



TANEY COUNTY PLANNING COMMISSION

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website: www.taneycounty.org

AGENDA
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
MONDAY, JANUARY 9, 2017, 6:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum
Explanation of Meeting Procedures
Presentation of Exhibits

Public Hearings: ALL PUBLIC HEARINGS POSTPONED UNTIL FEBRUARY 13, 2017

Branson Zipline
Friendly Hills Short Term Rental
Phillips Nightly Rental
Branson Family Memories, LLC

Old and New Business:

Public Hearing Proposed Nightly Rental

Adjournment.

Proposed Nightly Rental Amendments - Taney County Development Guidance Code – **Option A**

Planning Commission Public Hearing January 9, 2017

Highlighted Items – Proposed Additions
Strikethrough – Proposed Deletions

APPENDIX P Rural Residential Compatible Uses

1. **Agricultural Use**
2. **Single-Family Detached Dwellings**
3. **Churches and parish halls, temples, convents and monasteries**
4. **Schools**
5. **Public Parks, Playgrounds, and Community Buildings**
6. **Home Occupations**

The following residential uses are considered to be compatible if another similar use currently exists within a 1000-foot radius of the proposed use or the use has been previously recorded on an existing plat.

7. **Two family dwellings**

8. **Condominiums, Townhouses**

~~Excludes nightly rentals. Nightly rentals are a commercial use and must be permitted as such. Nightly rentals constitute any condominium or townhouse that may be rented for any period of time less than 30 days in duration. Assurance of classification will be made through the filing of restrictive covenants when the plat is recorded.~~

9. **Apartment Complexes**

10. **Multiple-Family Dwellings**

Mobile Homes as Residential Structures Compatible Uses

11. **Mobile Home**

12. **Mobile Home Parks**

APPENDIX E

4.7. Nightly Rental

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly rental shall not include hotel, motel, or bed and breakfast establishments. Nightly Rentals in a residential area have the potential to be incompatible with the surrounding residential uses. Therefore, special regulation of Nightly Rentals are necessary in order to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

4.7.1. **Occupancy**

The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term **person** for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term **bedroom** as used in reference to nightly rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

4.7.2. **Parking**

One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.

4.7.3. **Solid Waste Disposal**

The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.

4.7.4. **Lighting**

Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.

4.7.5. **Safety**

All Nightly Rentals shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable.

4.7.6. **Fire District Compliance**

A compliance letter shall be submitted from the local fire district, with an application for a Nightly Rental Special-Use Permit ensuring adequate fire suppression and the provision of occupancy limits.

~~4.7.7. **Fire District Inspection**~~

~~Each Nightly Rental dwelling unit shall be inspected annually by the Fire District, unless waived by the local Fire District, in order to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Certificate of Conformance, the Owner shall make all necessary alterations to the dwelling unit as required by the Fire District Official pursuant to the applicable building codes.~~

~~4.7.8. **Taney County Assessor's Office Compliance**~~

~~A compliance letter shall be submitted from the Taney County Assessor's Office prior to the issuance of a Certificate of Compliance.~~

~~4.7.9. **Taney County Collector's Office Compliance**~~

~~A valid Merchant's License shall be provided to the Planning Department for each nightly rental property. The Merchant's License shall be provided prior to the issuance of a Certificate of Compliance.~~

~~4.7.10. **Missouri Department of Revenue Compliance**~~

~~A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.~~

~~4.7.11. **Permit Posting**~~

~~The Nightly Rental Special Use Permit shall be posted within five (5) feet of the main entrance of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information:~~

- ~~(a) The name and telephone number of the Local Representative.~~
- ~~(b) The name and address of the Owner.~~
- ~~(c) The contact information for the Planning Department and Sheriff's Department office — in Taney County.~~
- ~~(d) The maximum occupancy permitted.~~
- ~~(e) The name and telephone number of all local emergency personnel (police, fire and — medical personnel).~~
- ~~(e) The number of off street parking spaces provided on the property, and the maximum — number of vehicles allowed to be parked on the property.~~
- ~~(f) The solid waste disposal collection day if provided by a solid waste company.~~

