

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

PLANNING AND ZONING COMMISSION

Regular Meeting

June 22, 2021

7:00 p.m.

Willard Community Building

220 W. Jackson, Willard, MO

PLANNING AND ZONING MEMBERS

Alderman Baird

Terry Kathcart, Chairman

Valorie Simpson, Secretary

Mayor Samuel Snider

Jose Casanova, Vice-Chairman

Mike McCroskey

Jeff LaMontia

Burnis Coleman

Randy Brown, Director of Development

www.cityofwillard.org

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
June 22, 2021
7:00 P.M.

Notice posted on June 16, 2021

Notice is hereby given that the City of Willard, Planning and Zoning will conduct a regular meeting at 7:00 p.m., June 22, 2021 at the Willard Community Building, 220 W. Jackson, Willard, MO.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

1. Call the meeting to order.
2. Roll Call.
3. Agenda Amendments/Agenda Approval.
4. Approval of the Minutes from the Meeting May 25, 2021.
5. Citizen Input.
6. Discussion/Vote to appoint Chairman, Vice-Chairman and Secretary.
7. Discussion/Vote on ATM Square Sketch Plan Phase 3.
8. Discussion on HOA Covenants and Restrictions.
9. Discussion on Air BnB.
10. New Business.
11. Unfinished Business.
12. Adjourn.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Jennifer Rowe
224 W. Jackson
Willard, Missouri 65781
(417)742-5302

**CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
MAY 25, 2021
7:00 p.m.**

Staff present: Development Director Randy Brown.

City Attorney Ken Reynolds was present.

Call to Order.

Meeting opened by Chairman Terry Katchcart at 7:02 p.m.

Roll Call.

Present: Valorie Simpson, Terry Kathcart, Mike McCroskey, Burnis Coleman, Sam Bair. Mayor Snider arrived at 7:50 p.m.

Agenda Approval.

Motion was made by Terry Kathcart with a second by Burnis Coleman to approve the Agenda. All voted in favor and the Motion passed.

Approval of the Minutes from the Meeting February 23, 2021

Motion was made by Valorie Simpson and seconded by Burnis Coleman to approve the prior minutes. All voted in favor, except Sam Baird who abstained, and the Motion was passed.

Citizen Input.

There was no Citizen Input.

Public Hearing on Rezoning Application for 105 Willey and Discussion and Vote on Same.

City Official, Randy Brown, explained the City's position on the rezoning application. No objection to the rezoning was had. A Motion to approve the rezoning was made by Valorie Simpson and seconded by Sam Baird. All voted in favor and the Motion was passed.

Public Hearing on ATM Square Sketch Plan Phase 3 and Discussion and Vote on Same.

City Official, Randy Brown, explained there are issues with the Declarations of Covenants, Conditions and Restrictions, and specifically paragraph 6.2(G) relating to a prohibition against permanent residences and the Sketch Plan which calls for residential development. Upon further discussion and testimony by two neighbors to the project, a Motion was made by Valorie Simpson and seconded by Burnis Coleman to table the discussion and vote at the time until additional issues are worked out. All voted in favor, except the Mayor who abstained, and the Motion was passed.

Discussion and Vote on Final Plat and Final Development Plan for West Ridge Subdivision.

City Officials, Randy Brown and Brad Gray presented a historical look at the West Ridge Development, which includes issues of concern for the City in regard to this development. Terry McKee spoke on behalf of the developer/owner as to concerns of the City. After extensive discussion, Motion was made by Valorie

Simpson and seconded by Sam Baird to approve the Final Plat and Final Development Plan subject to conditions and amendments agreed to by the City and Terry McKey as set forth on the attached letter marked Exhibit – “A” from attorney Reynolds to attorney Muenks outlining the conditions and amendments agreed to by the parties. All voted in favor and the Motion was passed.

Public Hearing for changes to Land Development Regulations Chapter 400 regarding Floodplain Administration and Discussion and Vote on Same.

Public Official, Randy Brown, discussed the City’s view as to this amendment. After further discussion, a Motion was made by Valorie Simpson and seconded by Terry Kathcart to approve the change to Chapter 400. All voted in favor and the Motion was passed.

New Business.

Randy Brown discussed a possible new duplex development inside the City.

Unfinished Business

Discussion was had about standards or examples being developed to give to developers as to what the City would expect for CCR’s.

Adjourn.

Motion was made by Sam Baird and seconded by Burnis Coleman to adjourn the meeting. All voted in favor and the Motion passed.

The meeting was adjourned at _____.

Valorie Simpson, Secretary

Terry Kathcart, Chairman

CITY OF WILLARD, MISSOURI

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Agenda Item# 7

Discussion/Vote on ATM Square Sketch Plan Phase 3.

Background Report for ATM Commercial Subdivision Phase 3

Date : July 15, 2021

Applicant : Matt Kelly

Background: Since the May meeting the applicant has resubmitted a revised Sketch Plat for the proposed development. The total number of lots requested has been lowered from ten (10) lots to eight (8) lots. Two of the residential lots have been removed. The residential lots do not meet the square footage requirement for R-1 Zoning - 15,000 sq.ft. minimum, although they are close. Lot number eight (8) (R-1 zoning) is encroaching the limits of the floodplain and would require the issuance of a floodplain building permit.

Lots number one (1) and (2) are shown as C-2 Mixed Use. Staff is uncertain the intent of the Mixed Use for the commercial lots.

Lot number four (4) is being requested for R-3 Multi-Family Zoning and the sketch layout provides for twenty one (21) units or seven (7) triplex buildings. It is unclear how access driveways and parking are being provided for the two (2) structures on the south side.

Detention is being proposed to serve only the R-3 Multifamily tract but a stormwater buyout is being proposed for the R-1 Lots. It is unknown at this time how the Commercial lots stormwater will be handled. The location of the proposed detention does not make sense because of the existing detention basin location. The proposed sanitary sewer location will conflict with the drainage patterns and should be discouraged to prevent possible sources of Inflow and Infiltration into the sanitary sewer system.

There are many items to consider for this development but the most seemingly important issues are :

- #1. Does the Commission support the proposed R-1 Zoning along New Melville and are the lot sizes appropriate?
- #2. Does the Commission support proposed R-3 Multifamily Zoning for lot #4? If so, does the Commission support the current proposed layout and density?
- #3. Considering the developer's request for a Planned Development what does the City get in return as a benefit to the community?

Additionally, if R-1 is allowed amending the current CCRS will need to be accomplished as the development progresses and the City should require assurance from the developer for the scheduling and commitment that the LOMAR will be completed before final platting.

