short Term Rentals; Short-Term
Rental Type 2; Subsection d1) and gave out an example and which types are allowed and not allowed.

Mr. Neal noted the proposed separation requirements were not intended to affect STR Type 1s.

Ms. Smith stated that the intent is STR Type 2s are subject to a 500-foot separation.

Mr. Jobe asked if the grandfathering of existing STR’s will be prohibited.

Mr. Neal stated that all STRs are currently illegal and as proposed by the amendments, any new or existing ones will be drawn by random number generation upon application.

Mr. Coltrin asked if these amendments were subject to changes/recommendations to City Council.

Mr. Neal stated that Planning and Zoning can propose changes to their recommendations.

Mr. Rose asked for clarification on the Type 1’s (no separation) and Type 2’s and 3 (has separation) and asked if a Type 1 can shut down a Type 2 rental.

Mr. Rykowski stated that an established Type 2 cannot cause a Type 1 to shut down if they are within 500-foot.

Ms. Broekhoven asked for further clarification on Type 1’s and Type 2’s and the separation.

Ms. Smith said that there can be any Type 1 located anywhere and however close to Type 2, but Type 2 is subject to a 500-foot separation from a Type 1, 2, or 3 or Bed and Breakfast.

Mr. Doennig asked about hotel/motel tax and were would be language be located.

Mr. Neal stated that hotel/motel tax will be a separate City code and not in the purview of the Planning Commission.

Mr. Thomas asked about the 30% of the protest area and does it come forward to the Planning Commission.

Mr. Neal stated that it only comes forward to the City Council.

Mr. Steve Hargis, 1160 S. Clay Avenue would like to see clearer and simpler language and noted San Francisco’s STR’s regulations and stated that Phelps Grove Neighborhood rejects the proposed regulations and also gave information on what other cities are currently doing and fines being enforced to illegal STR’s.

Ms. Bobbi Ream, 1448 E. Berkeley stated that the current Meador Park Neighborhood opposes STR’s at their last 3 meetings and question the policing of the STR’s. She also noted parking concerns and would like Meador Park Neighborhood to be exempt from Type 2 STR’s.

Mr. Erick Pauly, 631 E. Loren Street, President of Phelps Grove Neighborhood and noted that Building Development Services (BDS) cannot keep up with current regulations (traffic and parking) and cannot see how they can add these on and asked that the City relook at the proposed regulations.

Mr. Tracy Kimberling, 2495 S. Mumford supports the proposed regulations, however has concerns
regarding the Type 3 rentals without the regulations that a hotel/motel has.

Mr. Doennig closed the public hearing.

Mr. Jobe expressed his concerns and will be voting no and believes that the proposed regulations do not address certain needs, i.e., parking, noise, and other various issues.

Mr. Thomas noted his concern regarding follow-up with BDS (inspections) and noted that this feels that this is being over regulated.

Ms. Smith noted that BDS stated that they expect the inspection (initial C of O) to be quickly done and should not impact BDS’s case load.

Mr. Doennig stated that STR’s are unregulated and part of the City’s culture, however the issues of noise, parking, etc., rules will be applied to STR’s just like any other building, his concerns are the two separate standards (Type 2 rental example) and thinks the language is too vague, and will vote no.

Ms. Broekhoven noted the Commission’s responsibility and will be voting no mainly due to Type 2 STR’s and believes these are not going to be rezoned in anyway and considers them commercial property.

Ms. Ogilvy asked why the City did not make these regulations simpler, like other larger city STR’s and will be voting no and voicing her confusion over the Type 2 regulations.

Mr. Rose noted that he will be voting no, however sees improvement from January, but still sees serious issues.

Mr. Coltrin thanked City staff for their effort, but also sees issues with Type 2 regulations and explanations and believes simpler is better and will be voting no.

COMMISSION ACTION:
Ms. Cox motioned to approve Short-Term Rental Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: None. Nays: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Abstain: None. Absent: Shuler. MOTION FAILED

Bob Hosmer, AICP
Principal Planner
SHORT-TERM RENTAL AMENDMENTS

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

Sec. 36-321. - Definitions.

Short-Term Rental: The rental of an entire dwelling, or any portion thereof, for a period of not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2 or 3 and subject to the conditions set forth in this Article.

Sec. 36-380. - R-SF - Single-family residential district.

(2) Permitted uses.

(o) Short-term rental type 1 or 2 in accordance with section 36-472.

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

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

(rq) Transitional housing for single-family use.

(sr) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-381. - R-TH - Residential townhouse district.

(2) Permitted uses.

(p) Short-term rental type 1 or 2 in accordance with section 36-472.

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

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

(sr) Townhouses.

(te) Transitional housing for single-family or low to moderate residential density.

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

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

(2) Permitted uses.
(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-382(2)(a) if applicable.
(sr) Temporary uses, as permitted by section 36-452, temporary uses.
(ts) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
(ut) Transitional housing for single-family or low to moderate residential density.
(vu) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.
(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-383(2)(c) if applicable.
(sr) Temporary uses, as permitted by section 36-452, temporary uses.
(ts) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
(ut) Transitional housing for single-family or low to moderate residential density.
(vu) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.
(u) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-384(2)(c) if applicable.
(vu) Temporary uses, as permitted by section 36-452, temporary uses.
(wv) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
(xw) Transitional housing for single-family or low to moderate residential density.
(yx) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.
(p) Short-term rental type 3 in accordance with section 36-472.
(gp) Temporary uses, as permitted by section 36-452, temporary uses.
(qr) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
(sr) Transitional housing for single-family.
(ts) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.

(v) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-400(2)(b) or (r) if applicable.

(wv) Schools or development centers for persons with handicaps or development disabilities.

