



## Planning and Zoning Commission Meeting

September 12, 2023

7:00 p.m. – City Hall Council Chambers and Via Videoconference

Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city's YouTube page through YouTube Live or may use the Zoom link below to access the meeting.

1. **Call to Order**
2. **Approve the July 11, 2023, Planning Commission Minutes**
3. **Staff Report**

EV Charging Standards  
ADU discussion

Join Zoom Meeting  
<https://us02web.zoom.us/j/89107262679>  
Meeting ID: 891 0726 2679  
Passcode: 697559

4. **Public Hearing**

An amendment to §425.180 of the subdivision code related to subdivision maintenance.

5. **Subdivision Maintenance Provisions amendment §425.180 to add stormwater system maintenance**

City's MS4 permit requires additional enforcement by the city concerning stormwater system maintenance and the proposed changes meet the new requirements.

6. **Public Hearing**

Short-term rental regulations

7. **Short-term rental ordinance**

Proposal would add regulations to the short-term rental industry in Smithville

8. **Adjourn**



# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

July 11, 2023

7:00 P.M.

City Hall Council Chambers and Via Videoconference

### 1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 7:00 p.m.

A quorum of the Commission was present: Alderman Melissa Wilson, John Chevalier, Dennis Kathcart, Rob Scarborough (joined via Zoom at 7:01 pm), Deb Dotson, Billy Muessig and Mayor Damien Boley.

Staff present: Jack Hendrix and Brandi Schuerger.

### 2. MINUTES

The May 9, 2023, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by DOTSON.

Ayes 6, Noes 0. Motion carried.

### 3. STAFF REPORT

HENDRIX reported:

Construction around the city continues. Attic storage is now completed and finally open.

Since January 1<sup>st</sup> we have issued 22 new residential building permits this year. 3 more permit applications are on Brandi's desk so we will be at 25 new residential permits once those are approved.

A brief overview of the new Comprehensive Plan Dashboard was given. This lists every action item in the Comprehensive Plan. This is a tool that everyone can look at and see the progress that is being made. This will be placed on the City's website soon for the public to access.

#### **4. PUBLIC HEARING:**

- **A CONDITIONAL USE PERMIT TO OPERATE A TRANSFER STATION ON I-1 PROPERTY AT 14820 N. INDUSTRIAL DRIVE IN FIRST PARK INDUSTRIAL SUBDIVISION**

##### **Public Hearing Opened**

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. This is our second conditional use permit in the last year and the third in the last 16 years.

There were no members of the public that signed up to speak.

##### **Public Hearing Closed**

#### **5. CONDITIONAL USE PERMIT AT 14820 N. INDUSTRIAL DRIVE – TRANSFER STATION**

- **APPLICANT SEEKS TO OBTAIN A CUP TO OPERATE AN INDOOR TRANSFER STATION ON LAND ZONED I-1 IN THE FIRST PARK SUBDIVISION**

KATHCART motioned to approve the conditional use permit at 14820 N. Industrial Drive – Transfer Station. Seconded by MUESSIG.

#### **DISCUSSION:**

ALDERMAN WILSON stated that she read through the minimum requirements and item # 6 talks about adequate utility, drainage and other such necessary facilities have been or will be provided. It states that any problem waste will be sent to the wastewater treatment facility. What about hazardous waste?

HENDRIX stated that is considered a problem waste. Any waste that we don't want to run over the ground would go into the sanitary sewer.

ALDERMAN WILSON asked if it's ok for hazardous waste to go through there.

HENDRIX stated depending on what it is. If there is a regular problem our codes allow the city to come back and require a pretreatment.

ALDERMAN WILSON also asked about item # 7 which states that adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Do we know what the weight of these vehicles will be coming into the industrial park? Will this create additional wear and tear on that street?

HENDRIX stated that they will be no heavier than the weight of the dumpsters brought through town now. It will create additional wear and tear but we have industrial road construction standards.

ALDERMAN WILSON asked if the current entrance to this subdivision was built to those standards.

HENDRIX stated that he assumes so. It was built 25-30 years ago and has had fire trucks running down it which are as heavy if not heavier than these dumpsters will be.