The following items are staff concerns and these issues will need to be addressed by the developer as part of moving forward with the development-

Placement of the sanitary sewer line in drainage easement

Increasing water capacity (updating the 6" line to minimum City Standards)

Satisfying the current agreement with the City relating to box culvert improvements on New Melville as related to the CLOMAR completion.

Providing sidewalks to accommodate pedestrian activity to and from this development.

I have provided review comments from Algier-Martin Engineer, John Forrester as well as comments from the developer's engineer, John Sayer that have additional information and concerns for your consideration.

Please contact me at City Hall if you have any questions prior to the meeting.

Randy Brown
Director of Development
City of Willard, Mo.

Background Report for ATM Commercial Subdivision Phase III Sketch Plan

Date: MAY 17, 2021

Applicant: ATM Square, L.L.C.

Tract size: 16.08 Acres

Total # of lots: 10

Current Zoning: C-2, R-1

Proposed Zoning: Planned Development District- Mixed Use

Surrounding Land Uses: North - Commercial

South – R-1 Single Family Residence

East – R-1 Planned Development / C-2 mixed use

West – R-2 Duplex Two Family Residence District

History: The owner has applied for an application to move forward with the final phase of his development. This phase will consist of three (3) commercial lots, one (1) Multi-family lot and six (6) Single -Family lots for a total of ten (10) lots. This phase is in conjunction with the ongoing CLOMR – (Conditional Letter of Map Revision) that has been approved by FEMA several years ago and has never been completed resulting in building permits being held up on the Gauge Crossing Subdivision. The developer has indicated that the CLOMR will be completed in full and that Proctor Road will be completed during this phase. Staff has sent the sketch plan submittal to Algier Martin Engineering for their review and has provided their information/ comments for your review. On May 17, 2021-6:00pm. a neighborhood meeting was held at the Willard Community Building to give the surrounding property owners a chance to voice concerns. Staff has included the minutes of that meeting along with other supporting documentation for your information and consideration of this plan. Utilities will need to be extended, possibly relocated and updated to serve this phase, additional sidewalks will be required along New Melville along with other necessary road improvements such as increasing the box culvert capacity at New Melville (this was agreed by the developer at the last phase approval), re-alignment of Watson or re-design of the cul de sac to serve lot #4. These improvements should be at no cost to the City and should be required to be completed along with the CLOMR before any Final Plat approvals are given.

Since this is a Planned Development proposal a lot more of the required information (Engineering Reports) shall be included with the Preliminary Plan and Plat submittal, providing this sketch plan is approved or approved with modifications.

Staff has researched the files on this development dating back to 2012 when a Preliminary Plat was submitted that was never completed (one lot was final platted- Lot 2) and has determined at that time it was the developers intent to provide common space and a buffer (detention basin) along the southern portion of the property. At that time a street was proposed to go north from New Melville connecting to Watson for traffic circulation. The original intent of the development was to be Commercial thus, rezoning occurred from R-3 to C-2 on the new proposed tract (Lot 4). Staff has included a copy of the recorded CCR'S and a Restrictive Building Agreement Easement that includes the approved preliminary plat which shows this information. Staff contacted the developer on 5-18-21 to discuss concerns about past approvals and expectations and the developer insisted to move forward with the proposed plan. One concern is the density of the R-3 development, the developer has indicated that they would request the maximum density allowed for R-3 Zoning which is up to 12 dwelling units per acre. Another concern is that the developer would follow thru with the completion of the CLOMR F. This involves not only the construction per approved design but also the application and certification to FEMA so that the affected properties will be removed from the flood plain including the lots on the west side of Gauge Street.

This is an opportunity for additional growth and development but is also compounded by a multitude of complex issues because of the floodplain and traffic impact this development would have on the adjacent properties if approved as proposed.

If you have any questions or concerns, feel free to contact me at City Hall prior to the meeting.

**Randy Brown
Director of Development
City of Willard, Mo.**

Willard Clerk

From: Planning and Development
Sent: Monday, June 14, 2021 2:07 PM
To: Matt Kelley
Cc: City Administrator; Willard Clerk
Subject: FW: ATM Phase 3 - Revised R-3 and R-1 layout

Matt, we will be taking your revised plan back to P/Z the 22 of July, I believe the BOA will table it tonight after discussion. I wanted to share John's comments for you and your teams information. Let me know if you need anything else or if you have any questions

Randy Brown
City of Willard, Mo.

From: John Forrester <John.Forrester@amce.com>
Sent: Monday, June 14, 2021 1:31 PM
To: Planning and Development <develop@cityofwillard.org>
Subject: ATM Phase 3 - Revised R-3 and R-1 layout

Randy,

This is a follow up to our discussion last week concerning the revised sketch plan for the R-1 and R-3 portion of the Phase 3 of ATM development. We offer the following comments:

1. Proposed Lot 8 still falls within the floodplain. IT is reported that a CLOMAR is being developed to remove the indicated floodplain from the lot but has not been completed and approved.
2. Square footage for Lots 5 thru 8 are below the minimum 15,000 square foot minimum.
3. Is a separate detention basin being proposed just for the R-1 and R-3 area? Previous sketches indicated a single detention basin to serve all of Phase 3.
4. The proposed Triples in the upper right hand corner of the R-3 tract appears to be located onto of the existing waterline.
5. In order to provide a consistent 50' roadway right-of-way (ROW) on Watson Street, a small ROW dedication from Brayfield Village, Lot 2 and a vacation of ROW from Brayfield Village, Lot 4 is recommended.

Please note that our review does not pertain any configuration of the R-3 site layout except for notation of the proposed detention basin.

Let us know if you have any questions.

Thanks,
Allgeier, Martin and Associates, Inc.

John K. Forrester, P.E.

