

14-424 SHORT TERM RENTAL

14-424-01 Purpose

This section provides standards for the establishment of short-term rentals. The regulations are intended to balance the economic opportunity created by short-term rentals with the need to maintain the city's housing supply and protect the rights and safety of owners, guests and neighbors. The purpose of short-term rentals regulations is to provide transient accommodations and to ensure protection of the health and safety of residents and guests while providing procedures and established standards for short-term rental uses.

14-424-02 Short-Term Rental, Where allowed

Only properties, as authorized under Section 14-300 and Section 14-301 and this chapter, shall be eligible for a short-term rental. Short-term rentals are not permitted in detached accessory dwelling units unless specified elsewhere in this chapter. In residential districts, short-term rentals shall only be allowed in single family dwelling and duplex dwelling units. In other zoning districts, short term rentals shall be allowed in single family dwellings, duplex dwelling units and residential units in commercial building where the dwelling unit complies with the City's adopted building codes. Short-term rentals are not permitted in multi-family housing units.

14-424-03 Business license required

All short-term rentals 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.

14-424-04 Transient guest tax required

- A. All short-term rentals shall comply with the requirements of Article 3, Chapter 5 of the City Code of Independence, Missouri.**
- B. The short-term rental applicant shall present evidence to the City that the City has a voluntary collection agreement in place with any web platform upon which the property will be listed for rental. In the event the City does not have such voluntary collection agreement in place, the property owner will be required to enter into a separate agreement with the City providing for the collection and remission of the taxes to the City by the property owner in accordance with Article 3, Chapter 5 of the City Code of Independence, Missouri, before listing the property for rental on any web platform for which the City does not have a voluntary collection agreement in place.**

14-424-05 Limit on short term rentals operated by single owner

A single short-term rental operator shall be limited to operate no more than five separate short-term rentals.

14-424-06 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. No short-term rental shall be proposed within 500 feet from the property line of another existing or proposed short-term rental; this separation shall not apply to short-term rentals located in the ARTS District. There shall be no density limitations or separation requirement in commercial districts.

14-424-07 Maximum number of guests

No more than two (2) guests, excluding children five years old and under, per bedroom are permitted per guest stay. The total maximum occupancy of 10 occupants, which includes adults and children.

14-424-08 Maximum number of bedrooms

The short-term rental shall contain four or fewer guestrooms for occupancy.

14-424-09 Responsible agent required

- A. Each owner of a short-term rental property shall designate a person or company to serve as a Responsible Agent. An owner of a short-term rental may designate himself/herself as the Responsible Agent. The Responsible Agent shall be located within an hour's drive of Independence.
- B. The Responsible Agent shall have access and authority to assume management of the unit and take remedial measures. The Responsible Agent shall be available 24 hours a day 7 days a week to respond to complaints, issues of concerns, and violations of this Ordinance. The Responsible Agent must be able to affirmatively respond to complaints within an hour of notification of the complaint.
- C. Any changes to the name, address or telephone number(s) of the local Responsible Agent must be submitted to the City within five (5) business days of the change(s).

14-424-10 Events

- A. Short-term rentals are prohibited from hosting weddings, banquets, parties, charitable fundraising, or other similar gatherings. Small, informal noncommercial gatherings of family and friends of short-term rental guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood including but not limited to creating parking issues or noise issues.

14-424-11 Multiple booking party rental prohibited

A short-term rental shall not be rented to more than one (1) booking party at a time.

14-424-12 Owner living unit while rented prohibited

A short-term rental operator shall not live in the short-term rental unit when the unit is rented.

14-424-13 Food/Meals Prohibited

The short-term rental operator is prohibited from providing food, light snacks or other food and/or meals to guest(s).

14-424-14 Insurance Requirement

Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$1,000,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.

14-424-15 No transferability

The short-term rental permits are not transferable to another operator, owner or location. If a property with an approved Short-Term Rental is sold or transferred to any other person, a new Short-Term Rental Permit shall be required.

14-424-16 Interior Posting of Good Neighbor Guidelines and tenant information.

The operator shall post in a prominent location of the dwelling the City's Good Neighbor Guidelines. In addition, the maximum permitted occupancy of the short-term rental, evacuation plan, parking plan, trash disposal plan, the noise management plan, responsible agent name and contact information, the street address of the short-term rental and short-term rental license number shall be posted in a prominent location of the dwelling.

14-424-17 Noise Management Plan

All short-term rentals shall maintain a noise management plan. The noise management plan must include the continuous operation of noise monitoring device(s) while the registered property is rented. The on-site posting of the quiet hours and the penalties for violating the City of Independence noise ordinance shall be posted in a prominent location inside the short-term rental.

14-424-18 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. All parking required for the short-term rental shall be on an approved driveway and adjoining asphalt/concrete pads, or other designated, approved parking areas. Parking on other than asphalt, concrete, paver stones, brick, or other hard durable surface, as determined by the Community Development Director, is expressly prohibited.

14-424-19 Refuse collection

All short-term rentals shall secure refuse collection services from a collector who is licensed to be operating within the City of Independence. All short-term rental property shall provide a trash disposal and collection plan to ensure that trash containers are not left outdoors in violation of City Code.

14-424-20 Safety

14-424-20-A. All short term rentals 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.

14-424-21 Rental inspections required

14-424-21-A. Beginning July 1, 2020, all short-term rentals must obtain a rental ready inspection prior to renewal of their annual business license.

14-424-21-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.

14-424-21-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.