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

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

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

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

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

Sec. 36-401. - GI - Government and institutional use district.

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-401(2)(c) if applicable.

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

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

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

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

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

(ggff) Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

Other towers, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

Sec. 36-409. - WC - West College Street district.

(2) WC-1, Mixed-use sub-area.
   (a) Permitted uses.
      21. Short-term rental type 3 in accordance with section 36-472.

(3) WC - 2, live/work sub-area.
   (b) Permitted uses.
      10. Renting sleeping rooms and serving meals to not more than two persons (and not exceeding three unrelated) not members of the family occupying the dwelling unit for more than 30 days unit provided one off-street parking space is provided for each person.
      22. Short-term rental type 3 in accordance with section 36-472.

(4) WC - 3, residential sub-area.
   (a) Permitted uses.
      14. Short-term rental type 3 in accordance with section 36-472.
      15. Temporary uses, as permitted by section 36-452, temporary uses.
      16. Townhouses.

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

(2) Permitted uses.
   (n) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-420(2)(b) or (l) if applicable.
   (g) Temporary uses, as permitted by section 36-452, temporary uses.
   (p) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
   (g) Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
Sec. 36-421. - GR - General retail district.

(2) Permitted uses.

(bb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.

(ccbb) Taxidermists.

(ddce) Temporary lodging use group.

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

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

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

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

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

(2) Permitted uses.

(pp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.

(qqqp) Swimming pool sales and displays.

(rrqa) Taxi dispatch yards and offices.

(ssff) Taxidermists.

(ttss) Temporary lodging use group.

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

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

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

(wwxx) Upholstery shops.

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

(zzyy) Wholesale sales.

Sec. 36-423. - CS - Commercial service district.

(2) Permitted uses.

(xx) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

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

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

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

(zzyy) Swimming pool sales and display.

(aaazz) Taxi dispatch yards and offices.

(bbbaaa) Taxidermists.

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

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

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

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

(ffff) Truck stops.

(hhhggg) Upholstery shops.

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

(jjiii) Wholesale sales use group.

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

(2) Permitted uses.

(nn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

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

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

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

(ppoee) Taxi dispatch yards and offices.

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

(rrqqq) Temporary lodging use group.

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

(ttss) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(uutto) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.
Permitted uses.

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

14. Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-425(2)(b) if applicable.

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

(2) Permitted uses.

(y) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(zy) Swimming pool sales and display.

(aa) Taxidermists.

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

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

(ddcc) Upholstery shops.

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

(ffee) Warehouses, storage and distribution centers.

(ggff) Wholesale sales.

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

(2) Permitted uses.

(w) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

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

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

2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
(yx) Swimming pool sales and display.

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

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

(bbae) Upholstery shops.

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

(ddcc) Warehouses, storage and distribution centers.

(eedd) Wholesale sales and distribution.

(ffee) Wholesale sales use group.

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

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

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

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

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

(eedd) Swimming pool sales and display.

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

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

(hhhg) Upholstery shops.

(iiih) Vehicle rental, towing and storage services.

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

(kkjj) Warehouses, storage and distribution centers.
Wholesale sales use group.

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

(2) Permitted uses.

(mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(nnmm) Stockyards or feed lots.

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

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

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

(ppoo) Swimming pool sales and display.

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

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

(ssff) Upholstery shops.

(ttss) Vehicle rental, towing and storage services.

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

(vvv) Warehouses, storage and distribution centers.

(www) Wholesale sales.

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

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

(2) Permitted uses.

(mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(nnmm) Swimming pool sales and display.
Sec. 36-451. - Home occupations.

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

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

Sec. 36-472. - Short-Term Rentals.

(1) Short-Term Rental Type 1

(a) This section shall apply to a Short-Term Rental use that:
   1. is rented for periods of less than 30 consecutive days; and
   2. is located within a R-SF or R-TH zoning district; and
   3. is an owner-occupied primary residence and is not rented for more than 95 days in a calendar year.

(b) The following provisions shall apply to a Short-Term Rental Type 1:
   1. A Short-Term Rental Type 1 shall only be located in the primary structure or a historic carriage house per Section 36-464.
   2. No exterior alterations that would change the single-family character of the Short-Term Rental Type 1, other than those necessary to ensure the safety of the structure, shall be made.
   3. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 1.
   4. A Short-Term Rental Type 1 shall not be rented solely for receptions, parties, weddings or any similar activities.
5. The owner of a Short-Term Rental Type 1 shall provide notification as required by Section 36-472(4).
6. It shall be a violation of this section for an owner to advertise or promote a Short-Term Rental Type 1 which is not in compliance with the provisions of this section.

   (c) An affidavit certifying that the primary residence or historic carriage house will not be rented for more than 95 days in a calendar year.

   (d) Annual business license shall be obtained.

(2) Short-Term Rental Type 2
(a) This section shall apply to a Short-Term Rental use that:
   1. is rented for periods of less than 30 consecutive days; and
   2. is located within a R-SF or R-TH zoning District; and
   3. is not an owner-occupied residence or is an owner-occupied primary residence or historic carriage house and is rented for more than 95 days in a calendar year.

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

(c) Annual business license shall be obtained.

(d) The following provisions shall apply to a Short-Term Rental Type 2:
   1. A Short-Term Rental Type 2 shall not be located within five-hundred (500) feet along or across any street, not including alleys, from another Short-Term Rental or Bed and Breakfast as measured between the property lines. (Insert 500-foot separation diagram)
   2. A Short-Term Rental Type 2 shall only be located in the primary structure or a historic carriage house per Section 36-464.
   3. No exterior alterations that would change the single-family character of the Short-Term Rental Type 2, other than those necessary to ensure the safety of the structure, shall be made.
   4. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 2.
   5. A Short-Term Rental Type 2 shall not be rented solely for receptions, parties, weddings or any similar activities.
   6. The owner of a Short-Term Rental Type 2 shall provide notification as required by Section 36-472(4).
   7. It shall be a violation of this section for an owner or operator to advertise or promote a Short-Term Rental Type 2 which is not in compliance with the provisions of this section.