Willard Clerk

From: Planning and Development
Sent: Tuesday, June 15, 2021 12:11 PM
To: John Forrester; Willard Clerk
Subject: FW: ATM Phase 3 - Response

John this is fyi - Jenn, please save this for the p/z packet – I'll be working on the updated background report asap - thanks RB

From: John Sayre <jsayre11@gmail.com>
Sent: Tuesday, June 15, 2021 10:38 AM
To: Planning and Development <develop@cityofwillard.org>; john.forrester@amce.com; M Stalzer <mestalzer@gmail.com>; Matt Kelley <matk@freedombk.com>
Subject: ATM Phase 3 - Response

Hey Randy,

Below is our response to Mr. Forrester's comments:

1. Proposed Lot 8 still falls within the floodplain. IT is reported that a CLOMAR is being developed to remove the indicated floodplain from the lot but has not been completed and approved. This is correct. The CLOMAR is still being developed and we are looking at different options for the grading around the existing channel. This will not be an issue once we run the HEC Analysis and locate the new floodplain line.
2. Square footage for Lots 5 thru 8 are below the minimum 15,000 square foot minimum. Planning and Zoning are aware of the lots are slightly less than the minimum and this will be addressed in the PD documents.
3. Is a separate detention basin being proposed just for the R-1 and R-3 area? Previous sketches indicated a single detention basin to serve all of Phase 3. When the R-3 area is developed, they will have to provide detention for that area specifically. The existing detention pond shown will remain as it is today. We will be proposing a storm water buyout for the R-1 area.
4. The proposed Triples in the upper right hand corner of the R-3 tract appears to be located onto of the existing waterline. We are verifying the actual easement width, with that said, we used a 10' wide easement centered on the existing water main, the buildings shown do not encroach that easement.
5. In order to provide a consistent 50' roadway right-of-way (ROW) on Watson Street, a small ROW dedication from Brayfield Village, Lot 2 and a vacation of ROW from Brayfield Village, Lot 4 is recommended. Understood.

If you have any questions please let me know.

John Sayre
417-849-9427

CITY OF WILLARD, MISSOURI

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Agenda Item# 8

Discussion on HOA Covenants and Restrictions.

EXAMPLE



Covenants & Restrictions

ARTICLE I

Owner's Easements of Enjoyment. Every Owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area; the right of the Association to limit the number of guest of Owners; the right of the Association to limit the Common Area which may be used by Owners and/or their guest; the right of the Association to impose conditions under which the Common Area may be used by Owners and/or their guest;

(b) The right of the Association to suspend any Owner's voting rights and the rights to use the Common Area for any period during which any assessment against his Lot remains unpaid; and for a period no to exceed ninety (90) days for any infraction of this Declaration, Bylaws of the Association or any Rules which may be imposed by the Association;

(c) The right of the Association to dedicate or transfer all or any part of the Common Area to any governmental agency, authority, or public or private utility for such purposes;

(d) The right of the Association to promulgate and enforce the Rules in connection with the property.

ARTICLE II

THE DEERFIELD PROPERTY OWNERS ASSOCIATION

Section I: Organization

a. The Association. The Association is or shall be a non-profit corporation organized and existing under the General Not-for-Profit Corporation Act of the State of Missouri, charged with the duties and invested with powers prescribed by law and set forth in its Articles of Incorporation (the "Articles"), Bylaws, and this Declaration. Neither the articles nor Bylaws shall, for and reason, be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration. The Association will not be dissolved without the consent of the City of Willard, Missouri.

b. Board of Directors and Officers. The affairs of the Association shall be conducted by a Board of Directors and such officers as the Directors may elect or appoint, in accordance with the Articles and the Bylaws.

c. The Association with formed: The Association shall be formed at any time after completion of 60% of homes. The Board will be elected at the first meeting on a basis of one vote for each home. The Board will originally consist of (3) members. This number can be adjusted by majority vote of homeowners but will always be an odd number of directors.

Section 2: Powers and duties of the Association. The Association shall have such rights, power, and duties as set forth in the Articles and Bylaws.

Section 3: Rules. By a majority vote of the Board, the Association may, from time to time and subject to the provisions of the Declaration, adopt, amend and repeal rules and regulations governing the use of any Common Area by Any Owner, by family of such Owner, or by any invitee, licensee or lessee of such

Owner; provided, however, that such rules may not discriminate among Owners and shall not be inconsistent with this Declaration, the Articles or Bylaws. A copy of such Rules as they may from time to time be adopted, amended or repealed, shall be made available to each Owner at the Owner's request. Upon promulgation, the Rules shall have the same force and effect as if they were set forth in and were part of the Declaration.

Section 4: Personal Liability. No member of the Board of Directors of the Association, any committee thereof, or any officers of the Association shall be personally liable to any Owner, or to any other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of the act, omission, error or negligence of the Association, the Board, or any other representative or employee of the Association, any other committee, or any office of the Association provided that the person has upon the basis of the information as may be possessed by him, acted without willful or intentional misconduct.

Section 5: Responsibility for Common Area: The Association shall have the responsibility for maintaining the Common Areas and shall be responsible for the payment of any taxes and insurance on the Common Areas. In the event any Common Area is willfully or maliciously damaged or destroyed by an Owner or any of his guest, tenants, licensees, agents or members of his family, such Owner does hereby authorize the Association to repair said damaged area, and the Association, at its option, shall so repair said damaged area. The cost for such repairs shall be paid by said Owner, upon demand, to the Association and the Association may enforce collections of same in the same manner as if such costs were an assessment and shall have all powers and rights to so collect as set forth in Article III Section 2. The Common Areas will be turned over to the Association upon election of officers of said Association.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 1: Membership. Every Owner, either of a fee or undivided interest, of a lot, shall be a Member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant and may not be separated from ownership of any Lot.

Section 2: Management. Members shall have no rights to manage the business affairs of the Association. The management of the Association is vested entirely in the Board of Directors as set forth in the Articles and By-Laws.

Section 3: Voting Rights. Voting members of the Association shall be all those members described in Section 1 hereof, including Developers for so long as Developers own any interest in a Lot. Voting members shall be entitled to one (1) vote for each Lot in which such member owns an interest. When more than one person or entity holds an interest. When more than one person or entity holds an interest in any Lot, all such persons or entities shall be members and the vote for such Lot shall be exercised as they, among themselves, determine, but such joint ownership shall not increase the one vote which could otherwise be cast for any Lot. Any matter to be voted on by the voting member of the Association shall be determined by a majority of the votes cast; provided, however, that no vote shall be valid unless the Developers shall have cast their vote or votes or shall have waived such right in writing for so long as Developers own a lot.

Section 4: Creation of the Lien and Personal Obligations of Assessments. Each Owner of any Lot, other than Developer, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association: (1) annual assessment of charges, and (2) special assessments for capital improvements, such assessments to be established and collected as provided. The Developer shall not be considered an Owner of a Lot or a member of the Association for purposes of assessment and the Developer

shall not be obligated to pay any annual or special assessments. The annual and special assessments, together with interest, costs and reasonable attorney's fees, shall, to the full extent permitted by law, be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, cost and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner such property on the effective date of the assessment. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them, but, nevertheless, the lien above-mentioned arising by reason of such assessment shall continue to be a charge and lien upon the land as above provided. Until the Board of Directors specifies the amount of the annual assessment, such assessment shall be in the sum of \$50.00 per Lot. The annual assessment for any year shall become due and payable on the 1st day of July of each year, or at such other date as designated by the Board of Directors.

