COUNCIL BILL NO. 2021-299 ORDINANCE NO.

AN ORDINANCE amending Chapter 29-A, the Zoning Code, of the Code of Ordinances of the City of Joplin, Missouri, by amending Sec. 29A-201, Definitions, Article 25, Administration, and Appendix A, Land Use Table, by adding language to permit and regulate short-term rentals in certain districts.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, the City of Joplin, Missouri (the "City") is a body corporate, home rule charter city, and political subdivision of the State of Missouri, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, Chapter 29-A, the Zoning Code, of the Code of Ordinances of the City of Joplin, Missouri (the "City Code"), was adopted for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare of the City; and

WHEREAS, the City desires to amend Chapter 29-A of the City Code to clarify regulations and permitting regarding short-term rentals; and

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on short-term rentals regarding noise, neighborhood safety, neighborhood character, and other health and safety concerns; and

WHEREAS, the Council and the City of Joplin desires to establish fees to meet the reasonable expenditures of permitting short-term rentals; and,

WHEREAS, in accordance with procedures established in Chapter 29-A of the City Code, and Chapter 89 of the Missouri Revised Statutes, proceedings were initiated to amend Chapter 29-A of the City Code as hereinafter set forth; and

WHEREAS, public notice was given by publication in the Joplin Globe on November 27, 2021, a newspaper having a general circulation in the City of Joplin, Missouri, that public hearing of the Zoning and Planning Commission would take place on December 13, 2021 at 4:00 P.M., where the Zoning and Planning Commission of said City would consider the aforesaid amendments; and

WHEREAS, on December 13, 2021 at 4:00 P.M., the Zoning and Planning Commission did conduct said public hearing, and did evaluate the proposed amendments to Chapter 29-A of the City Code; and

WHEREAS, at said public hearing, the Zoning and Planning Commission did conclude and recommend to the City Council that the hereinafter described amendments to Chapter 29-A of the City Code should be approved.

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

Section 1. Section 29A-201, "Definitions," of the Code of the City of Joplin, Missouri (the "City Code") is hereby amended by adding the following definition as a subpart, which subpart shall hereafter read as follows:

"Short-term Rental" means a residential unit in which lodging is provided for time-limited durations for periods of time less than twenty-eight (28) consecutive days and may or may not be occupied by the proprietor."

Other than as specifically set forth hereinabove, all other definitions and subparts of Section 29A-201 of the City Code shall be unaffected by this amendment and shall remain in full force and effect.

Section 2. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by adding the following use:

"Short-term Rental."

Section 3. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by permitting the following use in AG (Agriculture), R-1 (Single-family Residential), R-S (Residential Suburban), R-2 (Two-family Residential), R-3 (Apartment House), R-4 (Townhouse), C-O (Non-retail Commercial), C-1 (Neighborhood Commercial), C-2 (Central Business), C-3 (Commercial), and M-1 (Restricted Industrial) Districts:

"Short-term Rental."

Section 4. Section 2 (Use Standards) of Appendix A (Land Use Table) of Chapter 29-A (Zoning Code), of the Joplin Code be amended by adding a new Section II, "Standards for Short-term Rental Uses," which subsection shall hereafter read as follows:

(1) Occupancy. Structures with three (3) bedrooms or fewer shall be limited to no more than two (2) persons per bedroom. Structures with four (4) bedrooms or more shall be limited to no more than one and one-half persons (1 ½) per bedroom. Where the total allowable occupancy calculation results in a fraction, the allowable occupancy limit shall be rounded up.

(2) License. Short-term rentals shall attain an annual business license.

(3) Display of materials. All short-term rental uses shall be required to conspicuously post the following information within the rental:

a. Name and contact information for the individual responsible for the day-to-day operations of the rental.

b. A copy of the Certificate of Occupancy.

c. A copy of the approved Business License.

d. Refuse and recycling collection schedule.

e. City of Joplin noise ordinance.

f. A statement that no short-term rental shall be rented or used for the sole purpose of receptions, parties, weddings, or other similar event.

(4) Events. No short-term rental shall be rented or used for the sole purpose of receptions, parties, weddings, or other similar event.

(5) Exterior. There shall be no alteration to the exterior of a structure or site that changes the residential character of said structure or site.