(e) A Short-Term Rental Type 2 permit shall be required for Short-Term Rental Type 2 uses.
   1. Application fee. A fee of $350.00 or as set forth in the schedule of fees, shall accompany any Short-Term Rental Type 2 application and is in addition to the license and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
2. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the Short-Term Rental property, as shown on the records of the county 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 500 feet shall have the right within 21 days from the date of the meeting to protest the granting of a permit for the Short-Term 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 meeting 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 Rental Type 2. One sign shall be posted on each street frontage of the subject property. 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 meeting, 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 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 planning and development department using the following format as set forth below:
a. Meeting date, time and location.
b. Number of neighbors in attendance with an attached sign-in sheet.
c. List of issues raised, any verbal comments and how applicant plans to respond.
d. Additional information, such as comment cards and letters from neighbors shall be attached to the summary.

7. If the applicant does not submit the information listed above within ten days of the neighborhood meeting, the application shall be considered incomplete and the applicant will be required to conduct a new meeting and the protest timeline will restart.

8. **Protest requirements.** If within the 21 days following the neighborhood meeting, a protest to the granting of the permit for the proposed Short-Term Rental Type 2 is signed by owner(s) representing 30 percent or more of the owners of all properties located within 500 feet of the proposed Short-Term Rental property as determined by line drawn parallel to and 500 feet distance from the boundaries of the STR, then the application shall be forwarded to City Council for its resolution in favor or against said application. If, however, no sufficient protest shall be filed within 21 days following the neighborhood meeting, then the permit may be issued, all other requirements of the law of the City of Springfield having been met and complied with.

9. The City shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements. Forms of protest shall be acknowledged by some person other than a protesting owner located within the 500-foot area, acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners of the land of record on the date that the application shall have been filed shall be entitled to protest.

(3) **Short-Term Rental Type 3**
   (a) This section 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.
   (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 premise.
   2. A Short-Term Rental Type 3 shall provide notification as required by Section 36-472(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 a Short-Term Rental 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 Rental Notification Requirements.
(a) The owner of a Short-Term 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;
   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 Rental unit may not be rented solely for receptions, parties, weddings or other similar events.

(5) Short-Term 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 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 Rental license for a period of 12 months. During that time, another Short-Term Rental may be established following the requirements and cause the revoked or denied Short-Term 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 Rental license is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.
   4. If the director of building development services denies, suspends or revokes the license, the owner may file an appeal request to City Council.

(6) Transferability.
(a) The owner of a licensed 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 spacing requirements. Applications for Short-Term Rentals shall commence two weeks after the passage of this ordinance.

(b) Applications shall be made available at the Licensing office. All applications received within the first 30 days of the implementation of this ordinance shall be reviewed to determine if there are any conflicts based upon spacing requirements. All applicants whose properties are not conflicting will be notified to proceed with the licensing process. Applicants whose properties are in conflict with the spacing requirements will be notified. Those properties will be assigned a number for a lottery drawing of which addresses with assigned numbers will be randomly drawn by random number generation. As each property number is drawn, it will establish an exclusion area which prohibits any subsequent property within such area from being granted a license for a Short-Term Rental.
CASE:  
Short-Term Rental Amendments  

STAFF:  
Daniel Neal, 864-1036  

STAFF RECOMMENDATIONS:  
Approve  

PROPOSED MOTION:  
Move to approve the proposed Zoning Ordinance amendments as submitted in the staff report  

SUMMARY OF REQUEST:  
To amend the permitted uses subsections in all base zoning districts in Division 4 of the Zoning Ordinance, clarify Section 36-451, Home Occupations, add a new Section 36-472, Short-Term Rentals and definition to allow Short-Term Rentals under certain conditions and requirements.  

FINDINGS FOR STAFF RECOMMENDATION:  
1. Short-Term Rentals are currently not permitted in the Zoning Ordinance. The current ordinance only allows the rental of a residential dwelling for more than 30 days. Short-Term Rentals are a growing land use that needs to be addressed with certain conditions and requirements in the Zoning Ordinance to be compatible with other residential uses. The reason for the short-term rental ordinance is to allow this growing industry while protecting the integrity of single-family neighborhoods within the community.  

2. The proposed Zoning Ordinance will allow three Types of Short Term Rentals; owner-occupied in the R-SF and R-TH with limited rental days, non-owner occupied in the R-SF and R-TH which requires a Short-Term Rental permit, and the third Short Term Rental type is allowed in all other districts but limited to two per premise.
COMPATIBILITY WITH COMPREHENSIVE PLAN:

Short-Term Rentals were not addressed in City’s Comprehensive Plan and Field Guide 2030 Guidelines; however, the Growth Management and Land Use Element of the Comprehensive Plan encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and non-residential development patterns.

SUMMARY OF PROPOSED TEXT AMENDMENT:

The original Short-Term Rental Amendments were considered by Planning and Zoning Commission on January 11, 2018. On April 12th, Planning and Zoning Commission considered revised amendments that were remanded from City Council. On June 7th, City Council referred revised amendments to City Council’s Plans and Policies Committee which held multiple meetings to discuss the issue. The Plans and Policies Committee is recommending the following changes:

Short Term Rentals Type 1 Recommended Changes

- Remove the 500-foot separation and certificate of occupancy requirements from Short-Term Rentals Type 1. Require an affidavit certifying that the owner-occupied primary residence or historic carriage house will not be rented more than 95 days in a calendar year.