Section 5: Effect of Nonpayment of Assessments; Remedies of the Association. Each Owner shall be deemed to covenant and agree to pay to the Association the assessments provided for herein, and each agrees to the enforcement of the assessments in the manner herein specified. In the event the Association employs an attorney or attorneys for collection of any assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, or for any other purpose in connection with the breach of this Declaration, each Owner and Builder agrees to pay reasonable attorney's fees and costs thereby incurred in addition to any other amounts due or any other relief or remedy obtained against said Owner or Builder. In the event of a default in payment of any such assessment when due, the assessment shall be deemed delinquent, and shall bear interest at the rate of eighteen percent (18%) per annum, and in addition to any other remedies herein or by law provided, the Association may enforce each such obligation in any manner provided by law or in equity, or without any limitation by the foregoing, by either or both the following procedures:

(a) The Board may cause a suit at law to be commenced and maintained in the name of the Association against any Builder or Owner to enforce each such assessment obligation.

(b) There is, to the full extent permitted by law, hereby created a claim of lien, with power of sale, on each and every Lot to secure payment to the Association of any and all assessments, interest, attorney's fees and other costs levied against any and all Owner of such Lots under this Declaration.

Article IV

Section 1: The following restrictions are imposed upon each residential lot for the benefit of all Owners, Builders, and the Developer.

Section 2: Single Family Residential Use. Except as provided in Section 6 for Developer's or Builder's offices, all lots shall be used, improved and devoted exclusively as a one-family dwelling, and no gainful occupation, profession, trade, or other non-residential use shall be conducted on any such lot. Nothing herein shall be deemed to prevent the leasing of any such dwelling, from time to time, by the Owner thereof, subject to all of the provisions of the Declaration. No structure whatever shall be erected, placed or permitted to remain on any lot except a detached one-family dwelling, together with at least a two-car attached garage, except as allowed in Section 15. See Section 25 for square footage requirements.

Section 3: Animals. Household pets shall be permitted; however, they shall be restrained in a humane manner so as to be restricted to the owner's property. No livestock or poultry of any kind shall be raised, bred or kept on any lot for Commercial purposes. No animal shall pose a nuisance. This shall comply with the City of Willard ordinance on animal control.

~~Section 4: Antennae. No Antenna or other device for the transmission or reception of electronic signals shall be erected, used or maintained outdoors on~~

any lot, which antenna or other device shall be visible from the street adjoining the front of said lot, unless approved by the Architectural Committee. TV antennas shall be erected so as to be as inconspicuous as possible and no such TV antenna shall extend more than six feet above the ridge of the roof of the particular dwelling unit upon which the antenna is located; provided, however, the Architectural Committee shall have the authority to ward variances with respect to the foregoing prohibition. Small satellite dishes for TV reception under 36" in diameter will be permitted as long as they are put in an inconspicuous place.

Section 5: Improvements and Alterations: No building, fence, wall, residence or other structures shall be commenced, erected, improved, or structurally altered, without the prior written approval of the Architectural Committee.

Section 6: Temporary Occupancy. No trailer, incomplete building, tent, shack, or garage and no temporary building or residence on any property within Deerfield. Temporary buildings or structures used during the construction of a dwelling on any such property shall be removed immediately after the completion of construction. Provided, however, that the Developer or Builder shall have the continuing right to maintain a field sales office and administrative offices in mobile trailers or other approved structures for so long as the Association shall deem it necessary on any lot of Deerfield and no Owner shall have standing to object to the maintenance of location of such office.

Section 7: Trailers and Recreational Vehicles. No trailer, travel trailer, motor home, boat trailer, boat or Recreational Vehicle shall be parked in front of the front building line of the residence. They must be in rear of residence.

Section 8: Motor Vehicles. The operation of any motor vehicles creating loud or annoying noises by virtue of its operation within the properties is strictly prohibited. No unlicensed, wrecked or inoperable vehicles of any type or description shall be parked, left, maintained or located on any lot or adjacent thereto, including the platted streets or common areas. No parking of vehicles shall be permitted on streets, except for short term visitor parking. This does not pertain to homes under construction.

Section 9: Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any lot within Deerfield and no odors shall be permitted to arise therefrom so as to render any such lot or portion thereof, unsanitary, unsightly, offensive or detrimental to any other lot in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any such property.

Section 10: Maintenance of Lawns and Plantings. Each owner of a lot within Deerfield shall keep all shrubs, trees, grass and plantings, including the area located between the boundary line of his property and the street on which Owner's property abuts, neatly trimmed, properly cultivated and free of trash, weeds, and other unsightly material. Additionally, each Owner of a lot within Deerfield shall maintain two trees of at least six-foot in height in the front yard. Each Owner of a lot within Deerfield shall maintain two trees of a least six-foot in height in the front yard. Each Owner further agrees to replace said trees in the event that one or both die. All yards shall be sodded, hydra seeded, or seeded and strawed.

Section 11: Repair of Buildings. No building, structure or fence upon any lot within Deerfield shall be permitted to fall into disrepair, and each such building, structure or fence shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

Section 12: Trash Containers and Collection. No garbage or trash shall

be placed or kept on any property within Deerfield except in covered containers of a standard type. All trash containers to be kept at side or rear of property except on collection day.

Section 13: Curb Appeal. No swings, playground equipment, clothes lines, wading pools, or sandboxes may be placed in the front of the dwelling, but must be kept in the back or side of the dwelling on said lot.

Section 14: Encroachments. No tree, shrub, or planting of any kind on any lot within Deerfield shall be allowed to overhang or otherwise encroach upon any sidewalk, street, pedestrian way, or other area from ground level to a height of eight feet, without prior approval of the Architectural Committee.

Section 15: Storage Buildings. One (1) storage building will be allowed which will be no larger than 12 feet by 16 feet or smaller, and maintained in good condition. ~~They must be the same material as house.~~

Section 16: Restriction on Further Subdivision. No lot within Deerfield shall be further subdivided or separated into smaller lots or parcels by any Owner, and no portion less than all of any such lot, or any easement or other interest therein, shall be conveyed or transferred by an Owner. This provision shall not, in any way, limit Developer from subdividing or separating into smaller lots or parcels any property owned by the Developer. However, Owner may purchase more than one lot, but home must be placed on only one lot. Homes shall not be placed in the center of two adjoining lots. No portion of a single-family residence lots less than the entire lot, together with the improvements thereon, may be rented, and then only to a single family.

