

~~14-420 LODGING ESTABLISHMENT-BED AND BREAKFAST~~¹

14-420-01 Applicability

The standards of this article apply to ~~short term rentals and~~ bed and breakfasts.

14-420-02 Business and occupation licenses

14-420-02-A. All ~~short term rentals and~~ bed and breakfasts shall secure an occupation license in accordance with Article 1, Chapter 5 of the City Code of Independence, Missouri. The occupation license number shall be listed on all advertisements and online platforms.

14-420-02-B. All ~~short term rentals and~~ bed and breakfasts shall comply with Article 3, Chapter 5 of the City Code of Independence, Missouri.

14-420-03 Parking

Off street parking shall be provided in accordance with Section 14-501-05. A credit of one space for every 18 feet of lot frontage may be applied to the off-street parking requirement.

14-420-04 Refuse collection

All ~~short term rentals and~~ bed and breakfasts shall secure refuse collection services from a collector who is licensed to be operating within the City of Independence.

14-420-05 Safety

14-420-05-A. All ~~short term rentals and~~ bed and breakfasts shall provide the following:

1. A map identifying escape routes shall be provided to each guest and posted in each guest room;
2. Carbon Monoxide detection as required by code;
3. Child-proofed electrical outlets;
4. Emergency contact information for the owner or manager shall be provided to each guest and posted in each guest room;
5. Fire extinguishers as required by code;
6. Smoke detectors as required by code.

~~14-420-06 Limit on short term rentals operated by single owner~~

~~A single property owner shall be limited to operate no more than five separate short term rentals.~~

~~14-420-07 Density limitations~~

~~Short term rentals shall be limited to no more than one per eight residential structures on a block face in residential districts. On block faces with fewer than eight residential structures, one short term rental shall be permitted. A block face is defined as one side of a street, from one intersecting or intercepting street to the next, excluding alleys. Residential structures are determined by the mailing address assigned to each.~~

~~14-420-08 Rental inspections required~~

~~14-420-08-A. Beginning July 1, 2020, all short term rentals must obtain a rental ready inspection prior to renewal of their annual business license.~~

~~14-420-08-B. A valid rental unit inspection shall be submitted to the City in the form and manner prescribed by the City as part of the annual business license renewal process.~~

~~14-420-08-C. Any rental dwelling that has been inspected for any reason may submit that inspection report provided the inspection is not older than 12 months.~~

~~14-420-09 06 Review and approval of short term rentals bed and breakfast~~

~~14-420-09-A. The regulations of Section 14-420-06 apply to short term rentals located inside a residential zoning district. All bed and breakfast shall require the appropriate approval in accordance with Section 14-300, Section 14-301 and Section 14-704.~~

~~14-420-09-B. Applications for short term rentals must be made to the Department of Community Development upon forms provided by the department. Applications shall include a name, phone number and electronic mail address for the property owner and property manager, if applicable. Applications shall also include the number of bedrooms to be used, as well as a total occupancy of the short term rental. The applicant must furnish the names and addresses of all property owners and tenants within an area determined by lines drawn parallel to and 185 feet from the boundaries of the parcel proposed for a short term rental. The Community Development Department must notify these property owners by mail of the required public hearing for the short term rental application, as well as the name, phone number and electronic mail address for the property owner and property manager, if applicable. Notifications shall also include the number of bedrooms to be used, as well as a total occupancy of the short term rental 15 days prior to the public hearing.~~

~~14-420-09-C. After the submission of a short term rental application, the application must be reviewed by City officials to determine that all requirements of this section and other codes have been, or can be met.~~

~~14-420-09-D. The applicant must post a sign on the property informing the general public that a public hearing will be held at a specific time and place. The sign must be furnished to the applicant by the City. However, posting on large acreage may require larger signs than those provided. In such case, signs must be provided by the applicant as specified by the Community Development Director. The applicant must make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign must be placed within five feet of the street right-of-way line in a central position on the property that is the subject of the hearing. The sign must be readily visible to the public. If the property contains more than one street frontage, one sign must be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application. Failure to maintain such posted notice shall not invalidate any action taken.~~

~~14-420-09-E. The Planning Commission must conduct a public hearing and review the short term rental application. The Planning Commission may establish specific requirements as to operation and conduct of a short term rental so as to assure that it will not have a disruptive effect on the neighborhood. Those short term rental applications that would, in the judgment of the Planning Commission, create excessive noise, pedestrian or vehicular traffic, or any other condition that would interfere with the safety and general welfare of the surrounding neighborhood, may not be approved. The short term rental application must be approved, approved with conditions, or denied by the Planning Commission. Should the Planning Commission either deny, or approve a short term rental application with conditions unsuitable to the applicant, the applicant may appeal the application to the City Council, within five business days, requesting that it consider and take final action on the application.~~

~~14-420-09-F. If a legal protest petition against a short term rental application is submitted and validated before the action of the Planning Commission, any action of the Planning Commission will constitute only a recommendation, with the final decision made by the City Council. In such case when a legal protest has been filed, the Planning Commission may recommend approval, approval with conditions, denial, or it may continue an application for further consideration. A protest against a short term rental application presented to the Planning Commission, duly signed and acknowledged by the owners of 25 percent or more of the land within an area determined by lines drawn parallel and 185 feet from the boundaries of the parcel proposed for the short term rental, will constitute a legal protest. A legal protest must be presented to the Planning Commission no later than 24 hours before the beginning of the meeting at which the proposed short term rental application will be considered.~~

~~14-420-09-G. The City Council must consider and take final action on a short term rental application on an appeal from an action of the Planning Commission or when a valid legal protest petition was submitted. The City Council must act on a resolution after reviewing the record of the proceedings from the Planning Commission, and may approve, approve with conditions, deny, or remand such application to the Planning Commission for further consideration. No additional public testimony before the City Council will be accepted. A short term rental application, which is the subject of a legal protest petition, will become effective only by the favorable vote of five of all the members of the City Council.~~

~~14-420-09-H. After investigation and report of the Community Development Department of any short term rental that results in an undesirable condition interfering with the general welfare of the surrounding residential area, said short term rental may be terminated and the business license therefore revoked by the City Council after a hearing before and recommendation of the Planning Commission. A copy of the transcript of the hearing must be submitted to the City Council for its deliberation before it votes on termination. The act of termination is not exclusive, and the City retains the right to pursue municipal court action and other court proceedings to enforce this section.~~