(6) Parking. Adequate off-street parking shall be provided at a rate of one (1) space per bedroom.

(7) Residential Districts. In the "AG", "R-1", "R-S", "R-2", "R-3", and "R-4" residential districts, short-term rental uses shall be located no closer than 200 feet to any other licensed short-term rental use. Measurement shall be made from the nearest lot line of lot in question to the nearest lot line of existing licensed short-term rental uses.

(8) Non-residential Districts. The "C-O", "C-1", "C-2", "C-3", and "M-1" non-residential districts shall be limited to not more than two (2) short-term rentals on a single property.

Section 5. Article 25 "Administration," of the Code of the City of Joplin, Missouri (the "City Code") is hereby amended by adding a new Section 29A-2515 Short-term Rental Permits – Applications:, which section shall hereafter read as follows:

A. Applications for short-term rental uses shall be filed upon forms prescribed by the City, setting forth the legal description of the lot, tract, or parcel of land, together with a general description of any building or structure thereon, including the approximate size, square footage, number of bedrooms, and number of parking spaces; location of the building and parking upon the lot, tract, or parcel; and any other information deemed necessary by the Director of Planning, Development, and Neighborhood Services.

B. Applications for short-term rental permits shall be submitted for approval to the Director of Planning, Development, and Neighborhood Services.

C. A fee per Sec. 29A-2514 shall accompany each Short-term Rental Application. Said fee shall be deposited with the Director of Planning, Development, and Neighborhood Services at the time said application is filed.

Section 6. Article 25 "Administration," of the Code of the City of Joplin, Missouri (the "City Code") is hereby amended by adding a new Section 29A-2516 Short-term Rental Permits – Issuance:, which section shall hereafter read as follows:

A. Short-term rental permits shall be issued or refused by the Director of Planning, Development, and Neighborhood Services within thirty (30) days after receipt of an application or within such further period as may be agreed to by the applicant. No short-term rental permit shall be issued unless all requirements of the zoning and subdivision regulations are met. In the event of refusal to issue a short-term rental permit upon an application based upon noncompliance with the provisions of this ordinance, the applicant shall have the right to appeal to the Board of Zoning Adjustment as set forth in Article 23.

B. The Planning and Community Development Director shall provide written notice that a Short-term Rental Application has been received to owners of record of lands located within at least one-hundred eighty-five (185) feet of the property indicated in said application. Notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Director of Planning, Development, and Neighborhood Services. Such notice is sufficient to permit the Director of Planning, Development, and Neighborhood Services to issue or refuse a permit.

C. If a protest against such permit is filed in the office of the Director of Planning, Development, and Neighborhood Services, duly signed by the owners of thirty (30) percent or more, within an area determined by lines drawn parallel to and one-hundred eighty-five (185) feet distant from the boundaries of the property indicated in said application, the application for a short-term rental permit shall be refused by the Director of Planning, Development, and Neighborhood Services. Said protest shall be received by the office of the Director of Planning, Development, and Neighborhood Services no later than fifteen (15) days after the date of postmark on the written notice mailed to owners of record of lands located within at least one-hundred eighty-five (185) feet.

D. A permit issued by the Director of Planning, Development, and Neighborhood Services is subject to revocation under the terms of Sec. 29A-2511.

Section 7. Section 29A-2514 "Fees," of the Code of the City of Joplin, Missouri (the "City Code") is hereby amended by adding the following fee as new subpart, which subpart shall hereafter read as follows:

Short-term Rental Application $550.00

Section 8. Implementation.

A. Applicants filing an application for a short-term rental within the first thirty (30) days following passage of this ordinance shall not be subject to the density limitations set forth in Section II of Section 2 (Use Standards) of Appendix A (Land Use Table) of Chapter 29-A (Zoning Code), of the Joplin Code. Applications received after this initial period will be subject to said density limitations.

B. Applicants who have a valid and current Special Use Permit for a short-term rental shall be exempt from any application fee for any application for a short-term rental within the first year following passage of this ordinance.

Section 9. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected that it cannot be presumed that the City Council would not have enacted such provisions without the others.

Section 10. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer,
City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards,
City Attorney