Section 17: Signs. No sign of any kind shall be displayed to the public view of any lot except: (a) one sign of not more than five square feet, advertising the property for sale or rent; (b) signs used by builder to advertise the property during the construction and sales period; (c) signs of such shape, size and location as the Developer deems necessary for security and to advertise the project.

Section 18: Building Location. No building shall be located nearer to any lot line than the minimum set-back line shown on the recorded plat of Deerfield. No building shall be placed in the center of two adjoining lots.

~~Section 19: Fences~~

~~A. No fencing in front yard is permitted.~~

~~B. No chain link fencing shall be permitted.~~

~~C. Privacy fences may not exceed seven feet in height.~~

D. No fences in Deerfield shall extend past the front edge of the house. Supporting structures on all fences shall be placed on the side of the fence facing the property of the Owner building the fence. On corner lots, the fence may extend from the back corner of the house towards the side street, but not beyond the side property line.

E. No fence or hedge shall be permitted between the front wall of the structure and the adjoining street or across the front yard.

Section 20: Easements. Easements are reserved as shown upon the recorded plat of Deerfield.

Section 21: Soil Removal. Soil may not be removed from the subdivision without consent of the Developer.

Section 22: Outside Lighting. Spotlights, floodlights, or similar type high-intensity lighting shall be designed, located and constructed so as to eliminate or significantly reduce glare on adjoining residences, and the Architectural Committee may direct that they be redesigned or eliminated if they determine that it advisable. Other types of low-intensity lighting which do not disturb the Owners or other occupants of the properties may be allowed.

Section 23: ~~Dwelling Exteriors. Front exteriors shall be constructed of brick or stone with the exception of trim around windows and doors. Exterior siding will be allowed over garage doors and cantilevers. Remainder of home shall be of a maintenance-free material.~~

Section 24: Vehicles. No unlicensed or inoperable vehicles may be kept on premises except in garage.

Section 25: Minimum Square Footage. All homes over a crawl space shall be at least 1300 square feet. All homes over a basement shall be at least 1200 square feet on the main level. All two story homes shall be at least 1700 square feet. No relocated houses, modular homes or trailers shall be permitted.

Section 26: Roof. Minimum pitch of roof shall be 6/12 or greater. No white roofs shall be allowed.

Section 27: Completion of Homes. On all lots sold, homes will need to be completed within 3 (three) years of lot closing date. If homes are not completed within that time, an additional charge of \$2,735.00 shall be to developer. This is due to utility deposits paid for by developer.

ARTICLE V

Section 1: Enforcement. The Association or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restriction, conditions, covenants, reservations, liens and changes now or hereafter imposed by the provisions of this Declaration.

Section 2: The Declaration. By acceptance of a deed or by acquiring any ownership interest in any of the lots in the property, each person or entity binds himself, his heirs, personal representatives, successors, transferees and assigns to the covenants, conditions, rules and regulations now or hereafter imposed by this Declaration, and any amendments thereto.

Section 3: Property Owners Association. The Association shall have the right to set property owners fees for the upkeep and maintenance of all common areas. These restrictions and conditions are to run with the land and shall be binding upon the present title holders of said land as well as all other persons claiming under them for a period of thirty (30) years from the date of this instrument as recorded, after which time said covenants shall be extended automatically for successive periods of ten (10) years. This Declaration may be amended in part by the Developer or a majority of homeowners. No amendment shall be changed without the written approval of the city of Willard. Developer will develop Deerfield in phases, by various lots. Developer may supplement, modify or amend these restrictions, as deemed necessary.

Standard CCR Topics with Links to Willard Municipal Code

Use of Property:

See individual Zoning codes: [Article V](#)
City allows in home occupations, see [400.540](#)

Animals Allowed:

Limitation of number of Dogs and Cats, see [205.070](#)
Chickens are allowed in R-1, see [400.520.B.1.p](#)

Antennae:

Many CCR's regulate the location of an antennae, City code does not [400.520.B.1.g](#)

Improvements and Alterations:

Permits required, see [500.010](#)

Temporary Occupancy:

No dwelling in a recreational vehicle [400.780.G](#)
Trailers, incomplete building, tent, shack, garage, etc. is not listed in the approved temporary uses, [400.530](#)

Trailer and Recreational Vehicles:

[400.780.E](#) restricts vehicles, trailers, and recreational vehicles from being parked in the front yard of residential districts.
[400.780.G](#) allows for off street parking of recreational vehicles in any district

Motor Vehicles:

Sound level limits are listed in [400.1530](#)
Inoperable and unlicensed vehicles deemed as public nuisance with [215.020.A.3](#)

Nuisances: (debris)

This is covered in [Section 215](#)

Lawn, Planting Maintenance:

City prohibits grass of 12", [215.090](#)
City requires buffer yard screening [400.750](#)

Repair of Buildings:

Listed in the property maintenance codes that the City has adopted

Trash Containers/Collection:

City has no provisions for location of trash containers on non-collection days.

Curb Appeal:

Setback regulations for Accessory Uses and Structures, [400.520](#)
Clothes line and play houses are not permitted in front yards, [400.560](#)

Encroachments:

Covered by street and park tree regulations [400.770](#)

Storage Buildings:

Size of accessory structures is determined by lot size see [400.520.D.4](#)

Subdividing:

Zoning districts regulate the minimum lot size

Signs:

Permitted signs in R-1 districts can be found in [400.890](#)

Building Locations:

Setbacks are explained for each zoning district, see [400.420](#) for R-1

Fences:

Fences are allowed in front yards as long as it meets the vision clearance [400.560](#) and can have a max height of 7'

Easements:

All easements and right of ways are to be listed on the final plat [400.1190](#)

Outside Lighting:

City has regulations for exterior lighting [400.1540](#)

Vehicles:

Sound level limits are listed in [400.1530](#)

Inoperable and unlicensed vehicles deemed as public nuisance with [215.020.A.3](#)

Minimum Square Footage:

Minimum first floor for R-1 Dwellings is 900 sq.ft [400.420](#)

Additionally, it's a good practice that the ccr's state there needs to be city approval on any changes prior to them being recorded.

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



Agenda Item# 9

Discussion on Air BnB.

Willard Clerk

From: Planning and Development
Sent: Thursday, June 17, 2021 8:40 AM
To: Willard Clerk
Subject: FW: Short Term Rentals

Jenn please print this information and e-mail and include it in the packet- thanks RB

From: Planning Assistant <planassist@cityofwillard.org>
Sent: Wednesday, June 16, 2021 9:47 AM
To: Planning and Development <develop@cityofwillard.org>
Subject: Short Term Rentals

Randy,

I have some short term rental information together if you'd like to review. I tried to make it as organized as possible, but there's a lot to unpack on this subject.