~~4.7.12. **Health Department Compliance**~~

~~A compliance letter shall be submitted from the Taney County Health Department with an application for a Nightly Rental Special Use Permit, if the nightly rental will involve five (5) or more "guest rooms". The Missouri Department of Health and Senior Services defines a guest room as a room in which one or more guests sleep (e.g. including a common room such as a living room if that room will provide sleeping arrangements for one or more guests).~~

~~4.7.13. **Ownership**~~

~~A Nightly Rental Special Use Permit is issued to a specific "Owner" of a property. If the property changes ownership then the Special Use Permit shall immediately expire.~~

~~4.7.14. **Local 24-Hour Representative**~~

~~The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty four (24) hour basis, seven days per week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty four (24) hour basis, even (7) days per week.~~

~~(a) **Change Local Representative**~~

~~The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special-Use Permit.~~

~~(b) **Guest and Vehicle Register**~~

~~The Local Representative shall maintain a guest and vehicle register for each tenancy of the Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants and the vehicle license plate numbers of all vehicles used by the occupants and the date of the rental period. The above information must be available for County inspection upon request. Failure to maintain or provide the required information constitutes a Violation per the provisions of Section 3.10 and may also lead to the revocation of the Special Use Permit.~~

~~(c) **Complaints**~~

~~The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.~~

~~(d) **Availability**~~

~~If the Taney County Sheriff's Department is not able to contact the Local Representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.~~

~~4.7.15. **Required Buffering**~~

~~A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).~~

~~4.7.16. **Additional Conditions**~~

~~The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.~~

~~4.7.17. **Compliance**~~

~~Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Nightly Rental; and each owner of a Nightly Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Taney County. The Owner shall comply with all applicable County, State and Federal Regulations.~~

~~4.7.18. **All Nightly Rentals Shall Obtain a Special-Use Permit**~~

~~The nightly rental of all residential structures shall require the issuance of a Special-Use Permit.~~

~~4.7.19. **Revocation**~~

~~The Planning Department is hereby authorized to revoke any Nightly Rental Special-Use Permit issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.~~

~~4.7.20. **Limitation of Liability**~~

~~Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.~~

Reasoning for Removal of Nightly Rental Regulations Development Guidance Code

- Nightly Rental is a key part of the economic engine for the tourism driven local economy of Taney County, MO. Restrictive nightly rental regulations may actually damage the local economy which relies heavily on nightly rental units to serve the estimated 7.2 million visitors that visit the Tri-Lakes area annually. The area simply does not have an adequate number of lodging rooms in hotels to meet this demand. Therefore the demand is met by a large number of lodging sources, including nightly rental.
- Requiring a Division III Special-Use Permit for every Nightly Rental may simply not be feasible with current Planning Department Staffing levels. For example the Vacation Rental By Owner (VRBO) website lists 1,327 rentals for Branson, 1,099 rentals for Hollister and 1,027 rentals for Ridgedale. Many of these advertised rentals are single-family residences within subdivisions that did not receive an original Division III Permit specifically authorizing nightly rental. VRBO is now one of many website that have been established to advertise the nightly rental of properties on a worldwide basis. Recent research from Pew shows that approximately a year ago, only 27% of Americans were familiar with the concept of the “Sharing Economy”. According to this same survey, today, nearly 60% of U.S. travelers are aware of nightly rental as a lodging option.
- The Planning Commission itself may simply not have the time that will be required to hear each of the thousands of unheard Division III Special-Use Permit applications for nightly rental properties within the unincorporated portion of Taney County.
- In a number of court cases throughout the United States nightly rental / short term rental has been viewed by the courts as a residential use versus a commercial use; much like the monthly rental of properties, which most counties and cities do not regulate.
- If Planning & Zoning were to not regulate nightly rental, complaints of illegal activities would still be handled by Sherriff’s Office and other enforcement activities would be left to individual civil action and homeowners associations.
- Taney and Stone Counties are the only counties within the State of Missouri which are currently regulating nightly rental.