  The Committee recommends staff's proposed changes as presented.

Short Term Rentals Type 2 Recommended Changes

- Require a $350 permit. Require a 500-foot separation from other Short-Term Rentals and Bed and Breakfast establishments as measured along street right-of-way.

  The Committee recommends retaining the original proposal of 500-foot separation. Staff discussed other separation options such as 250 or 300 feet.

  • Require a neighborhood meeting and a protest period if owners representing 50 percent of total property owners within 200 feet area sign the protest petition within 21 days following the neighborhood meeting. If a valid protest is submitted within 21 days, then the Short-Term Rental Type 2 permit must be forwarded to City Council for review.

  The Committee recommends a broader area (500 feet) with a lower threshold of signatures required (30 percent). Staff originally proposed that protest petitions representing 50 percent of the property owners within 200 feet would require City Council review and proposal.

Short Term Rentals Type 3 Recommended Changes

- No changes recommended.

  The Committee recommends the originally-proposed regulations for Type 3s.

Additional Recommended Changes
• Violations of this ordinance may result in a STR Type 2 license being revoked, suspended or denied for a 12-month period. Such use will be prevented from re-establishing after 12 months if another STR Type 2 located within the 500-foot separation area.
• The owner of licensed STR may transfer the property and permitted use to another owner
• The STR cannot be rented solely for receptions, parties, weddings and other similar activities.

The Committee recommends staff’s proposed changes as presented.

Implementation

• Establish a lottery system of random selection where no STR would have an advantage over another. Current illegally-established STRs will not be “grandfathered.”

The Committee recommends all uses be subject to the 500-foot separation and that a lottery system be established for the initial round of licensing. Staff presented an initial implementation process which would allow applicants filing for STR Type 2s within the first 30 days following the ordinance passage to be exempt from the 500-foot separation requirements. Applications for STR Type 2s received after this initial period would be subject to separation requirements. Staff has found approximately 139 Short-Term Rentals currently exist and 12 conflicts.

STAFF COMMENTS:

Short-term rentals are not a new type of use; however, the advances in technology with smartphones and the internet apps and platforms have changed the way that they are advertised and rented (e.g. AirBnb, VRBO, HomeAway, etc.). Short-term vacation rentals are flourishing and while typically found in destination communities, they have now been expanding into other communities for business, medical and recreational purposes. The “Short-Term Rental” new regulations would apply to any renting of an apartment, house, condominium or bedroom in a primary structure on a temporary basis for less than 30 days to transient guests as an alternative to a hotel/motel.

The current ordinance only allows the rental of a residential dwelling for more than 30 days. Short-Term Rentals are currently not permitted by the Zoning Ordinance. The exceptions are hotel/motels (allowed in commercial districts), boarding, rooming and lodging houses (allowed in multi-family districts), institutional care facilities (allowed in multi-family, commercial and institutional districts) and bed and breakfast uses (allowed in R-SF and R-TH with a Conditional Use Permit and location restrictions). Staff has determined that the Short-Term Rentals and a traditional Bed and Breakfast use differ in a few ways. A bed and breakfast is allowed up to 5 guest rooms, individual cooking facilities are not permitted, only guests shall be served meals, the operator shall live at the bed and breakfast, and monthly rentals are not permitted.

Staff believes that short-term rentals are part of a burgeoning sharing economy. The sharing economy concept like vacation rentals is not new either. This is a business model where there is peer-to-peer based sharing of access to goods and services. Examples include Uber, Parkatmyhouse, DogVacay, StreetBank, etc.

The issue of Short-Term Rentals has recently been brought to staff’s attention through complaints by neighbors of existing short-term rentals. Complaints have included on-street parking, noise and an influx of transient guests during all hours of the night. Staff also wanted to address the possibility of being pre-empted by the State of Missouri with new laws regulating Short-Term Rentals. The Missouri State Legislature has discussed multiple bills to restrict local authority on regulating Short-Term Rentals; however, no new legislation has been passed to date. It is also important to note that the City does not enforce private agreements; therefore, existing homeowner’s association or deed covenants will remain binding between the parties, and enforceable by private action to the extent allowed by law.

In theory, Short-Term Rentals are self-regulating since renters rate owners and owners rate renters, thus poor operators will receive negative ratings and consequently fewer rentals. However, the adjacent neighbors are not given any way to
rate or post their issues and concerns for these businesses. Typically, the enforcement issue is not the specific use, rather, the potential side effects of overcrowding, parking and noise.

Staff believes that this use is an issue of preserving neighborhood character and preventing negative impacts to surrounding residential neighborhoods. Proposed regulations are intended to ensure that existing life safety and health codes including occupancy requirements are being met. They will create a level playing field between these types of temporary lodging businesses and provide a diversity of lodging options for guests/tourists. They will also help to ensure adequate housing options for residents.

The following information was contained in the January 11, 2018, staff report and is repeated here as background.

In response to this growing business model, staff conducted an informational meeting with two neighborhoods that could be most impacted by these Short-Term Rental uses. Staff sought feedback about what issues these uses could create in these neighborhoods. Approximately 1,500 notification letters were sent to owners in the Rountree and Phelps Grove neighborhoods. The informational meeting was held on June 14, 2016 to discuss Short-Term Rentals and Accessory Dwelling Units. Approximately 50 property owners and known Short-Term Rental owners attended. Staff took notes and recorded results from a poll of questions and concerns that owners would have with these uses. Staff also created a survey to gain input from those that could not attend the meeting or wanted to make additional comments. The survey was opened the next day and remained open for three weeks. Staff also presented information on Short-Term Rentals and Accessory Dwelling Units on August 10, 2016 to the Neighborhood Advisory Committee and promoted the survey to gain input from all other registered neighborhood associations. The next day staff opened a similar online survey for three weeks. Staff has included the survey information in the packet in Attachment 2.