Ozark, Branson, Bolivar, and Republic do not have codes that explicitly support/allow short term rentals, but most have listings on both Airbnb and VRBO

Some cities allow it ([Springfield](#), [Nixa](#), [Lake Ozark](#)) some have made it a to where the owner has to apply for a permit ([Osage beach](#), [St. Charles](#)) and some require a business license and lodging taxes to be paid ([St. Louis](#), [Kansas City](#), [Jefferson City](#)) it appears these cities use the tax to fund the city advertising).

Here's the [Airbnb](#) page, [Vrbo's](#) page that explain local requirements
[Columbia](#) is still in the adoption process

So we have a few options.

Update the code to remove the restrictions and allow short term rentals,
adopt an ordinance to issue a business license/permit to have the ability to collect lodging taxes (this needs more research since theres more to it than just ordinance adoption),
or keep on with the way it's already established and not allow it.

Let me know your thoughts or where to go from here

Abigail Brixey
City of Willard
Planning Assistant
Prosecutor's Clerk
417-742-5310

Sec. 36-473. - Short-term rentals.

(1) *Short-term rental type 1.*

(a) This section shall apply to a short-term rental use that:

1. Is rented for periods of less than 30 consecutive days; and
2. Is located within a R-SF or R-TH zoning district; and
3. Is an owner-occupied primary residence and is not rented for more than 95 days in a calendar year when the owner is absent from the premises; or
4. If the owner is present on the premise during the entire time it is rented, there is no limit on the number of rental days per year.

(b) The following provisions shall apply to a short-term rental type 1:

1. A short-term rental type 1 shall only be located in the primary structure or a historic carriage house per section 36-464.
2. No exterior alterations that would change the single-family character of the short-term rental type 1, other than those necessary to ensure the safety of the structure, shall be made.
3. No residential structure shall be removed for parking or to expand the short-term rental type 1.
4. A short-term rental type 1 shall not be rented solely for receptions, parties, weddings or any similar activities.
5. The owner of a short-term rental type 1 shall provide notification as required by subsection 36-472(4).
6. It shall be a violation of this section for an owner to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 1 which is not in compliance with the provisions of this section.

(c) An affidavit certifying that the primary residence, legal accessory apartment or historic carriage house will not be rented for more than 95 days in a calendar year when the owner is absent from the premise.

(d) Annual business license shall be obtained.

(2) *Short-term rental type 2.*

(a) This section shall apply to a short-term rental use that:

1. Is rented for periods of less than 30 consecutive days; and
2. Is located within a R-SF or R-TH zoning district; and
3. Is not an owner-occupied residence or is an owner-occupied primary residence, legal accessory apartment or historic carriage house and is rented for more than 95 days in a calendar year when the owner is absent from the premise.

(b) A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy.

(c) Annual business license shall be obtained.

(d) The following provisions shall apply to a short-term rental type 2:

1. Density limitations: A short-term rental type 2 shall be limited to no more than one STR type 2 or be breakfast per eight residential structures on the block face in R-SF or R-TH districts. No STR type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by (i.e. one to three: No STR; four to eight: One STR; nine to 15: One STR; 16 to 23: Two STR). For purposes of this section, block face shall be defined as one side of a street, from one intersection to the next, not including residential structures' block face shall be determined by the mailing address assigned to each.
 2. A short-term rental type 2 shall only be located in the primary structure or a historic carriage house per section 36-464.
 3. No exterior alterations that would change the single-family character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made.
 4. No residential structure shall be removed for parking or to expand the short-term rental type 2.
 5. A short-term rental type 2 shall not be rented solely for receptions, parties, weddings or any similar activities.
 6. The owner of a short-term rental type 2 shall provide notification as required by subsection 36-472(4).
 7. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 2 which is not in compliance with the provisions of this section.
- (e) A short-term rental type 2 permit shall be required for short-term rental type 2 uses.
1. Application fee. A fee of \$350.00 or as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the license and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
 2. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development.
 3. Notice of the neighborhood meeting shall be posted by the applicant at least ten days prior to the meeting and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the short-term rental type 2. One sign shall be posted on each street frontage of the subject property. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words "NEIGHBORHOOD MEETING" and in addition the date, time, and place of the public meeting, and a telephone number where additional information can be secured.
 4. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any

- issues if possible. The meeting shall be scheduled from 4:00 p.m. to 6:30 p.m.
5. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, in sufficient time to allow for mailing for at least ten days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum and any additional information as required by the director of planning and development:
 - a. Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes.
 - b. Meeting date, time and location.
 - c. Applicant or their representative's contact information.
 - d. Information sheet provided by the city.
 6. No more than ten days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the planning and development department using the following format as set forth below:
 - a. Meeting date, time and location.
 - b. Number of neighbors in attendance with an attached sign-in sheet.
 - c. List of issues raised, any verbal comments and how applicant plans to respond.
 - d. Additional information, such as comment cards and letters from neighbors shall be attached to the summary.
 - e. Notarized affidavit containing signatures of at least 55 percent of adjacent residential property owners, including those adjoining and immediately across the street.
 7. If the applicant does not submit the information listed above within ten days of the neighborhood meeting, the application shall be considered incomplete and the applicant will be required to conduct a new meeting.
 8. If the signatures of at least 55 percent of neighboring property owners cannot be secured the applicant may apply to the city council to obtain a resolution granting the STR type 2 permit.
 9. The city shall have the authority from time to time to prepare forms to implement this section including a sample affidavit form, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements.

(3) *Short-term rental type 3.*

- (a) This section shall apply to a short-term rental use that:
 1. Is rented for a period of less than 30 consecutive days; and
 2. Is not located in an R-SF or R-TH zoning district.
- (b) The following provisions shall apply to a short-term rental type 3:
 1. No more than two short-term rental type 3 units are allowed on a premises.
 2. A short-term rental type 3 shall provide notification as required by subsection 36-472(4).