Proposed Nightly Rental Amendments - Taney County Development Guidance Code – **Option B**

Planning Commission Public Hearing January 9, 2017

Highlighted Items – Proposed Additions
Strikethrough – Proposed Deletions

APPENDIX P Rural Residential Compatible Uses

1. **Agricultural Use**
2. **Single-Family Detached Dwellings**
3. **Churches and parish halls, temples, convents and monasteries**
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APPENDIX E

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~~4.7.12. Health Department Compliance~~

~~application for a Nightly Rental Special Use Permit, if the nightly rental will involve five (5) or more "guest rooms". The Missouri Department of Health and Senior Services defines a guest room as a room in which one or more guests sleep (e.g. including a common room such as a living room if that room will provide sleeping arrangements for one or more guests).~~

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~~4.7.14. **Local 24-Hour Representative**~~

~~The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty-four (24) hour basis, seven days per week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, even (7) days per week.~~

~~(a) **Change Local Representative**~~

~~The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special-Use Permit.~~

~~(b) **Guest and Vehicle Register**~~

~~The Local Representative shall maintain a guest and vehicle register for each tenancy of the Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants and the vehicle license plate numbers of all vehicles used by the occupants and the date of the rental period. The above information must be available for County inspection upon request. Failure to maintain or provide the required information constitutes a Violation per the provisions of Section 3.10 and may also lead to the revocation of the Special-Use Permit.~~

~~(c) **Complaints**~~

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~~A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).~~

~~4.7.16. **Additional Conditions**~~

~~The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.~~

~~4.7.17. **Compliance**~~

~~Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Nightly Rental; and each owner of a Nightly Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Taney County. The Owner shall comply with all applicable County, State and Federal Regulations.~~

~~4.7.18. **All Nightly Rentals Shall Obtain a Special-Use Permit**~~

~~The nightly rental of all residential structures shall require the issuance of a Special-Use Permit.~~

~~4.7.19. **Revocation**~~

~~The Planning Department is hereby authorized to revoke any Nightly Rental Special-Use Permit issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.~~

~~4.7.20. **Limitation of Liability**~~

~~Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.~~

11. Nightly Rental

11.1. Nightly Rental Definition

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly Rental shall not include hotel, motel, or bed and breakfast establishments.

11.2. Permitting Requirements

A developer may apply for a Division III Permit authorizing the Nightly Rental of units within a development. A Division III Permit will only be issued for Nightly Rental in instances in which either the entire development shall allow for Nightly Rental or the number and location of Nightly Rental units shall be specifically enumerated within the Decision of Record. All individual property owners shall obtain a Division II Permit for Nightly Rental. Division II Nightly Rental Permits may only be issued for properties that demonstrate compliance with sections 11.3 through 11.19.

11.3. Occupancy

The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term *person* for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term *bedroom* as used in reference to Nightly Rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

11.4. Parking

One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.

11.5. Solid Waste Disposal

The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.

11.6. Lighting

Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.

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11.8. Fire District Compliance

Prior to the issuance of a Certificate of Conformance, a compliance letter shall be submitted from the local fire district, ensuring adequate fire suppression and the provision of occupancy limits.

11.9. Taney County Assessor's Office Compliance

A compliance letter shall be submitted from the Taney County Assessor's Office prior to the issuance of a Certificate of Compliance.

11.10. Missouri Department of Revenue Compliance

A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.

11.11. Permit Posting

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- (a) The name and telephone number of the Local Representative.
- (b) The name and address of the Owner.
- (c) The contact information for the Planning Department and Sheriff's Department office in Taney County.
- (d) The maximum occupancy permitted.
- (e) The name and telephone number of all local emergency personnel (police, fire and medical personnel).
- (e) The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
- (f) The solid waste disposal collection day if provided by a solid waste company.

11.12. Ownership

A Nightly Rental Special-Use Permit is issued to a specific "Owner" of a property. If the property changes ownership then the Special-Use Permit shall immediately expire.

11.13. Local 24-Hour Representative

The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty-four (24) hour basis, seven days per week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, even (7) days per week.

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(g) Complaints

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A buffer shall be established between any structure utilized for Nightly Rental and any existing single-family residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).

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The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

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11.18. Revocation

The Planning Department is hereby authorized to revoke any Permit authorizing Nightly Rental which is issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.

11.19. Limitation of Liability

Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.