DOTSON asked if this waste will be coming from other areas and not just Smithville? Will this just basically be a hub?

HENDRIX stated it will come from other areas. The trash will be transported in a dumpster and will only have construction and demolition waste in them. They will go into a proposed building and will be dumped inside the building and sorted. If there is any liquid that will go down a drain on the inside of the building. This will also have to come back to this commission for Site Plan approval.

**THE VOTE:** MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE, MUESSIG-AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **6. PUBLIC HEARING:**

- **SINGLE PHASE FINAL PLAT FOR A 2 LOT SUBDIVISION – FIRST PARK 3<sup>RD</sup> PLAT**

### **Public Hearing Opened**

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents.

**John Kullman—2112 S Apache Street Olathe, KS 66062**—Stated that his family owns the property to the west of this. He stated that he just wants to make sure that whatever is built there will not create more runoff onto the back side of his property. Is there a timeframe on future development?

HENDRIX stated that the building hasn't been proposed yet, just the zoning has. On the map included in the packet "Tract A" is the stormwater detention area. It has not been designed yet but a stormwater study has been completed. Nothing has been approved yet so there is no timeframe yet.

### **Public Hearing Closed**

## **7. SINGLE PHASE FINAL PLAT – FIRST PARK 3<sup>RD</sup> PLAT TO CREATE TWO LOTS**

- **APPLICANT SEEKS TO COMPLETE THE FIRST PARK SUBDIVISION WITH A FINAL PLAT TO CREATE 2 LOTS**

MAYOR BOLEY motioned to approve the Single Phase Final Plat – First Park 3<sup>rd</sup> Plat to create 2 lots for the First Park Subdivision. Seconded by WILSON.

**DISCUSSION:** None

**THE VOTE:** MUESSIG-AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE, SCARBOROUGH-AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**8. SITE PLAN REVIEW – SMITHVILLE SELF STORAGE – 14506 N. 169 HWY**

- **REQUEST TO EXTEND THE EXISTING DEVELOPMENT TO THE WEST BOUNDARY BY ADDING 8 ADDITIONAL STORAGE BUILDINGS**

DOTSON motioned to approve the Site Plan Review – Smithville Self Storage – 14506 N. 169 Hwy. Seconded by KATHCART.

**DISCUSSION:**

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. They are proposing to add the final 8 buildings on the extreme west edge of their property.

**THE VOTE:** SCARBOROUGH -AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE, MUESSIG-AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**9. SITE PLAN REVIEW – SMITHVILLE TRANSPORTATION FACILITY – 250 E. 92 HWY**

- **SITE PLAN SUBMITTAL FOR A NEW 10,654 SQ FT TRANSPORTATION FACILITY FOR THE SMITHVILLE SCHOOL DISTRICT JUST EAST OF THE LUTHERAN SCHOOL AT 92 AND COMMERCIAL**

MUESSIG motioned to approve the Site Plan Review – Smithville Transportation Facility – 250 E. 92 Hwy. Seconded by SCARBOROUGH.

## **DISCUSSION:**

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. They did a stormwater study. A traffic study was done and has been approved by MODOT since their access is off of 92 Hwy. They also provided what the building will look like and the buffering from adjacent properties. Staff recommends approval but conditioned upon that they make the north side of that fence site obscuring.

CHEVALIER asked what the height of that fence would be.

HENDRIX stated that he recommends a standard 6 foot tall sight obscuring fence.

CHEVALIER asked if this lot provides room for growth.

HENDRIX stated they don't have room to add on to this. They would have to create another facility.

MUESSIG asked if the gate at the access off of 92 Hwy stays or if it will be removed.

HENDRIX stated that it will be removed and MODOT approved it. Coming out of this access there will be a left and right turn lane. No additional lanes were required on 92 Hwy.

DOTSON asked if residents of Stonebridge were provided notices on this?

HENDRIX stated no. Only those required by state law will receive notice and this one didn't require it.

WILSON stated that she was worried about the type of trees they are going to put on the south side along 92 Hwy which has overhead power lines. This type of tree can get 40-80 feet tall. Are they going to change the type of trees there?