3. A short-term rental type 3 unit shall not be rented solely for receptions, parties, weddings or any sin
 4. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.
- (c) A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy.
- (d) Annual business license shall be obtained.
- (4) *Short-term rental notification requirements.*
- (a) The owner of a short-term rental shall post, conspicuously in each rental unit the following information:
1. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;
 2. The certificate of occupancy and business license number;
 3. The restrictions on noise applicable under section 36-485, noise standards, including limitations on the use of amplified sound;
 4. Any applicable parking restrictions;
 5. Trash collection schedule;
 6. That the short-term rental unit may not be rented solely for receptions, parties, weddings or other similar events.
- (5) *Short-term rental revocation, suspension or denial of a license.*
- (a) The director of building development services may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:
1. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The director may suspend, revoke or deny an application to renew a short-term rental license for a period of 12 months. During that time, another short-term rental may be established following the requirements and cause the revoked or denied short-term rental from being re-established due to the separation requirement.
 2. The director of building development services may, in writing, suspend, deny or revoke a license issued under provisions of this section whenever the license is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.
 3. When a short-term rental license is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.
 4. If the director of building development services denies, suspends or revokes the license, the owner may file an appeal request to city council.
- (6) *Transferability.*
- (a) The owner of a licensed short-term rental may transfer the property along with the permitted use to

another, subject to the transferee completing an application and providing all required information to the city. This transfer does not trigger a new certificate of occupancy inspection by virtue of the transfer alone.

(7) *Implementation.*

- (a) For the purpose of the implementation of the short-term rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for short-term rentals shall commence two weeks after the passage of this ordinance.
- (b) Implementation and suspension of density limitations. Applicants filing an application for a short-term rental type 2 within the first 30 days following passage of this ordinance shall not be subject to the density limitations set forth in subsection 36-472(2)(d)(1). Applications received after this initial period will be subject to this density.

(G.O. 6497, § 1, 1-28-19)

Sec. 117-102. - Short term residential rental uses.

- (a) *Purpose.* The purpose of this section is to preserve and promote the health, safety and general welfare of the public. Promoting compatibility among land uses within the community through regulations intended to minimize the harmful or nuisance effects resulting from noise, location, traffic and other objectionable activities associated with the short-term residential rental industry.
- (b) *Definitions.* The terms set forth below shall be defined as follows for purposes of this section:
 - (1) *Short-term residential rental:* The renting of an entire dwelling, or any portion thereof, for a period of not more than 30 consecutive days, to overnight guests, where the owner is engaged in a contract for the rental of that specific dwelling or any portion thereof.
 - (2) *Permanent resident:* A permanent resident is a property owner or lessee who maintains a dwelling as a primary residence as documented by at least two of the following:
 - (i) Motor vehicle registration
 - (ii) Driver's License
 - (iii) Voter registration
 - (iv) Tax return; or
 - (v) Utility bill
- (c) *Use standards.* A person operating a short-term residential rental out of his or her permanent residence shall be allowed subject to the following regulations:
 - (1) Short-term residential rentals may only be offered by a permanent resident within the permanent resident's principal residential structure. No detached building or structure will be approved as a short-term residential rental unit.
 - (2) A permanent resident must obtain a business license from the City of Nixa prior to offering their residence as a short-term residential rental. Business license information can be found in the City of Nixa Code of Ordinances under chapter 12 article II - Business Licenses.
 - (3) Prior to offering a short-term residential rental, the permanent resident must obtain a special use permit from the City of Nixa to operate a short-term residential rental. The special use permit is renewed on an annual basis from the date of issuance and a condition of approval is the residence must pass a rental inspection per the City of Nixa Rental Inspection Program.
 - (4) Prior to issuance of a permit for short-term residential rentals, the owner/operator of the short-term residential rental unit must provide, in writing, the name and telephone number of the permanent resident and the name and telephone number of a local contact person that will be available 24 hours per day, seven days per week, for the purpose of responding within 45 minutes to complaints regarding the operation of the short-term residential rental or the conduct of the overnight guests.
 - (5) Short-term residential rentals can only be rented out for 14 consecutive days per stay and can

only be rented for 180 days in a calendar year.

- (6) If the owner/operator of the short-term residential rental is present on the premises during the entire stay of the guest, there is no limit on the number of rental days per year the unit can be rented, however, the unit can only be rented for up to 30 consecutive days per single stay.
 - (7) The owner of the short-term residential rental shall maintain records and keep them for a period of three years, available for inspection, which includes the following information: dates the dwelling was rented, the name of the renter, contact information, vehicle description and license plate information for each overnight guest.
- (d) *Location and placement requirements.* The following placement requirements shall be applicable to short-term residential rentals:
- (1) Short-term residential rentals must be at minimum 150 feet from another short-term residential rental.
 - (2) Short-term residential rentals are allowed in the following residential zonings, R-1 (Single-Family), R-3 (Multi-Family), R-4 (Duplex, Patio Homes). Short-term residential rental are not allowed in any zoning other than the before mentioned.
- (e) *Permit required.* No short-term residential rental shall operate within the boundaries of the City of Nixa without first obtaining a business license from Nixa City Hall and a special use permit approved by city council.
- (f) *Violations.*
- (1) Nixa City Council may immediately revoke or suspend the license or deny either the issuance or renewal thereof if the owner is found in violation of the rules and requirements set forth in this ordinance.
 - (2) It shall be a violation of this section for an owner to advertise, promote or to use a third-party intermediary to advertise or promote a short-term rental which is not in compliance with the provisions of this section.

(Ord. No. 2074, § 1, 8-26-2019)

Chapter 405. Zoning Regulations

Article V. Supplementary District Regulations

Section 405.360. Home Occupations.

[Ord. No. 94-8 Art. 5 §12, 5-10-1994]

A. Home occupations shall be permitted in all districts permitting dwellings.

1. *Restrictions and limitations.*

- a. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than twenty-five percent (25%) of the floor area of any one (1) floor of a dwelling unit shall be utilized for a home occupation.
- b. All materials or equipment used in the home occupation shall be stored within an enclosed structure.
- c. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
- d. No sign shall exceed two (2) feet in any one (1) direction, shall not be illuminated and shall not be placed closer to the front property line than one-half ($\frac{1}{2}$) the distance of the front yard.
- e. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence and not more than one (1) full-time equivalent, non-resident employee.
- f. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
- g. No traffic shall be generated by the activity of the home occupation which is abnormal to a residential neighborhood.

2. *Particular home occupations permitted.* Customary home occupations include, but are not limited to, certain occupations that do not depend upon on-site commerce and include the following list of occupations; provided however, that each listed occupation is subject to the requirements of (a) through (g) above:

- a. Art, dancing and music schools provided that instruction is limited to five (5) pupils at one time.
- b. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers and similar professions.
- c. Offices for realtors, insurance agents, brokers, sales representatives and manufacturing representatives when no exchange of tangible goods is made on the premises.

