

**AN ORDINANCE FOR MUNICIPAL CODE AMENDMENTS THROUGHOUT
CHAPTER 94 CHANGING THE TERM NIGHTLY RENTAL TO SHORT-TERM
RENTAL.**

WHEREAS, after City Staff consideration, a public meeting, and review of proposed regulations, the City of Branson desires to regulate short-term rentals that are in operation within the City; and

WHEREAS, because short-term rentals are intended to provide lodging for transient guests, the City's historically tourism-driven economy supports an estimated 1,600 short-term rentals; and

WHEREAS, the City desires to establish health and safety regulations for short-term rentals, which are intended to provide the City with contact information of the short-term rental operator or property manager in the event of an emergency or law enforcement incident; to provide transient guests (who are likely unfamiliar with location of exit routes, location of fire suppression items, and locations safe for severe weather) with emergency plans and required safety items available for guest use; and to ensure that all short-term rentals are being operated in compliance with City Code; and

WHEREAS, the Board of Aldermen is authorized by Section 79.110 of the Revised Statutes of Missouri to enact ordinances expedient for the good government of the City of Branson and to benefit the trade, commerce, and health of the Branson inhabitants; and

WHEREAS, the Board of Aldermen is authorized by Section 79.450, RSMo. to make all ordinances, not inconsistent with the laws of the state, expedient for maintaining the peace, good government, and welfare of the City and its trade and commerce; and

WHEREAS, the Board of Aldermen finds that the following short-term rental regulations benefit the trade, commerce, and health of the Branson inhabitants and guests of short-term rentals, and are expedient for maintaining the peace and welfare of the City, along with its trade and commerce; and

WHEREAS, the City of Branson is authorized by Section 94.802, RSMo. to impose a tourism tax paid by guests of hotels, motels, condominium units, time-share interests in condominiums, campgrounds, and tourist courts; and

WHEREAS, the Board of Aldermen is authorized by Section 94.270, RSMo. to regulate and license hotels, which is defined by Merriam Webster as "an establishment that provides lodging and usually meals, entertainment, and various personal services for the public"; and

WHEREAS, the Board of Aldermen finds that short-term rentals provide lodging and could also provide meals, entertainment, or various personal services, and therefore finds that short-term

rentals are properly categorized as hotels under Section 94.270, RSMo.; and

WHEREAS, the Board of Aldermen passed Bill No. 6465, Ordinance No. 2024-0065 on July 23, 2024 with an effective date of May 1, 2025; and

WHEREAS, it is the desire of the Planning Commission and the Board of Aldermen to have zoning regulations and a Unified Development Code in the Branson Municipal Code that are clear and concise for understanding and interpretation; and

WHEREAS, the language of this Bill has been submitted to the Planning Commission, which, after conducting a public hearing on the same which was properly noticed, has recommended that the Board of Aldermen amend the Zoning Code of the City of Branson as provided herein; and

WHEREAS, a public hearing was held by the Planning Commission at City Hall in Branson, Missouri at the hour of 6:00 PM on September 3, 2024; and

WHEREAS, the Planning Commission has recommended approval of the request; and

WHEREAS, a public hearing was held by the Board of Aldermen at City Hall in Branson, Missouri at the hour of 6:00 PM on September 24, 2024; and

WHEREAS, the Board of Aldermen has determined that amendments to the Branson Municipal Code are reasonable and necessary; and

WHEREAS, the Board of Aldermen want to have consistency throughout the Code regarding short-term rentals; and

WHEREAS, the Board of Aldermen wish to revise Chapter 94 to use the same terminology of short-term rental as codified in Chapter 22; and

WHEREAS, the only changes needed for Chapter 94 is to strike the term nightly rental and replace it with the term short-term rental; and

WHEREAS, the Board of Aldermen has conducted a public hearing on this matter in compliance with Chapter 89 RSMo.

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

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That the Branson Municipal Code, Chapter 94 – ZONING, and the corresponding chapters listed below, is hereby amended to read as follows:

- ARTICLE 1.- IN GENERAL
 - Sec. 94-5. – Definitions.
- ARTICLE IV. USES
 - Sec. 94-60. – Table of Permitted Uses.
 - Table 94-60.1 Permitted Uses
 - Sec. 94-61. – Use and Structure Standards.
 - Sec. 94-62. – Special Use Standards.

CHAPTER 94

ARTICLE I. IN GENERAL

Sec. 94-5. – Definitions.

For the purpose of this chapter, any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning unless otherwise provided in this section. For general definitions and rules of construction applicable throughout this Code, see section 1-2.

[Nightly] **Short-term** rental means a dwelling or portion thereof, in which guestrooms are available to transient guests.

CHAPTER 94

ARTICLE IV. USES

Sec. 94-60. – Table of Permitted Uses.

Table 94-60.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use/Nonresidential								Supplemental Use Standards
Subcategory	Con	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I		<i>Note: This - reference is to use-specific standards only, other code requirements may apply</i>
<i>Specific Use Type</i>														
Personal Services														
<i>[Nightly]</i> <u>Short-term</u> Rental	P	P		P	P	P	P	P	P	P				94-61(e)(12)

CHAPTER 94
ARTICLE IV. USES

Sec. 94-61. – Use and structure standards.

(e) *Commercial uses.*

(12) *Lodging.*

b. [Nightly] **Short-term** Rental.

