



TANEY COUNTY PLANNING COMMISSION

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AGENDA

TANEY COUNTY PLANNING COMMISSION

PUBLIC HEARING

MONDAY, SEPTEMBER 11, 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 Hearing:

Amendments to Appendix E, Special Use section of the Taney County Guidance Code

Review and Action

Approve Amendments to send to the County Commission for approval and adoption

Old and New Business:

Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

Posted: 09/06/2017

By: MP

Time: 10:00 am

Posted At: 132 David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room at the Taney County Courthouse and the office of Planning and Zoning.

Special-Use Draft Amendments to the Taney County Development Guidance Code

September 11, 2017

APPENDIX E

Special-Use Permits

1. GENERAL PROVISIONS

Special-Use permits are a subset of the Division III permit process. The Planning Commission is authorized to decide whether Special-Use permits shall be granted subject to the general and specific standards contained in these regulations; to grant Special-Use permits with such conditions or restrictions as appropriate to protect the public interest and to secure compliance with these regulations, and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. In no event shall a Special-Use permit be granted where the proposed use is not authorized by the terms of these regulations or where the standards of this section are not found to exist.

Prior to the granting of any Special-Use permit, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the permit as is deemed. In all cases in which a Special-Use permit is granted, the Planning Commission may require such evidence and guarantees as may be deemed necessary to ensure full compliance with stated conditions. In the case of a Special-Use permit that involves completion of work based on a Technical Plan (i.e., Land Disturbance, Re-vegetation, Stormwater, Sediment and Erosion Control), the guarantee of completion can be in the form of a Performance Guarantee.

2. PROCEDURES

The process of application and hearing for a Special-Use permit shall be the same process as used for any other Division III permit and if granted, it shall result in the issuance of a Division III permit.

2.1. Applicants for a Special-Use permit shall submit, at a minimum, the following:

- (a) application form - properly completed and signed by the property owner
- (b) proof of property ownership
- (c) sketch plan
- (d) full legal description of the boundaries of the proposed development or request
- (e) description of the requested project in the applicant's words
- (f) all other information submittals as required by the Planning Commission or Planning & Zoning Administrator
- (g) paid Taney County property tax receipt

2.2. Once the Special-Use permit is issued, as a Division III permit (Appendix D), all land disturbance and construction, as applicable, must be permitted separately (as Division I and/or II permits) prior to any work taking place. Land Disturbance permits shall be required for any land grading operations that exceed one (1) acre in area and shall meet all standards specified in Appendix F. Construction of buildings or structures shall be permitted by either a Division I (Appendix B) or Division II (Appendix C) permit as the situation dictates.

2.3. Prior to any Special-Use permit being granted, the Planning Commission shall consider that adequate provisions have been made for the following:

- (a) the location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and degree of the proposed operation
- (b) accessibility of the property to police, fire, refuse collection, and other public services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas
- (c) utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility

- (d) the location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening
- (e) the adequacy of required yard and open space requirements and sign provisions
- (f) the general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community; and with the standards for development in these regulations

3. GENERAL CONDITIONS FOR SPECIAL-USE PERMITS

The Planning Commission can, at their discretion and with any degree of stipulations (as noted above), grant a Special-Use permit for most any application that does not meet the requirements for a Division I, II, or III permit. The following stipulations shall apply to all Special-Use permits:

- 3.1. The permit is specific to the applicant to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval.
- 3.2. The permit does not constitute a land-use change and is not, therefore, tied to the property; that is, it does not transfer as part of property sale or ownership change.
- 3.3. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications (Division III).
- 3.4. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process.
- 3.5. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable.

4. SPECIFIC CONDITIONS FOR PARTICULAR SPECIAL-USES

The following are pre-determined applications where a Special-Use permit is required. However, this list shall not be considered all-inclusive.

Definition

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.

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 is necessary 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 may 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. 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. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadway. 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. **Certificate of Compliance**
A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special-Use permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions, including but not limited to compliance with the local Taney County Fire District and all other Planning Commission requirements of the recorded Decision of Record.
Before issuing a (C of C) for each Nightly Rental Special-Use permit all requirements in the Decision of Record must be completed. If the permit is required due to a Notice of Violation of no Special-Use permit in place or to bring a current Nightly Rental into compliance voluntarily, the applicant has 120 days from the date of the approval to have the C of C in place or the continued nightly rental shall cease until the C of C is issued. If the Special-Use permit is for a new nightly rental the C of C must be issued before any nightly rental can begin.
- 4.7.7. **Missouri Department of Revenue Compliance**
A valid Missouri Department of Revenue Sales Tax License or sales tax id number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
- 4.7.8. **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).
(f) The number of off-street parking spaces provided on the property, and the maximum number of nightly rental occupants vehicles allowed to be parked on the property.

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

4.7.9. 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.

4.7.10. 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, seven (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) 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.

(c) 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.

4.7.11. Required Buffering

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

4.7.12. Additional Conditions

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

4.7.13. 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.

4.7.14. Nightly Rentals To Obtain a Special-Use Permit

The nightly rental of **all** residential structures, not approved for nightly rental with a Division III major development permit, shall require the issuance of a Special-Use Permit.

4.7.15. 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.

4.7.16. 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.

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