HENDRIX believes that they have these placed far enough away but it will be a discussion point with them.

**THE VOTE:** ALDERMAN WILSON -AYE, CHEVALIER-AYE, MUESSIG-AYE, SCARBOROUGH-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **10. DISCUSSION ONLY – A PROPOSED SHORT TERM RENTAL ORDINANCE**

- **THIS MATTER IS ONE OF FIRST IMPRESSION HERE IN SMITHVILLE. A DRAFT ORDINANCE WAS PRESENTED TO STAFF FOR DISCUSSION OF THE COMMISSION TO GAUGE IT'S INTEREST AND DIRECTION ON REGULATING SHORT TERM RENTALS.**

HENDRIX stated that he has several entities, commissioners, homeowner's associations as about whether Smithville does or doesn't have one of these. We are talking about Air B&B and VRBO's. This proposed draft was submitted to him and he was asked to have a discussion to see if this is a path that this commission would like to consider. If this is something you would like to consider we can move forward with a more complete draft ordinance and put it out for public notice in the newspaper and have a public hearing on it. The draft ordinance in your packet was not drafted by staff and we have no opinions on this.

MAYOR BOLEY informed Mr. Hendrix that he appreciated him taking time on this. We have short term rentals in town and business owners have put substantial investment in them. Since we don't have a hotel they are used quite often. People just want to get ahead of this. We don't want what happened in Kansas City to happen here. People invested in these properties and then were told to leave.

SCARBOROUGH stated that he is in favor of this. What happened in Kansas City was that they had an unenforceable ordinance from 2018. It led to an oversaturation in some neighborhoods. The City of Kansas City decided to instead of go back to correct their own mistakes they essentially banned all new short term rental licenses from ever being issued in a residentially zoned property. We need to get something in the books here in Smithville that addresses safety issues. It should be required that all short term rentals be required to have fire alarms, fire extinguishers and carbon monoxide and



fire detectors. We need to limit and address oversaturation. For example, we would require only 1 per block or limiting to 5% of the available housing stock.

CHEVALIER asked what the current percentage of housing stock that is used as a short term rental in Smithville today?

HENDRIX stated that we have roughly 3500 dwelling units in Smithville so I don't think we even have 1%.

MAYOR BOLEY asked Mr. Scarborough if that sounded correct based off of research he has done.

SCARBOROUGH stated that we are well under 1%. He believes there might only be 12-15 short term rentals inside city limits of Smithville currently.

KATHCART stated that the sooner we do this the better. He thinks that the draft ordinance provided are very good parameters to start with.

DOTSON stated that she agrees. She is on her homeowner's association. The president of their association read through this and feels like it is tight.

KATHCART believes that existing homeowners would appreciate something like this as well.

ALDERMAN WILSON agrees with that as well. Not everyone lives in a subdivision that has an HOA so this will be a way to protect those citizens.

SCARBOROUGH also wanted to address the popular conception of Air B&B party houses. He stated that he currently manages 25 short term rentals. He stated that he can assure this commission that there is no one in this industry that would want or allow a party house. Does it happen? Occasionally, yes. He believes the good operators will do everything they can to filter that out. If it does happen, the manager and owner will spend so much time and money repairing the house that it won't be available as an Air B&B moving forward. Air B&B is also cracking down on this. If you are under the age of 25 and are renting an Air B&B within so many miles of the zip code that is listed on your profile they will block that reservation.

DOTSON stated that she appreciates this.

ALDERMAN WILSON stated that going forward we need something like this. If we can't get a hotel in Smithville there will be a great demand for this.

HENDRIX stated that we also need to think about the impact of short term rentals on the affordable housing or workforce housing costs. The more houses that you have in the short term rental range makes it a little harder to keep the houses affordable because you are taking houses off the market.

CHEVALIER stated that is his main concern. He is curious if the section about multi-family dwellings being limited to 25% or 1 unit is appropriate or needs adjusted.