Staff met with City Council’s Plans and Policies Committee three times over this last year and made multiple changes in response to their concerns. Staff has also met with representatives of the Springfield Convention and Visitors Bureau, Missouri Hotel Lodging Association, Springfield Hotel Lodging Association and with the Developer’s Issues Input Group (DIIG).

Staff used many different sources for the development of the proposed amendments. The City of Kansas City and Waco, TX have recently been going through a review and approval process for their proposed draft ordinances. The City of Lee’s Summit and St. Louis have bed and breakfast homestays (Short-Term Rental) with conditional use permit requirements. The City of Austin, TX implemented one of the first Short-Term Rental ordinances in the Midwest back in 2012 and has amended their ordinances multiple times since. Staff used the citizen feedback that we mentioned earlier and our existing codes and ordinances as well.

Staff has identified the major issues that were presented to these groups:

- Neighborhood character and stability – too many in one area
- Enforcement of new and existing Short-Term Rentals
- Enforcement of private covenants
- Discourage tourists/travelers that prefer Short-Term Rentals
- Provide more lodging options for tourists/travelers
- Source of income for property owners
- Health and safety issues
- Aesthetics and maintenance – will a short-term vacation property owner take care of their property better or worse than a long-term renter
- Potential loss of hotel/motel and sales tax revenues (City Code and Hancock issues)

In review of all the public comments, our existing ordinances, and other cities ordinances, staff is proposing amendments to permit Short-Term Rentals under certain conditions and requirements. The current Short-Term Rental providers who rent out their property within Springfield via Airbnb, VRBO or other online marketplaces will need to have a business license and comply with the short-term rental regulations to protect the safety, character and quality of life in all of the City of Springfield neighborhoods.
The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.
DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:
No comments.

CITY UTILITIES COMMENTS:
No objection to zoning text amendments.

CLEAN WATER SERVICES COMMENTS:
No objection to zoning text amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
Traffic has no issues with the zoning text amendment.

STORMWATER COMMENTS:
Stormwater has no issues with the zoning text amendment.

FIRE DEPARTMENT COMMENTS:
No comments.
Sec. 36-321. - Definitions.

**Short-Term Rental:** The rental of an entire dwelling, or any portion thereof, for a period of not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2 or 3 and subject to the conditions set forth in this Article.

Sec. 36-380. - R-SF - Single-family residential district.

(2) **Permitted uses.**

- (o) Short-term rental type 1 or 2 in accordance with section 36-472.
- (pe) Temporary uses, as permitted by section 36-452, temporary uses.
- (qp) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (rq) Transitional housing for single-family use.
- (sr) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

Sec. 36-381. - R-TH - Residential townhouse district.

(2) **Permitted uses.**

- (p) Short-term rental type 1 or 2 in accordance with section 36-472.
- (qp) Temporary uses, as permitted by section 36-452, temporary uses.
- (rq) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (sr) Townhouses.
- (ts) Transitional housing for single-family or low to moderate residential density.
- (ut) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.
Sec. 36-382. - R-LD - Low-density multifamily residential district.

(2) Permitted uses.

(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-382(2)(a) if applicable.

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

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

(ut) Transitional housing for single-family or low to moderate residential density.

(vu) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.

(r) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-383(2)(c) if applicable.

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

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

(ut) Transitional housing for single-family or low to moderate residential density.

(vu) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.

(u) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-384(2)(c) if applicable.

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

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

(xw) Transitional housing for single-family or low to moderate residential density.

(yx) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.

(p) Short-term rental type 3 in accordance with section 36-472.
(gp) Temporary uses, as permitted by section 36-452, temporary uses.
(rq) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
(sf) Transitional housing for single-family.
(ts) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

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

(2) Permitted uses.

(v) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-400(2)(b) or (r) if applicable.

(wv) Schools or development centers for persons with handicaps or development disabilities.

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

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

2. A plan of operation, including but not limited to, administration contact information, patron access requirements, hours of operation and security measures, is on file with the City of Springfield Planning and Development Department.

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

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

Sec. 36-401. - GI - Government and institutional use district.

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-401(2)(c) if applicable.

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

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

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

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

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

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

Other towers, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

Sec. 36-409. - WC - West College Street district.

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

(a) Permitted uses.

21. Short-term rental type 3 in accordance with section 36-472.

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

(b) Permitted uses.

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

22. Short-term rental type 3 in accordance with section 36-472.

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

(a) Permitted uses.

14. Short-term rental type 3 in accordance with section 36-472.

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

16. Townhouses.


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

(2) Permitted uses.

(n) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-420(2)(b) or (l) if applicable.

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

(pe) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
Sec. 36-421. - GR - General retail district.

(2) **Permitted uses.**

(b) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.

c) Taxidermists.

d) Temporary lodging use group.

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

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

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

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

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

(2) **Permitted uses.**

(p) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.

(q) Swimming pool sales and displays.

(r) Taxi dispatch yards and offices.

(s) Taxidermists.

(t) Temporary lodging use group.

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

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

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

(**ww**) Upholstery shops.

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

(***yy**) Wholesale sales.

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

(2) Permitted uses.

(***xx*) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

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

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

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

(***zz**) Swimming pool sales and display.

(***aa**) Taxi dispatch yards and offices.

(***bb**) Taxidermists.

(***cc**) Temporary uses, as permitted by section 36-452, temporary uses.

