



LEE'S SUMMIT MISSOURI

DEVELOPMENT SERVICES

December 13, 2017

TO: Community and Economic Development Committee
FROM: Josh Johnson, AICP – Assistant Director of Plan Services, Development Services
RE: **Draft Short Term Rental (STR) Ordinance**

Background

The City processed has process enforcement cases for Short Term Rentals (STRs) listed under STR websites such as Air BnB. These cases brought to light the issue of STRs. Lee's Summit has some regulations related to traditional Bed and Breakfasts. Like most communities, our ordinance did not contemplate day to day rentals of individual rooms in homes throughout the City.

At the August 9, 2017 Community and Economic Development Committee (CEDC) meeting, staff presented some initial research and commentary on findings regarding short term rental uses and how other communities are dealing with these uses. The CEDC requested staff gather feedback from the community on short term rentals and continue to research potential regulations regarding these uses.

A public meeting was held on September 12, 2017 at 6:30 PM in the City Council Chambers of City Hall to obtain feedback and public comments and concerns short term rentals. The following is a summary of public comments:

- STR's jeopardizes the definition of a single-family home
- Concerns with who the renters are? In lieu of neighborhood children
- The general annoyance to neighbors
- Need restrict parking of boats, trailers, signs on the property
- Concern with the impact on traffic and parking
- Concerns with STR's used for parties
- Monarch View HOA is making changes to their CCR's, however it's a timely process, won't be until 2019 until approved.
- Vogue Condo representative states they don't allow STR's at the Vogue and are very much opposed to it in the downtown—parking is an issue already.

- HOA's needs City's assistance to escalate disciplinary action for STR's
- Concerns of the homeowner not living in the home
- Problems stated by the President of Monarch View: enforcement, follow up to make sure they do what they say they are going to do, where are the rentals, doesn't like homeowner not living in the home, safety, parking , disturbances, who are these renters?
- Folks with young children are scared
- Fairfield Woods Board member stated they have changed their restrictions to not allow renters
- Timber creek President say's they have it spelled out in their CCR's , they don't want AirBnB's
- Bed and Breakfast Inn owner spoke—there is a good SUP process in place, it's a safe process, inspections, fire codes, works closely with Health Dept, they pay taxes, we need to be proactive with these issues and come to a balance.
- DT resident concerned because they are in an old part of town with no HOA's—doesn't want all the big beautiful homes to turn in to Bed and Breakfasts
- Clarification needed for HOAs and State Law
- The right location for these STR's needs to be identified
- Discussion regarding legalities of Associations, vs city's regulations, and vs. State regulations
- Citizen states "these rentals just scares him to death"
- Citizen wanted to state that besides monarch view, there are many other subdivisions who feel the same way they do.

At the September 13, 2017 CEDC meeting Staff provided a summary overview of the special public meeting held on Tuesday September 12, 2017 and continued the pursuit of creating regulations regarding short term rentals within the community.

Staff distributed a draft ordinance, shown later in this document, on September 25, 2017 to members of the public who attended the September 12, 2017 public outreach meeting. A summary of reactions to the draft ordinance is as follows:

- There should be more of a defined time limit for the length of stay, 2-14 days
- The area near the downtown locational requirement should be enlarged
- STRs should allow for a family to rent a home
- STRs should not be concentrated in the downtown area
- Owner occupancy is too restrictive, consider requiring the owner to live within 50 of the rental
- The limitation to four guests is too restrictive and should be changed to 5-6.

- STRs should have to be rented for an entire 7 day period with a limitation on 6 weekly rentals per year
- Off-street parking must be provided
- Require background checks
- Consider STRs a business
- Owner is subject to arrest for excessive noise
- There could be a conflict with requiring a business license as most HOAs prohibit businesses

At the October 11, 2017 CEDC meeting staff presented a draft ordinance. The Committee had the following concerns:

- Locational requirements are too restrictive
- Length of stay should be seven days or less
- Safety of the rooms

Staff made changes to the draft ordinance to address the concerns of the CEDC and those are reflected below.

Draft Ordinance

Article 2-Short Term Rentals-A portion of a dwelling unit rented for a period not to exceed seven days. ~~on a short-term basis, typically less than 7 days.~~

Article 9-Uses Permitted With Conditions

Short Term Rentals

- a. Location:
 1. Parcels greater than one acre in size or;
 2. Parcels within the Old Town Master Development Plan area as shown in the Comprehensive Plan and parcels within ¼ mile of Commercial or PMIX zoned property.
 3. Short Term Rentals are only allowed in Single- Family Dwelling Units or Two-Family Dwelling Units (Duplex).
- b. The owner or a local representative must occupy a dwelling unit on the same parcel or an adjacent parcel;
- c. A maximum of two rooms shall be rented;
- d. A maximum of four guests are permitted;
- e. The owner must obtain a Business License with the City;
- f. The owner shall pay License Taxes in accordance with Chapter 28; Division 7;
- g. The owner or local representative must provide their contact info to the City;
- h. Chapter 17, Article IX , Section 17-254, Regulations Regarding Control of Noise and Sound, must be posted in each room for rent;
- i. Units must be provided with:

1. A functioning fire extinguisher;
2. A smoke detector in each bedroom;
3. Child-proofed electrical outlets;
4. A map identifying escape routes;
5. Emergency Contact Information for the Owner.

Use Table Updated to make Short Term Rentals Conditional for
R-1, RP-2, RP-3, RP-4, P-Mix, AG, PRO, CBD

Section 10.170 Bed and Breakfast Inn

A bed and breakfast inn property shall be subject to the following conditions and restrictions:

- A. Appearance. If located in an existing residence, the exterior residential appearance of the dwelling unit shall not be changed. If an addition is to be made to an existing residence or new structure is to be constructed, building elevations shall be submitted for approval, and a residential appearance shall be maintained.
- B. Ownership. The owner of the residence is not required to reside on the premises. If the owner does not live on the premises, a resident manager or resident employee shall be required, while guests are present.
- C. Rooms. The maximum number of guest rooms shall be twelve (12).
- D. Parking location. Parking areas shall be located on the side or rear of the property and shall be screened from adjacent residential properties by a solid screen fence or wall.
- E. Food Service. Restaurant facilities or food service shall be optional; and any such facilities or service shall require the approval of the Jackson County Health Department. No cooking or food preparation will be allowed in guestrooms.
- F. Codes. The residence shall comply with all requirements of the Building Code and the Fire Department that bring about compliance with significant safety requirements of the Uniform Building Code, Uniform Fire Code, and Life Safety Code.
- G. Inspections. The Fire Department and other city departments shall be permitted to perform inspections as in any other business.
- H. Landscaping and screening. A bed and breakfast inn shall be subject to the landscaping requirements of Article 13.
- I. Length of stay. No person shall be an occupant of a bed and breakfast inn for more than fourteen (14) consecutive days.
- J. Other criteria. In determining whether a bed and breakfast inn is an appropriate use in the proposed location, the Commission and Governing Body may consider the following:
 1. Whether the use is appropriate in view of the use, development and zoning of adjacent and nearby property.
 2. Whether the use will adversely affect the existing use or usability of adjacent or nearby property.
 3. Whether the use is in conformity with the policy and intent of the comprehensive plan.

4. Whether there are existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the proposed use.