14-424-22 Application Requirements for short-term rentals

14-424-22-A. 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.

1. The following additional documentation shall be submitted to the department, along with the application, prior to processing:
 - (a). Applications shall also include the number of bedrooms to be used, as well as a total occupancy of the short-term rental.
 - (b) A list of platforms that will be used to solicit booking transactions for the dwelling unit.
 - (c) A floor plan depicting all:
 - i. entrance and exit doors,
 - ii. windows,
 - iii. guest bedrooms,
 - iv. bathrooms,
 - v. kitchens,
 - vi. the location of smoke detectors, and
 - vi. the location of fire extinguishers and carbon monoxide detectors.
 - (d) An evacuation plan indicating the fire exits and escape routes.
 - (e) A site plan indicating the location of any required parking.
 - (f) An attestation signed by the owner providing that:
 - i. The dwelling unit has no outstanding property taxes or City liens associated with the lot-of-record, nor does the owner owe any other outstanding taxes to the City, including taxes and fees owed in connection with the short-term rental;
 - ii. The dwelling unit complies, and will comply during any short-term rental of the dwelling unit, with all standards contained in the City's International Property Maintenance Code and all health safety requirements contained in the Building Code;
 - iii. The dwelling unit has working smoke detectors inside and a properly maintained and charged fire extinguisher;

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- iv. The dwelling unit is not subject to any contractual restrictions precluding the dwelling unit from being used for short-term rentals, including but not limited to: homeowner association agreements, condominium bylaws, restrictive covenants, or building restrictions;
 - v. The owner has read, understands, and agrees to comply with all legal duties imposed by this article and the Unified Development Ordinance;
 - vi. The owner will not discriminate in guest use or rental of a short-term rental, and will comply with all applicable anti-discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA); and,
 - vii. The owner will make the Good Neighbor Guidelines available to all renters in the rental agreement and will post it in a prominent location within the short-term rental.
- (g) Trash disposal and collection plan
 - (h) Noise management plan

14-424-23 Review process for short-term rentals

14-424-23-A. Applications for short term rentals in non-residential buildings in commercial districts. Upon receipt of a completed application, the Community Development Director shall coordinate the review and analysis of this short-term rental to the Development Review Committee for review and comment. The Director or designee may approve the short-term rental provided the applicant presents clear and convincing evidence that the short-term rental conforms to all application requirements of this chapter and the City Code and that all submission requirements have been met.

1. **Appeals. Appeals of the Community Development Director's decision on a short-term rental application may be taken to the Planning Commission by filing a notice of appeal with the Community Development Director. Appeals must be filed within 15 calendar days of the Community Development Director's action. The Planning Commission shall have the right to affirm or overrule the decision of the Community Development Director. Further, an applicant may appeal a decision of the Planning Commission to the City Council if such notice of appeal is made to the Community Development Director within 15 calendar days of the Planning Commission's decision. The City Council shall have the right, by resolution, to affirm or overrule the decision of the Planning Commission.**

14-424-23-B. Applications for short-term rentals in residential districts and residential buildings in non-residential districts. Upon receipt of a completed application, the Community Development Director shall coordinate the review and analysis of this short-term rental to the Development Review Committee for review and comment. After a completed application is submitted, the Community Development Department must notify the property owners within 185 feet 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.

1. **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.**
2. **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.

3. 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.
4. 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.
5. 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.

14-424-24 Violation, penalties and enforcement

14-424-24-A. It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this section.

14-424-24-B. Any person violating any of the provisions or failing to comply with any of the requirements of this Section is subject to the violation, penalty and enforcement provisions of Section 14-801.

14-424-25 Short-term rental revocation

14-424-25-A. In addition to any fine or penalty that may be imposed pursuant to any provision of this chapter, a short-term rental may be suspended or revoked as provided in this section.

14-424-25-B. A short-term rental granted pursuant to this Chapter may be revoked by the City following a hearing for any violation of the City Code or violation of this chapter. The Community Development Director shall commence the revocation proceedings if any of the following occur:

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1. The short-term rental operator has been cited for two (2) or more offense in a three (3) month period.
 2. A short-term rental operator submits an application or other document as part of the short-term rental review process that contains or represents fraud, misrepresentation or false information.
 3. The short-term rental operator has violated or is currently violating this chapter that significantly endangers the public health, safety and/or welfare.
 4. The short-term rental operator fails to pay transient guest tax, sales tax and/or property taxes.

14-424-25-C. Notice of a public hearing pursuant to this section shall be given to a short-term rental operator in writing at the address shown on the short-term rental application, and to the other parties identified in the short-term rental application. Such notice shall be mailed via regular mail at least fourteen (14) calendar days prior to the date set for the public hearing before the Planning Commission. The public hearing on the revocation shall follow the process outlined in Section 14-424-22.

14-424-25-D. At the revocation hearing, the Planning Commission shall consider the following:

1. The nature and seriousness of the violation
2. Impact of the violation on the neighborhood and/or community
3. Corrective action, if any, taken by the short-term rental operator or the designated Responsible Agent
4. Prior violations
5. The likelihood of recurrence of the violation or violations
6. Entirety of the circumstances surrounding the violation
7. Length of time the licensee has held a license

14-424-25-E. After the Planning Commission completes its public hearing, it shall vote to recommend to the City Council if the short-term rental license should be revoked. The City Council shall then hold a hearing on the revocation of the short-term rental. A copy of the record of the Planning Commission hearing must be submitted to the City Council for its deliberation before it votes on revocation. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner provided above for service of notices of revocation.