(***dd**) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(***ee**) Towers other than wireless facilities, less than 100 feet in height and related facilities.

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

(gggfff) Truck stops.

(hhhggg) Upholstery shops.

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

(iiijiii) Wholesale sales use group.

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

(2) Permitted uses.

(nn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

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

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

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

(ppoo) Taxi dispatch yards and offices.

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

(rrqq) Temporary lodging use group.

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

(ttse) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(uutt) Wholesale sales.
Sec. 36-425. - COM - Commercial street district.

(2) Permitted uses.

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

14. Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-425(2)(b) if applicable.

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

(2) Permitted uses.

(y) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(zy) Swimming pool sales and display.

(aaz) Taxidermists.

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

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

(ddcc) Upholstery shops.

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

(ffee) Warehouses, storage and distribution centers.

(ggff) Wholesale sales.

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

(2) Permitted uses.

(w) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(xw) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

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

(yx) Swimming pool sales and display.

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

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

(bb) Upholstery shops.

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

(dd) Warehouses, storage and distribution centers.

(ee) Wholesale sales and distribution.

(ff) Wholesale sales use group.

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

(2) Permitted uses.

(cc) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

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

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

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

(ee) Swimming pool sales and display.

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

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

(hh) Upholstery shops.

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

Warehouses, storage and distribution centers.

Wholesale sales use group.

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

(2) Permitted uses.

Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

Stockyards or feed lots.

Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

Swimming pool sales and display.

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

Towers other than wireless facilities, less than 100 feet in height, and related facilities.

Upholstery shops.

Vehicle rental, towing and storage services.

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

Warehouses, storage and distribution centers.

Wholesale sales.

Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
Sec. 36-434. - IC - Industrial commercial district.

(2) Permitted uses.

(mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(nnnn) Swimming pool sales and display.

(oooo) Taxi dispatch yards and offices.

(pppp) Taxidermists.

(qqqq) Temporary lodging use group.

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

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

(tttt) Upholstery shops.

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

(vvvv) Warehouses, storage and distribution centers.

(wwww) Wholesale sales use group.

Sec. 36-451. - Home occupations.

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

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

Sec. 36-472. - Short-Term Rentals.

(1) Short-Term Rental Type 1

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

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

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

1. A Short-Term Rental Type 1 shall only be located in the primary structure or a historic carriage house per Section 36-464.
2. No exterior alterations that would change the single-family character of the Short-Term Rental Type 1, other than those necessary to ensure the safety of the structure, shall be made.

3. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 1.

4. A Short-Term Rental Type 1 shall not be rented solely for receptions, parties, weddings or any similar activities.

5. The owner of a Short-Term Rental Type 1 shall provide notification as required by Section 36-472(4).

6. It shall be a violation of this section for an owner to advertise or promote a Short-Term Rental Type 1 which is not in compliance with the provisions of this section.

(c) An affidavit certifying that the primary residence or historic carriage house will not be rented for more than 95 days in a calendar year.

(d) Annual business license shall be obtained.

(2) Short-Term Rental Type 2

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

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

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

(c) Annual business license shall be obtained.

(d) The following provisions shall apply to a Short-Term Rental Type 2:

1. A Short-Term Rental Type 2 shall not be located within five-hundred (500) feet along or across any street, not including alleys, from another Short-Term Rental or Bed and Breakfast as measured between the property lines.

   (Insert 500-foot separation diagram)

2. A Short-Term Rental Type 2 shall only be located in the primary structure or a historic carriage house per Section 36-464.

3. No exterior alterations that would change the single-family character of the Short-Term Rental Type 2, other than those necessary to ensure the safety of the structure, shall be made.

4. No residential structure shall be removed for parking or to expand the Short-Term Rental Type 2.

5. A Short-Term Rental Type 2 shall not be rented solely for receptions, parties, weddings or any similar activities.

6. The owner of a Short-Term Rental Type 2 shall provide notification as required by Section 36-472(4).

7. It shall be a violation of this section for an owner or operator to advertise or promote a Short-Term Rental Type 2 which is not in compliance with the provisions of this section.
(e) A Short-Term Rental Type 2 permit shall be required for Short-Term Rental Type 2 uses.

1. **Application fee.** A fee of $350.00 or as set forth in the schedule of fees, shall accompany any Short-Term Rental Type 2 application and is in addition to the license and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.

2. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the Short-Term Rental property, as shown on the records of the county 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 500 feet shall have the right within 21 days from the date of the meeting to protest the granting of a permit for the Short-Term 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 meeting 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 Rental Type 2. One sign shall be posted on each street frontage of the subject property. 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 meeting, 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 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 planning and development department using the following format as set forth below:
   a. Meeting date, time and location.
   b. Number of neighbors in attendance with an attached sign-in sheet.
   c. List of issues raised, any verbal comments and how applicant plans to respond.
   d. Additional information, such as comment cards and letters from neighbors shall be attached to the summary.

7. If the applicant does not submit the information listed above within ten days of the neighborhood meeting, the application shall be considered incomplete and the applicant will be required to conduct a new meeting and the protest timeline will restart.

8. **Protest requirements.** If within the 21 days following the neighborhood meeting, a protest to the granting of the permit for the proposed Short-Term Rental Type 2 is signed by owner(s) representing 30 percent or more of the owners of all properties located within 500 feet of the proposed Short-Term Rental property as determined by line drawn parallel to and 500 feet distance from the boundaries of the STR, then the application shall be forwarded to City Council for its resolution in favor or against said application. If, however, no sufficient protest shall be filed within 21 days following the neighborhood meeting, then the permit may be issued, all other requirements of the law of the City of Springfield having been met and complied with.