HENDRIX stated that the document provided in the packet is just a starting point. His purpose for putting this on the agenda tonight was to see if we needed to spend the money to advertise it to get it out to the public and to start thinking about those bigger issues. It's clear that everyone on this commission is on board. He is going to now take a look at this draft with a little more detail and will craft it to fit our city and our structure. He will have a rough draft for our next meeting and will be advertised to the public in the paper. He proposed that we have the public hearing at our meeting on September 12<sup>th</sup>.

MUESSIG asked what Mr. Hendrix what he thinks the biggest challenge with this will be?

HENDRIX stated parking is his main concern. He also is not sure that the 5% density is a reasonable number.

ALDERMAN WILSON stated that if we have 4000 homes in Smithville 5% would be 200 short term rentals.

HENDRIX stated that is a lot but thinks that 100 or under is more reasonable. These are the issues that need to be brought to the public and then you all can think about and discuss it.

CHEVALIER asked about business licenses and how that would work.

HENDRIX stated that a company would operate under one business license and then have a short term rental permit for each unit. We would set the fees at a level that would reimburse the city for inspections. The tax payers

should not be paying for this. This will also need to be an annual fee because they will need to be inspected annually.

## **11. ADJOURN**

KATHCART made a motion to adjourn. MAYOR BOLEY seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:13 p.m.

NOT YET APPROVED

|                     |  |
|---------------------|--|
| <b>Date:</b>        | September 7, 2023                            |
| <b>Prepared By:</b> | Jack Hendrix, Development Director           |
| <b>Subject:</b>     | Subdivision Ordinance Stormwater Regulations |

The attached subdivision ordinance amendment is prompted by a recent audit of the City's relatively new Municipal Separate Storm Sewer System (MS4) permit. The city was required to obtain a general permit in 2013 and following the 2020 Census' population over 10,000 triggered an individual permit instead of the general permit. This new individual permit brings forward several new requirements for the city related to our storm sewer system. Public Works staff has worked diligently to update all of the illicit discharge ordinances to meet these new requirements. One of these new requirements includes requiring perpetual maintenance agreements on all new stormwater basins with the owners or future lot owners through a covenant document to be recorded simultaneously with the final plat.

This covenant document is specifically required by DNR, and the city's version was put together from several other communities versions of these requirements. In addition to this stormwater maintenance provision, the original ordinance included a similar provision for green space maintenance. Staff's draft adds some changes to this provision to highlight the difference between green spaces and stormwater management areas, and also continues the covenant method to identify areas of natural, undisturbed areas that will not need maintenance.

This comes before the commission because any change to the subdivision ordinance must, by state law, be reviewed by the commission following a public hearing and prior to any Board approval. Staff requests that the Commission review and provide additional comments on these matters following the public hearing.

**AN ORDINANCE REPEALING SECTION 425.180. SUBDIVISION  
MAINTENANCE PROVISIONS OF THE SUBDIVISION  
REGULATIONS OF THE SMITHVILLE MUNICIPAL CODE AND RE-  
ENACTING A NEW SECTION 425.180 FOR THE CITY OF  
SMITHVILLE, MISSOURI**

**WHEREAS**, the Planning and Zoning Commission held a public hearing on September 12, 2023 concerning revisions to Section 425.180 concerning subdivision maintenance provisions and recommended the approval of this ordinance; and

**WHEREAS**, the City's Municipal Separate Storm Sewer System (MS4) Permit with DNR requires certain additional standards be put in place by the city to preserve and protect the stormwater infrastructure and quality to be in compliance with the state standards; and

**WHEREAS**, the purpose of this ordinance is to enact a legal requirement for development owners to enter into an agreement with the City ensuring future maintenance be made to the standards that the DNR sets, including maintaining all stormwater infrastructure;

**WHEREAS**, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said regulations.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN  
OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

**SECTION 1 – REPEALING AND RE-ENACTING:** Section 425.180 of the Smithville Municipal Code of Ordinances is hereby repealed in its entirety and a new Section 425.180 is enacted to be read and numbered as follows:

## Section 425.180. Subdivision Maintenance Provisions.

The City of Smithville shall require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all stormwater management systems located within any final plat. Such Covenant shall run with the land, tracts and lots included in such plat and all owners of such land, lots or tracts shall be responsible for such maintenance and the costs thereof in perpetuity.

