

**THIS ORDINANCE BECOMES EFFECTIVE MAY 1, 2025.**

**BILL NO. 6489**

**ORDINANCE NO. 2024-0086**

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

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**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

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**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:

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- 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		Note: This - reference is to use-specific standards only, other code requirements may apply
<i>Specific Use Type</i>														
<b>Personal Services</b>														
<del>[Nightly]</del> <b>Short-term</b> 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.

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

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- (iii) Lighting: A photometric diagram showing predicted maintained lighting levels produced by the proposed lighting fixtures shall be required. The maximum maintained vertical footcandle at an adjoining residential property line shall be 0.5 footcandles, measured at three feet above the grade.
  - (iv) Manufactured Engineered Non-Residential Unit (MENU). MENUs shall be screened from view by a combination of landscaping, opaque fencing, and or a decorative opaque wall that is integrated into the architecture of the structure. The fence or wall shall be of a height equal to, or greater than the height of the MENU being screened. Chain link fencing is not permitted as a screening method. On a case by case basis, a line-of-sight analysis can be submitted to assess the visual impact of the MENU on the surrounding environment. The line-of-sight analysis can consider, but not be limited to: terrain, obstructions, vegetation, buildings, and other objects.
  - (v) All utility lines serving the site and located on the subject property, shall be contained underground.
  - (vi) All data centers shall be contained within a primary structure or a MENU.
  - (vii) All parking areas, drive aisles, service areas, storage, and loading docks shall be constructed of a hard surface (i.e asphalt/concrete), conforming to the Branson Municipal code requirements.
- d. Sound/Noise Requirements:
- (i) On site monitoring of sound: The permit holder shall provide to the city, prior to the issuance of a certificate of occupancy or completion, an affidavit that includes the following information:
    - 1. Name and qualifications of the person who measured the sound pressure levels, requiring a supervised and wet stamped report by a qualified Missouri licensed Professional Engineer.
    - 2. Equipment used. List all test results; equipment; equipment serial numbers; equipment settings; copies of National Institute of Standards (NIST) traceable calibration certificates; drawings and pictures of the test setup including pertinent distance measurements; and weather conditions during the tests including wind speed, temperature and relative humidity.
    - 3. Location of the noise measurements depicted on a scaled site plan. The points of measurement shall be at all property lines and generally at the points on those property lines most susceptible to noise from the applicable equipment.

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4. Sound pressure levels (SPL) at each property line.
5. Time and duration of measurements.
6. A statement attesting to the accuracy of the information provided and a guarantee that the permit holder will not run their equipment, including generators, at a greater sound pressure level than when the measurements were made.  
The city reserves the right to require independent verification of noise measurements and/or to request additional measurements at different point on the property. All measurements must comply with the noise levels established in this Section of Branson Municipal Code.

(ii) Generators:

1. Testing of generators is prohibited between the hours of 11 p.m. and 7 a.m.
2. If generators are located outside of an enclosed building a screening wall shall be required.

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

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

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

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

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identified within this Ordinance.

Read, this first time on this 24<sup>th</sup> day of September, 2024.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this 8<sup>th</sup> day of October, 2024.

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Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Hillary Briand  
City Clerk



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City Attorney