9. The City shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements. Forms of protest shall be acknowledged by some person other than a protesting owner located within the 500-foot area, acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners of the land of record on the date that the application shall have been filed shall be entitled to protest.

(3) **Short-Term Rental Type 3**
   (a) This section 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.

(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 premise.
   2. A Short-Term Rental Type 3 shall provide notification as required by Section 36-472(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 a Short-Term Rental 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 Rental Notification Requirements.
   (a) The owner of a Short-Term 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;
      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 Rental unit may not be rented solely for receptions, parties, weddings or other similar events.

(5) Short-Term 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 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 Rental license for a period of 12 months. During that time, another Short-Term Rental may be established following the requirements and cause the revoked or denied Short-Term 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 Rental license is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial.
Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.

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

6. **Transferability.**
   (a) The owner of a licensed 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 spacing requirements, applications for Short-Term Rentals shall commence two weeks after the passage of this ordinance.

   (b) Applications shall be made available at the Licensing office. All applications received within the first 30 days of the implementation of this ordinance shall be reviewed to determine if there are any conflicts based upon spacing requirements. All applicants whose properties are not conflicting will be notified to proceed with the licensing process. Applicants whose properties are in conflict with the spacing requirements will be notified. Those properties will be assigned a number for a lottery drawing of which addresses with assigned numbers will be randomly drawn by random number generation. As each property number is drawn, it will establish an exclusion area which prohibits any subsequent property within such area from being granted a license for a Short-Term Rental.
Properties within 500' - 113
30% of property owners - 34

Properties would not be allowed to operate a Short-Term Rental if they were within 500' of another Short-Term Rental. Property owners wishing to operate a Short-Term Rental would be required to notify all property owners within 500'. These property owners would have the ability to sign a protest petition if they wish. Within the 500' protest area, for a valid petition, 30% of property owners would need to sign.
My only concern with the Committee recommendations is the recommendation to change the 200 ft/50% requirement for needing to engage City Council to 500 ft/30%. It more than doubles the effort required by concerned neighbors to catalyze City Council engagement, and brings in property owners who are as much as almost 2 football fields away from the proposed STSR which may be well beyond the distance likely to have proximity impact. I would agree that a reduction in the percentage makes sense due to the general difficulty in reaching property owners and the fact that it does not in-and-of-itself carry an impediment to approval of a proposed STSR. On this basis, I might suggest a more reasonable standard might be 250 ft and 40%. The distance rationale is that 250 ft is half the exclusion distance to another STSR which implies the radius of impact is effectively 250 ft for most closely proximal STSRs. The reduced percentage makes for a more realistic goal for a concerned group of neighbors to address. I would also encourage the Committee and P&Z to consider adding that a City Council hearing should be required if the city-authorized neighborhood association for the geographic area where the proposed STSR is located would request such a hearing. This affords the ability for neighborhood association to be reasonably engaged in the process for the betterment of the neighborhood as a whole.

Again, thanks for your work and that of your colleagues on this matter.

Pete Radecki
October 7, 2018

This memo is in response to the Developmental Staff Report concerning new language for ATTACHMENT 2 SHORT-TERM RENTAL AMENDMENTS recently circulated for review and opinion.

Overview:

Phelps Neighborhood has a unique and special character that would be harmed by approval of STRs in this area. The Phelps Neighborhood Association (PNA) stands firmly opposed to any use of Short-Term Rentals (STRs) within its boundaries. Issues can be minor to major from increased vehicle traffic to shooting pornographic videos. At their most insidious, short-term rentals have been linked to drugs, bed bugs, prostitution, pornography and other crimes. Unchecked, this situation can lead to a revolving door of unknown people who may have little or no respect for the property and neighbors. It is completely out of the character of the Phelps Neighborhood, and it exacerbates an already growing issue of overcrowding and the problems that it has caused in this area.

PNA believes:

1. The entire Phelps neighborhood already has special exemption against some STRs through its U.C.D.
2. All three types of STRs should be banned in Phelps Neighborhood with no grandfathering of existing units.
3. The proposed code is far too complex. Use a law in San Francisco as an example. It’s easy as 1, 2, 3.
   a. You must be a permanent resident of unit you wish to rent
   b. You must be registered with city or face fines (see below)
   c. You may only rent total 90 nights per year.
4. Springfield should discourage STRs by limiting any stand-alone residence or apartment unit to not be rentable for less than 30 consecutive days. Type 1 rentals where owner occupies as their primary residence would be exempt from this. This prevents someone from investing in property solely for STR. Language should be added to identify what owner occupy means in terms of days per month or year.
5. The city currently doesn’t have enough inspectors with BDS. The burden of the proposed code would exacerbate the problem and squeeze an already tight budget.
6. The 500 foot measurement referred to in proposed language should be a radius from the center point of the property with the STR. This should be for both the notification of neighbors within that radius and the measurement for separation of nearest other STR. (see photo illustration below)
7. If STRs are allowed, Springfield must collect its 5% Hotel/Motel tax. This is done automatically through vetted services like AirB&B and VRBO. The potential income would help with already squeezed city budgets and help with hiring of inspectors for enforcement of code violations. Application of a city license for all three types of STRs should be at a higher fee and require proof of insurance that covers STRs. Application should be minimum of renewed every 24 months.

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1 [https://shorttermrentals.sfgov.org/about#7396](https://shorttermrentals.sfgov.org/about#7396)
9. STRs should require pre-inspection for occupancy and code violations prior to approval by city.