The City may require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all private green space not otherwise considered part of the stormwater management system located within any final plat. Private green space areas intended to be natural, undisturbed resource areas shall be identified in such covenants as such.

**SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT:** All ordinances or part of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3 – SEVERABILITY CLAUSE:** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 4 – EFFECTIVE DATE:** This ordinance shall be in full force from and after the date of its passage and approval.

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Damien Boley  
Mayor

ATTEST

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Linda Drummond  
City Clerk

First Reading:                / /2023  
Second Reading             / /2023



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|---------------------|------------------------------------|
| <b>Date:</b>        | September 7, 2023                  |
| <b>Prepared By:</b> | Jack Hendrix, Development Director |
| <b>Subject:</b>     | Short-term Rental Regulation       |

Several months ago, a short discussion occurred about the potential of regulating short-term rentals (Airbnb, VRBO, etc.) and the Commission recommended that staff organize a brief discussion on the matter. At the July 11, 2023 meeting, staff presented a rough draft (provided by one Commission member) to engage the Commission on discussions of potential scope and depth of any regulations on short-term rentals. Following that discussion, staff was directed to review other communities regulations on the subject and begin a new draft that addressed some of the concerns of the commission members and be prepared to advertise this new draft for a public hearing in two months at the September hearing. Staff has completed this task and presents the attached draft for review following a public hearing on the subject. The following is a list of highlights for discussion:

Staff changed and added several definitions to make the regulatory structure simpler to draft and understand. The definitions of apartment and townhouse follow the building codes in an effort to move this ordinance away from a true zoning regulation and focus it on regulating the business. You will see that there is no reference to zoning districts, but instead to the type of structures involved –single family detached, two-family attached, townhomes and apartments. Please note, our zoning code requires both townhomes (single family attached units) and apartments to be located in the R-3 district, but the structures are designed such that the district is less impactful than the structures themselves.

The regulatory structure calls this a permit, versus a license. The primary reasoning is to avoid confusion between the Occupation License requirement and this new short term rental “license”. Since this process also requires inspections, a permit is more appropriate for inspections instead of a license.

Staff has expanded the “responsible agent” definition to clarify that both the property owner (whether or not they manage their own property) and the property management person or company to be jointly and severally liable for each of these requirements. In staff’s experience with our code enforcement processes, rentals often generate finger pointing between the owners and managers or tenants. That code resolves the problem by making each party liable as well.

This requires business licenses for these rentals. Generally, the city has never required a landlord to obtain a business license. In order to focus the business license



requirement for this matter to just short-term rentals, this is a new requirement for rentals – albeit for only short-term rentals. It also gives the city one license number to use for checks on the advertising requirements later in the ordinance. Each rental must have a short-term rental license number, but multiple rentals can use the same license number if the holder of that license is the owner of multiple units OR is the designated Responsible Agent for multiple units.

The advertising requirements make it easier for both potential renters and neighbors to check to see if the rental has met the minimum standards identified in this ordinance by checking out the business license number with the city.

There is a provision requiring trash collection, as well as a safety standards provision. The safety standards will require upgrades to older homes to meet the new construction requirements for smoke and carbon monoxide detectors, including the interconnection requirements; Ground-Fault Circuit interrupters in all wet locations per the current codes, as well as Arc Fault Circuits for all bedrooms. The units will be required to post inside the facility the contact information of the responsible agent, as well as an evacuation plan if the unit is in an apartment. Lastly, there is a fire extinguisher requirement. I've sent these provisions to the Fire District to see if they have other items they would prefer to see to protect the tenants.

The density issues discussed previously have been addressed, including clearer definitions of block faces that apply to our city more appropriately. There are several italicized parts concerning density regulations in apartment buildings and/or complexes.

There are also several other regulatory issues that follow (insurance, taxes if ever passed, noise management plans, etc.). Following all of these regulations, the ordinance then describes the annual permit and inspection requirements. Please note, the current version gives existing facilities a one-year period to make needed upgrades to the property before the full inspections occur. There is also a limitation to the grace period – if the property is not registered within 60 days.