4. PERMITS

4.1. Types of Permits

The types of permits available are defined below. However, to aid in determining what type of permit is required for a development project, the decision flow chart of [Appendix A](#) can be used so simplify the selection process.

4.1.1. Division I Permits

A permit required for any of the following conditions:

- (a) new single-family dwelling (including [manufactured homes](#))
- (b) any addition to construction originally requiring a Division I permit
- (c) any addition to a single-family unit
- (d) [special events](#)
- (e) any accessory building, structure, or appurtenance (shed, deck, porch, car port, etc.) greater than 100 square feet in ground coverage which is not classified as an agricultural structure (agricultural structures are exempt from all permitting requirements; residential structures are not considered exempted as agricultural structures and do require permits for purposes of compliance with setbacks)
- (f) temporary construction facilities placed on a development site after receiving Division II or III permits

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered either a Division II or III permit request.

Detailed Division I permit application requirements are defined in [Appendix B](#).

4.1.2. Division II Permits

A permit required for any of the following conditions:

- (a) new commercial, industrial, or institutional uses that have been issued a Division III permit
- (b) any duplex that has been issued a Division III Permit
- (c) any three-family or larger multi-family structure that already has an approved Division III permit
- (d) any addition to construction requiring a Division II permit, except additions to single family units
- (e) church structures or additions
- (f) **nightly rental of individual units**

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered a Division III permit request.

Detailed Division II permit application requirements are defined in [Appendix C](#).

Proposed Nightly Rental Amendments - Taney County Development Guidance Code – **Option C**

Planning Commission Public Hearing January 9, 2017

Highlighted Items – Proposed Additions
Strikethrough – Proposed Deletions

APPENDIX P Rural Residential Compatible Uses

1. **Agricultural Use**
2. **Single-Family Detached Dwellings**
3. **Churches and parish halls, temples, convents and monasteries**
4. **Schools**
5. **Public Parks, Playgrounds, and Community Buildings**
6. **Home Occupations**

The following residential uses are considered to be compatible if another similar use currently exists within a 1000-foot radius of the proposed use or the use has been previously recorded on an existing plat.

7. **Two family dwellings**

8. **Condominiums, Townhouses**

~~Excludes nightly rentals. Nightly rentals are a commercial use and must be permitted as such. Nightly rentals constitute any condominium or townhouse that may be rented for any period of time less than 30 days in duration. Assurance of classification will be made through the filing of restrictive covenants when the plat is recorded.~~

9. **Apartment Complexes**

10. **Multiple-Family Dwellings**

Mobile Homes as Residential Structures Compatible Uses

11. **Mobile Home**

12. **Mobile Home Parks**

APPENDIX E

4.7. Nightly Rental

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly rental shall not include hotel, motel, or bed and breakfast establishments.

Nightly Rentals in a residential area have the potential to be incompatible with the surrounding residential uses. Therefore, special regulation of Nightly Rentals within areas that have not been issued a Division III Permit specifically authorizing Nightly Rental, are necessary in order to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located. A Special-Use Permit may be issued by the Planning Commission, provided that the following requirements and limitations are adhered to:

- (a) Such use does not endanger public health or safety, or create a public nuisance.
- (b) Such use does not adversely affect property values in the subdivision, neighborhood, or area.
- (c) Such use is compatible with the existing uses in the subdivision, neighborhood, or area.
- (d) Such use's vehicle traffic and noise levels are compatible with the existing uses in the subdivision, neighborhood, or area.
- (e) Such use complies with the provisions of Section 11.

4.7.1. ~~Occupancy~~

~~The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term **person** for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term **bedroom** as used in reference to nightly rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.~~

4.7.2. ~~Parking~~

~~One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.~~

4.7.3. ~~Solid Waste Disposal~~

~~The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.~~

~~4.7.4. **Lighting**~~

~~Outdoor lighting shall be downward-lit, subdued and have minimal off-site impacts to adjoining properties.~~

~~4.7.5. **Safety**~~

~~All Nightly Rentals shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable.~~

~~4.7.6. **Fire District Compliance**~~

~~A compliance letter shall be submitted from the local fire district, with an application for a Nightly Rental Special Use Permit ensuring adequate fire suppression and the provision of occupancy limits.~~