10. There is no proposed penalty for violation of proposed City code for STRs. Other cities have learned this the hard way.
   a. Without penalty, few will accept or follow the new codes. San Francisco reported less than 25% compliance of advertised units after implementing their 2014 regulations on STRs. New laws in San Francisco were applied in January 2018. Hosts that failed to register for $250 face $1,000 per day fine. AirB&B listings dropped immediately by 50%
   b. New York City has fines of up to $7,500 in place.
   c. Miami Beach, FL found a $2,500 fine was not a deterrent for illegal STRs. They have since raised it in 2016 to $20,000 for the first violation, rising to as much as $100,000 for the fifth.

11. Cities with SRTs exacerbates housing issues. This removes properties from people that live and work in Springfield, especially with Type 2 and 3 STRs.  

12. Rental rates rise in cities and neighborhoods with STRs.

Proposed additional restrictions for short term rentals in Springfield, MO

PNA believes the entire Phelps Neighborhood already has special exemption against most STRs. However we want to have special call out to exempt PN from STRs.

1. According to the Phelps Neighborhood Plan adopted February 18, 1997 (excerpts from plan below)
   a. Problems are serious enough to warrant special action by the city
   b. One method...s through designation of Urban Conservation Districts (U.C.D.)
   c. Definition: “An urban conservation district is a zoning designation that can be used to replace all of some of the zoning restrictions.
   d. It can be used to enact new regulations for an area

2. Phelps Neighborhood has a U.C.D. that states (excerpts below)
   a. Cannot have accessory apartments, mother-in-law quarters, including carriage houses, unless 1939 or prior.

3. Additional language should be added to 36-472 or Sec 36-464 (proposed) that states:
   a. One issue that has happened with STRs, adult film projects using STRs for their “sets.”
   b. STRs cannot use for any other purpose other than overnight stay or sleeping quarters. No other contracted business or entertainment purpose may be served by this facility including commercial filming or video, commercial photography, parties, events, or other business activities, e.g., anything that is already against code in 36-451 (Home Occupations).

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4. [link]
5. [link]
6. [link]
7. [link]
Language in (proposed) 36-472

36-472 (2) (e) 9 – language about who can protest and that it must be owner of property.

PNA recommends:

1. Nearest STR would be outside of a 500 foot radius. (Minimum of 500 foot between STR is most districts, but especially in SF-R
   a. This is easy to plot with free on-line tools, e.g., Google Earth
   b. This is far easier to understand than current proposed language as measured along streets
   c. Suggest radius is from center point of property housing STR.
2. What constitutes an owner? PNA believes it should be owner-occupied. If a large swatch of rental homes owned by landlords, LLCs, and corporations are asked they will lean toward allowing STRs, and can easily outvote local owner occupants of the neighborhood.
3. Needs to be a stated method of how to get action in case of STR that becomes problem. Currently nothing stated in proposed language offers a way to pursue a problem property. Incentive for STR owner would be every thirty-six months a new neighborhood review should take place. Possibly alternative is a “three strikes, you’re out” approach.
4. STRs registered with city must use certified short-term rental company, e.g., AirB&B, VRBO, Homeaway, Hostfully, etc. These provide some insurance and records of tenants that can be obtained for investigations.

Tax Revenue is missing from this plan:

The City is missing hotel / motel taxes opportunity. 5% on sleeping rooms and overnight accommodations should be added. The city complains about budgets and this allows more money to be raised. AirB&B automatically provides methods for collection of this tax. Amend current hotel/motel tax guidelines to include STRs.

PNA believes a 500 foot radius is easier and better way for distance between STRs and Neighbors that can comment on property

Illustration of proposed 500 foot radius. Much simpler to define and free on-line tools like Google Earth make it simple to define what falls within this area around any STR
October 11, 2018

Dear Planning and Zoning Committee,

We are submitting this letter as homeowners who live across the street from a Type 2 short-term vacation rental (STVR). As such, we are very familiar with the challenges of having a STVR located in a residential neighborhood. The STVR is located at 2106 South Mayfair Ave.

We, and the neighbors who live in close proximity to the STVR, have submitted two letters to City Council expressing our concerns regarding noise, parking, traffic, and parties. We appreciate the fact that Planning and Zoning and the city is working to address this concern.

Out of fairness and a strong desire for accuracy on this issue, we want to note that the current owners of this STVR are doing a far better job of mitigating the concerns (noise, parking, traffic, and parties) when compared to the original owner. We don’t know if this is due to a differing business plan or simply the amount of scrutiny via the work of Planning and Zoning and the city. We believe it is the latter and we remain very concerned about this issue.

We want to address a few items noted in the newly proposed ordinances:

1. STVR are not “self-regulating” – homeowners do not have a voice in the established process. Business owners can “rate” the renters and the renters can “rate” the business owners. But, if the renters disturb the neighbors… That is the issue we, as homeowners, face over and over again.

2. Regarding the neighborhood meetings and protesting the location of a STVR, it is the homes in the immediate area, close proximity to the STVR, who endure the problems….not 5 or 6 or 7 houses down the street and certainly not a block or two away.

3. …not rented “solely” for receptions, weddings – Please define “solely”- If renters rent the property for 3 days and on day 2 they host a party, does that qualify? Again, we firmly believe a lodging and event venue business location should NOT be located in a residential neighborhood. The neighbors should not be subject to the parking, notice, and traffic concerns.

These concerns (items 1-3) are based on the current proposed ordinances. It is our bottom-line view that a Type 2 STVR is not suitable for a residential neighborhood. For this reason, we urge you to enforce the current ordinances and not allow any type of STVR to be located in an area zoned for single family homes.

The Investors make money from the commercial use of the property.
The tourist save money by using the STVR lodging and event venue business
But it is the homeowners who bear the cost and burden of the noise and traffic.

Sincerely,
William and Jacqueline Hawks