There is a new permit fee identified of \$50.00, which represents approximately one hour of inspector's time and the permit technicians time involved in administering this program.

**Proposed Ordinance on Short-Term Rentals  
For the City of Smithville, Missouri**

**Chapter 625 Short Term Rentals**

**625.010 Definitions:**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**Short-Term Rental, Complete** is any independently complete dwelling unit in a detached single family dwelling unit, a two-family attached dwelling unit, townhouse or apartment that is available for rent for terms or periods of less than 30 consecutive nights.

**Short-Term Rental, Partial** Short-term rentals inside an owner-occupied primary residence of any type. (room rentals)

**Apartment** is any residential building that contains three or more attached units, excluding those defined as a Townhouse.

**Townhouse** is any single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

**625.020 Applicability:**

The standards of this article apply to short-term rental permits as defined herein. No Short-term Rental shall be operated in the city of Smithville except in compliance with this chapter.

**625.030 Responsible agent required:**

Each owner of a short-term rental property is responsible for compliance with all the provisions of this chapter. The owner may act as the Responsible Agent for the unit or may designate a person or company to serve as a Responsible Agent who will be jointly liable and responsible for compliance. The Owner and/or Responsible Agent shall have access and authority to assume management of the unit and take remedial measures to ensure compliance with all provisions herein. Any changes to the name, address, or telephone number(s) of the local Responsible Agent or owner must be submitted to the City within five (5) business days of the change(s).

**625.040 Business and occupation licenses required:**

Business and Occupation licenses as described in Section 610 of the Code of Ordinances are required for All Short-term Rentals, but owners or responsible agents may hold one business license for multiple permitted locations.

**625.050 Advertising requirements:**

The responsible agent shall provide a list of and links to advertisements on all online platforms and update the city within five (5) business days of any change(s). The occupation license number issued by the city shall be listed on all advertisements and online platforms. It shall be considered a violation of this ordinance to advertise online or offline without posting the occupation license number in a prominent place on such advertisement.

**625.060 Refuse collection:**

All short-term rentals shall maintain regular refuse collection services from the City in structures required to be included in the city utility bill, or from an otherwise licensed refuse collector in all other structures.

**625.070 Safety:**

In order to ensure the safety of the occupants and owners of any short-term rental unit, the following requirements must be included in the unit, including any retrofitting required in an existing structure in order to meet the minimum building code requirements for the building where the unit is located.

1. Smoke and Carbon monoxide detectors are required in accordance with the building code as if the structure was new.
2. Ground-Fault Circuit interrupters and Arc-Fault circuit interrupters are required in accordance with the building code as if the structure was new.
2. Emergency contact information of the owner or manager must be permanently displayed in the unit and provided to the primary guest on file.
3. If the unit is in an apartment building, a fire escape path plan must be posted on any door that does not open to a yard or public way.
4. At least one operational fire extinguisher is required to be visible from and accessible to the kitchen area.

**625.080 Number of permits issued, density limited:**

In order to prevent a significant impact on the affordability of housing in the city of Smithville, the total number of permits licenses that may be issued at any time shall be limited to not more than 3% of the total housing stock (*Current estimate of d/u's is 3,850. This would allow 116 rental permits.*) within the city limits. In addition to the total number of licenses to be issued, the following density protections are required:

1. The number of licenses issued for units in any structure other than an apartment shall be limited to one per each block face. For purposes of this limitation, a block face shall be measured from intersection to intersection on any given street, and both sides of said street shall be included in this one block face.
2. The number of licenses issued for units located in an apartment (*building, complex?*) shall be limited to 25% of the total units available.
3. Any existing short-term rental shall be granted 60 days to obtain a permit for the short-term rental following ordinance approval notwithstanding these limitations on the number of permits. If the owner of any existing unit fails to file an application

for such permit within the initial 60 days grace, these number and density limitations shall apply.

*25% of the total units in the complex, or per building? For example, say you have 10, eight-unit buildings. This is 80 units, and 25% is 20 permits. Would it be acceptable to have two full buildings of permits (16 units) or would it be better to have no more than 2 permits per building?*

**625.090 Transient guest tax required:**

All short-term rentals must collect/remit a transient guest tax equal to that of hotels/motels within the city limits.