~~4.7.7. **Fire District Inspection**~~

~~Each Nightly Rental dwelling unit shall be inspected annually by the Fire District, unless waived by the local Fire District, in order to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Certificate of Conformance, the Owner shall make all necessary alterations to the dwelling unit as required by the Fire District Official pursuant to the applicable building codes.~~

~~4.7.8. **Taney County Assessor's Office Compliance**~~

~~A compliance letter shall be submitted from the Taney County Assessor's Office prior to the issuance of a Certificate of Compliance.~~

~~4.7.9. **Taney County Collector's Office Compliance**~~

~~A valid Merchant's License shall be provided to the Planning Department for each nightly rental property. The Merchant's License shall be provided prior to the issuance of a Certificate of Compliance.~~

~~4.7.10. **Missouri Department of Revenue Compliance**~~

~~A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.~~

~~4.7.11. **Permit Posting**~~

~~The Nightly Rental Special Use Permit shall be posted within five (5) feet of the main entrance of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information:~~

~~(a) The name and telephone number of the Local Representative.~~

~~(b) The name and address of the Owner.~~

~~(c) The contact information for the Planning Department and Sheriff's Department office — in Taney County.~~

~~(d) The maximum occupancy permitted.~~

~~(e) The name and telephone number of all local emergency personnel (police, fire and — medical personnel).~~

~~(e) The number of off-street parking spaces provided on the property, and the maximum — number of vehicles allowed to be parked on the property.~~

~~(f) The solid waste disposal collection day if provided by a solid waste company.~~

~~4.7.12. **Health Department Compliance**~~

~~A compliance letter shall be submitted from the Taney County Health Department with an application for a Nightly Rental Special Use Permit, if the nightly rental will involve five (5) or more "guest rooms". The Missouri Department of Health and Senior Services defines a guest room as a room in which one or more guests sleep (e.g. including a common room such as a living room if that room will provide sleeping arrangements for one or more guests).~~

~~4.7.13. **Ownership**~~

~~A Nightly Rental Special Use Permit is issued to a specific "Owner" of a property. If the property changes ownership then the Special Use Permit shall immediately expire.~~

~~4.7.14. **Local 24-Hour Representative**~~

~~The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty-four (24) hour basis, seven days per week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, even (7) days per week.~~

~~(a) **Change Local Representative**~~

~~The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.~~

~~(b) **Guest and Vehicle Register**~~

~~The Local Representative shall maintain a guest and vehicle register for each tenancy of the Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants and the vehicle license plate numbers of all vehicles used by the occupants and the date of the rental period. The above information must be available for County inspection upon request. Failure to maintain or provide the required information constitutes a Violation per the provisions of Section 3.10 and may also lead to the revocation of the Special Use Permit.~~

~~(c) **Complaints**~~

~~The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.~~

~~(d) **Availability**~~

~~If the Taney County Sheriff's Department is not able to contact the Local Representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.~~

~~4.7.15. **Required Buffering**~~

~~A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).~~

~~4.7.16. **Additional Conditions**~~

~~The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.~~

~~4.7.17. **Compliance**~~

~~Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Nightly Rental; and each owner of a Nightly Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Taney County. The Owner shall comply with all applicable County, State and Federal Regulations.~~

~~4.7.18. **All Nightly Rentals Shall Obtain a Special-Use Permit**~~

~~The nightly rental of all residential structures shall require the issuance of a Special-Use Permit.~~

~~4.7.19. **Revocation**~~

~~The Planning Department is hereby authorized to revoke any Nightly Rental Special-Use Permit issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.~~

~~4.7.20. **Limitation of Liability**~~

~~Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.~~

11. Nightly Rental

11.1. Nightly Rental Definition

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly Rental shall not include hotel, motel, or bed and breakfast establishments.

11.2. Permitting Requirements

A developer may apply for a Division III Permit authorizing the Nightly Rental of units within a development. A Division III Permit will only be issued for Nightly Rental in instances in which either the entire development shall allow for Nightly Rental or the number and location of Nightly Rental units shall be specifically enumerated within the Decision of Record. Individual property owners within a development with valid Division III Permit Nightly Rental authorization shall **not** be required to obtain a Division III Special-Use Permit for Nightly Rental. However, the construction of each Nightly Rental unit shall be authorized via a Division II Permit. Nightly Rental proposals that do not have valid Division III Permit authorization for the development / subdivision shall follow the Special-Use Permitting requirements and procedures enumerated within Appendix E and also the provisions of Section 11.