- (i) Individual rooms within a single-family dwelling shall not be permitted.
- (ii) Shall only be permitted within those planned developments which specifically list the use as being allowed.

Sec. 94-62. – Special Use Standards.

(2) *Data Centers.*

- a. Data Centers. Data Centers may be permitted with a special use permit in the Industrial (I) zoning district, or as further determined through a Planned Development (PD) approval. Modification of the conditions set out below may be specified as part of the approval of a special use permit, if noted on the application and required notification, when it is determined that the data center can be accommodated in a modified manner without adverse impacts on adjacent properties and that such data center will still meet the general intent of the limitations.
- b. *Required conditions.* All data centers shall comply with the following conditions:
- c. Site Requirements:
 - (i) Primary Structure: A primary structure shall be required prior to the installation of a MENU. A temporary use permit pursuant to Section 94-64(d)(12) may be requested for a temporary office while a primary structure is being constructed. A primary structure excludes structures such as storage sheds, non-occupied secondary or accessory structures, and MENUs.
 - (ii) Buffering: A minimum setback of 50 feet shall be required for all structures located on the subject property measured from the subject property lines to the property lines in question.
 - (iii) Distancing Requirements for Residential, Places of Worship, Daycares, Parks, Lodging Establishments, and Educational facilities. Data Centers shall require a minimum 500 feet distance setback from a residential use or district, place of worship, daycare, park, lodging establishment (including bed and breakfast inn, campground and recreational vehicle park, hotel and

166 motel, [~~nightly~~] **short-term** rental, and timeshare unit) and educational
167 facilities measured from the subject property lines to the property line in
168 question.
169

170 (iii) Lighting: A photometric diagram showing predicted maintained lighting
171 levels produced by the proposed lighting fixtures shall be required. The
172 maximum maintained vertical footcandle at an adjoining residential
173 property line shall be 0.5 footcandles, measured at three feet above the
174 grade.
175

176 (iv) Manufactured Engineered Non-Residential Unit (MENU). MENUs shall be
177 screened from view by a combination of landscaping, opaque fencing, and
178 or a decorative opaque wall that is integrated into the architecture of the
179 structure. The fence or wall shall be of a height equal to, or greater than the
180 height of the MENU being screened. Chain link fencing is not permitted as
181 a screening method. On a case by case basis, a line-of-sight analysis can be
182 submitted to assess the visual impact of the MENU on the surrounding
183 environment. The line-of-sight analysis can consider, but not be limited to:
184 terrain, obstructions, vegetation, buildings, and other objects.
185

186 (v) All utility lines serving the site and located on the subject property, shall be
187 contained underground.
188

189 (vi) All data centers shall be contained within a primary structure or a MENU.
190

191 (vii) All parking areas, drive aisles, service areas, storage, and loading docks
192 shall be constructed of a hard surface (i.e asphalt/concrete), conforming to
193 the Branson Municipal code requirements.
194

195 d. Sound/Noise Requirements:
196

197 (i) On site monitoring of sound: The permit holder shall provide to the city, prior
198 to the issuance of a certificate of occupancy or completion, an affidavit that
199 includes the following information:
200

201 1. Name and qualifications of the person who measured the sound pressure
202 levels, requiring a supervised and wet stamped report by a qualified
203 Missouri licensed Professional Engineer.
204

205 2. Equipment used. List all test results; equipment; equipment serial numbers;
206 equipment settings; copies of National Institute of Standards (NIST)
207 traceable calibration certificates; drawings and pictures of the test setup
208 including pertinent distance measurements; and weather conditions during
209 the tests including wind speed, temperature and relative humidity.

210
211 3. Location of the noise measurements depicted on a scaled site plan. The
212 points of measurement shall be at all property lines and generally at the
213 points on those property lines most susceptible to noise from the applicable
214 equipment.

215
216 4. Sound pressure levels (SPL) at each property line.

217
218 5. Time and duration of measurements.

219
220 6. A statement attesting to the accuracy of the information provided and a
221 guarantee that the permit holder will not run their equipment, including
222 generators, at a greater sound pressure level than when the measurements
223 were made.

224 The city reserves the right to require independent verification of noise
225 measurements and/or to request additional measurements at different point
226 on the property. All measurements must comply with the noise levels
227 established in this Section of Branson Municipal Code.

228
229 (ii) Generators:

230
231 1. Testing of generators is prohibited between the hours of 11 p.m. and 7 a.m.

232
233 2. If generators are located outside of an enclosed building a screening wall
234 shall be required.

235
236 (iii) The SPL attributable to infrastructure of the data center property shall not
237 exceed 65 dBC, as measured at all data center property line. For data centers
238 located within 500 feet of any allowed residential use or district, place of
239 worship, daycare, park, lodging establishment (including bed and breakfast
240 inn, campground and recreational vehicle park, hotel and motel, [~~nightly~~]
241 **short-term** rental, and timeshare unit), and educational facilities, the SPL
242 attributable to the facility shall not exceed 55 dBC at all data center property
243 line.

244
245 (iv) If at any time the data center operation exceeds the standards as set forth in
246 this Section, the special use permit shall be revoked and operations shall cease.

247
248
249 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE
250 WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

251
252 Section 3: This ordinance shall be in full force and effective starting May 1, 2025.

Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 5: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 6: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this _____ day of _____, 20__.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this _____ day of _____, 20__.

Larry D. Milton
Mayor

ATTEST:

APPROVED AS TO FORM:

Hillary Briand
City Clerk

City Attorney