**625.100 Maximum number of guests:**

The total number of guests allowed per unit shall equal (2) adults per bedroom plus (2) adults in common living areas (sleeper sofa, air mattress, etc.).

**625.110 Events:**

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 does not disturb the surrounding neighborhood, including but not limited to creating parking or noise issues.

**625.120 Insurance requirements:**

Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.

**625.130 Transferability:**

The short-term rental permit shall be permitted to transfer upon the sale of the property. The requirements of 625.030 are applicable, and compliance is mandatory to affect the transfer of the permit.

**625.140 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 noise ordinance shall be posted in a prominent location inside the short-term rental.

**625.150 Annual Rental permits and inspections required:**

A Short-Term Rental Permit is required for each such unit located within the City of Smithville. Lawful, Short-term rentals in existence prior to the adoption of this

ordinance that obtain a permit within sixty (60) days of implementation of this ordinance are not subject to the initial inspection requirements, but full compliance is required and inspections shall be required on any applications following those sixty days, including the renewal of the permit. All other rental units not in existence prior to the passage of this ordinance shall be inspected for compliance with this chapter and approved prior to issuance of a permit. All Rental inspections shall be conducted by City staff following approval of any application or renewal application and payment of the annual Short-term Rental permit fee of \$50.

#### **625.160 Applications required, contents:**

Applications for short-term rental permits must be made to the Development Department on forms provided by the department. Applications shall include the following information:

1. The name, phone number, and email address for the property owner and the responsible agent if different than owner.
2. The number of bedrooms and the total occupancy allowed in the unit.
3. A list of online platforms that will be used to solicit booking transactions for the dwelling unit, along with a link to each such platform's page for the unit. If any additions or changes to the list of platforms occur during the term of the license, an updated list, with links must be sent to the Development Department within (5) business days of the change.
4. Certification that the property is current on all property tax and code violations fees/penalties. Certification may be in the form of a receipt from the County Collector for taxes.
5. The applicant must certify that the proposed 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.
6. The owner shall provide a certificate of insurance in compliance with Section 625.120.
7. The owner shall provide a copy of the noise management plan in compliance with 625.140.
6. The owner, applicant and responsible agent must acknowledge that they 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).

#### **625.170 Review and approval of short-term rental permit applications:**

After the submission of the application, City officials will review the application to determine that all requirements of this section and other codes have been, or can be, met. Upon approval of the initial application, the applicant must schedule an inspection of the rental unit to ensure compliance with all the requirements and codes as identified in this ordinance.

**625.180 Violation, penalties, and enforcement:**

It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this section. 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 this section and Chapter 100.220 of this code. The penalties for failing to comply with any of the requirements and provisions of this ordinance shall be as follows:

First Offense \$50.00

Second Offense \$200.00

Third Offense \$500.00

**625.1190 Revocation of permit:**

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. The City may suspend or revoke a short-term rental permit granted pursuant to this Chapter following a hearing for any violation of the City Code or violation of this chapter. The Development Department shall commence the revocation proceedings if any of the following occur:

1. The short-term rental operator has been found guilty of two (2) or more offenses that occurred 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 public health, safety, or welfare.

4. The short-term rental operator fails to report and pay transient guest tax, sales tax, or property taxes.

5. 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. At the revocation hearing, the Planning Commission shall consider the following:

a. The nature and seriousness of the violation.

b. Impact of the violation on the neighborhood or community.

c. Corrective action, if any, taken by the short-term rental operator or the designated Responsible Agent.

d. Prior violations.

e. The likelihood of recurrence of the violation or violations.

f. The entirety of the circumstances surrounding the violation.

g. Length of time the licensee has held a license.

h. The Planning Commission may either suspend for a specific term or revoke a Short-term Rental Permit by a simple majority vote of the Planning Commission.

i. The short-term rental operator can appeal the decision of the Planning Commission to the Board of Aldermen within 30 days.

j. The findings of the City Council shall be deemed final.