11.3. Occupancy

The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term **person** for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term **bedroom** as used in reference to Nightly Rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

11.4. Parking

One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.

11.5. Solid Waste Disposal

The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.

11.6. Lighting

Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.

11.7. Safety

All Nightly Rentals shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable.

11.8. Fire District Compliance

Prior to the issuance of a Certificate of Conformance, a compliance letter shall be submitted from the local fire district, ensuring adequate fire suppression and the provision of occupancy limits.

11.9. Taney County Assessor's Office Compliance

A compliance letter shall be submitted from the Taney County Assessor's Office prior to the issuance of a Certificate of Compliance.

11.10. Missouri Department of Revenue Compliance

A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.

11.11. Permit Posting

The Nightly Rental Special-Use Permit shall be posted within five (5) feet of the main entrance of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information:

- (a) The name and telephone number of the Local Representative.
- (b) The name and address of the Owner.
- (c) The contact information for the Planning Department and Sheriff's Department office in Taney County.
- (d) The maximum occupancy permitted.
- (e) The name and telephone number of all local emergency personnel (police, fire and medical personnel).
- (e) The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
- (f) The solid waste disposal collection day if provided by a solid waste company.

11.12. Ownership

A Nightly Rental Special-Use Permit is issued to a specific "Owner" of a property. If the property changes ownership then the Special-Use Permit shall immediately expire.

11.13. Local 24-Hour Representative

The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty-four (24) hour basis, seven days per week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, even (7) days per week.

(e) Change Local Representative

The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special-Use Permit.

(f) Guest and Vehicle Register

The Local Representative shall maintain a guest and vehicle register for each tenancy of the Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants and the vehicle license plate numbers of all vehicles used by the occupants and the date of the rental period. The above information must be available for County inspection upon request. Failure to maintain or provide the required information constitutes a Violation per the provisions of Section 3.10 and may also lead to the revocation of the Special-Use Permit.

(g) Complaints

The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.

11.14. Required Buffering

A buffer shall be established between any structure utilized for Nightly Rental and any existing single-family residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).

11.15. Additional Conditions

The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

11.16. Compliance

Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Nightly Rental; and each owner of a Nightly Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Taney County. The Owner shall comply with all applicable County, State and Federal Regulations.

11.18. Revocation

The Planning Department is hereby authorized to revoke any Permit authorizing Nightly Rental which is issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.

11.19. Limitation of Liability

Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.

4. PERMITS

4.1. Types of Permits

The types of permits available are defined below. However, to aid in determining what type of permit is required for a development project, the decision flow chart of [Appendix A](#) can be used so simplify the selection process.

4.1.1. Division I Permits

A permit required for any of the following conditions:

- (a) new single-family dwelling (including [manufactured homes](#))
- (b) any addition to construction originally requiring a Division I permit
- (c) any addition to a single-family unit
- (d) [special events](#)
- (e) any accessory building, structure, or appurtenance (shed, deck, porch, car port, etc.) greater than 100 square feet in ground coverage which is not classified as an agricultural structure (agricultural structures are exempt from all permitting requirements; residential structures are not considered exempted as agricultural structures and do require permits for purposes of compliance with setbacks)
- (f) temporary construction facilities placed on a development site after receiving Division II or III permits

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered either a Division II or III permit request.

Detailed Division I permit application requirements are defined in [Appendix B](#).

4.1.2. Division II Permits

A permit required for any of the following conditions:

- (a) new commercial, industrial, or institutional uses that have been issued a Division III permit
- (b) any duplex that has been issued a Division III Permit
- (c) any three-family or larger multi-family structure that already has an approved Division III permit
- (d) any addition to construction requiring a Division II permit, except additions to single family units
- (e) church structures or additions
- (f) construction of a unit within a development that received Division III Permit authorization for nightly rental

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered a Division III permit request.

Detailed Division II permit application requirements are defined in [Appendix C](#).