- d. Watch, clock and jewelry repair services.
 - e. Radio, television, phonograph, recorder and small appliance repair services.
 - f. Day care homes and day care nurseries, subject to special use permits if more than five (5) non-resident children are given care.
 - g. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
 - h. Tailoring, alterations and seamstresses.
 - i. Tool sharpening and filing.
 - j. Bed and breakfast, by special use permit, with certain conditions.
3. *Particular home occupations prohibited.* Permitted home occupations shall not in any event include the following:
- a. Antiques — retail.
 - b. Funeral services.
 - c. Groceries — retail.
 - d. Secondhand merchandise — retail.
 - e. Equipment rental.
 - f. Automobile and other motor vehicle repair services.
 - g. Physicians.
 - h. Dentists.
 - i. Chiropractors.
 - j. Barber and beauty shops.

Chapter 405. Zoning Regulations

ARTICLE VII. Special Uses

Section 405.590. Special Uses Require Special Permission.

[R.O. 2006 §405.420; CC 1985 §27-164; Ord. No. 87.28 Art. V §N, 10-1-1987; Ord. No. 90.07 §1, 4-19-1990; Ord. No. 92.08 §1, 2-20-1992; Ord. No. 92.22 §9, 8-19-1993; Ord. No. 93.15 §3, 5-20-1993; Ord. No. 94.41 §1, 10-6-1994; Ord. No. 94.42 §§1 — 2, 10-20-1994; Ord. No. 95.55 §§8 — 9, 11-16-1995; Ord. No. 96.21 §§8 — 10, 6-20-1996; Ord. No. 96.22 §§1 — 2, 6-20-1996; Ord. No. 98.03 §2, 6-18-1998; Ord. No. 98.39 §§3 — 4, 9-17-1998; Ord. No. 00.44 §5, 12-7-2000; Ord. No. 06.46 §2, 10-5-2006]

- A. *Uses Require Special Permission.* Any of the following uses may be located in the district specified by special permission of the Board of Aldermen under such conditions as to operation and off-street parking requirements as the Board of Aldermen may impose, and after public hearing by the Planning Commission, provided that in their judgement such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of this Chapter and shall comply with the height and area regulations of the district in which they may be located, unless otherwise granted and subject to the rules and restrictions prescribed by the Board of Aldermen:
1. Acid manufacture in District "I-2" only.
 2. Animal hospitals, clinics and kennels, with outside runs, in District "C-1" only.
 3. Aviation fields or airports, under such restrictions as the Board of Aldermen may impose on land, buildings, or structures within an approach or transition plan or turning zone, as defined by the Board of Aldermen to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards in Districts "A-1", "I-1" and "I-2" only.
 4. Campgrounds in Districts "A-1" and "C-1" only.
 5. Cement, lime gypsum or plaster of paris manufacture in District "I-2" only.
 6. Cemeteries, mausoleums, or crematories for the disposal of the human dead in any district.
 7. Clubs, private, the primary activities of which are athletic or recreational, provided the area shall be at least ten (10) acres in extent and no building shall be closer than one hundred (100) feet from any property line in Districts "C-1b", "C-1c" and "C-1" only.
 8. Coal distillation and by-products plants in District "I-2" only.
 9. Dry boat storage in Districts "C-1b", "C-1c" and "C-1".
 10. Explosive manufacture or storage in District "I-2" only.
 11. Fertilizer manufacture and storage in District "I-2" only.

12. Gas manufacture in District "I-2" only.
13. Hospitals, sanitariums or homes for the convalescents or aged, including insane or feeble minded, alcoholics or drug addicts, subject to such health and sanitation requirements as may be imposed by the Board of Aldermen or the health authorities of the City or State, and provided there shall be at least three hundred (300) feet of lot area for each patient or guest, with a minimum of twenty thousand (20,000) square feet in all districts except Districts "R-1a", "R-1b", "I-1" and "I-2".
14. Lodges and private clubs in Districts "C-1a", "C-1b" and "C-1c" only.
15. Meat packing or storage plants in District "I-2" only.
16. Meat processing in District "I-2" only.
17. Picnic groves and fishing or swimming lakes, including minor and incidental concession facilities for patrons only in District "A-1".
18. Radio, television, microwave cellular and similar communications towers in any district in accordance with Article VI, Division 2, Sections **405.440 — 405.580**.
19. Radio and television stations in any district except Districts "R-1a", "R-1b", "R-2", "R-3", "C-1a" and "C-1b".
20. Reservoirs, community wells, towers, filter bids or water supply plants in any district.
21. Stock yards or slaughtering in District "I-2" only.
22. Swimming pools (commercial) in Districts "C-1b", "C-1c" and "C-1" only.
23. Wholesale storage of gasoline, butane or propane in Districts "A-1" and "I-2" only.
24. Wood distillation plants in District "I-2" only.
25. Real estate sales offices and trailers in any district for the on-site solicitation of sales of real property located within such district only. However, any trailer or mobile home located in any such district pursuant to this provision shall be wood sided, properly anchored pursuant to City specifications, landscaped, and any entrance shall be served by concrete steps if steps are required. Any such structure shall not be used as a dwelling or residence. Such special permission by the Board of Aldermen shall be for a period of six (6) months which period may be extended upon application to the Board of Aldermen.
26. Residential housing in Districts "C-1a", "C-1b" or "C-1".
27. *Bed and breakfast establishments*. The purpose of these requirements is to regulate the operation of bed and breakfast establishments under specific conditions within the City.
 - a. Bed and breakfast establishments shall be allowed in any zone by a special use permit.
 - b. *Approval standards*. Bed and breakfast establishments shall comply with the following requirements:
 - (1) No bed and breakfast establishment shall be permitted except under the following circumstances:
 - (a) In commercial zoning districts, no minimum lot size requirements.
 - (b) In residential zones as follows:

- (i) A maximum of two (2) guest rooms shall be allowed if the lot size is equal to or less than six thousand five hundred (6,500) square feet.
 - (ii) For each additional four thousand two hundred fifty (4,250) square feet over six thousand five hundred (6,500) square feet, one (1) additional guest room shall be allowed.
- (2) The bed and breakfast establishment shall be located in an existing structure in any residential area.
- (3) No exterior display, no exterior sign, except as permitted herein, no exterior storage of materials, and no other exterior indication of the bed and breakfast establishment or variation from the residential character of the building shall be permitted.
- (4) No exterior alterations that would change the single-family character of the bed and breakfast establishment, other than those necessary to ensure the safety of the structure, shall be made.
- (5) No lodger shall be rented a room for longer than seven (7) consecutive days.
- (6) No individual guest cooking facilities shall be allowed.
- (7) The facilities shall not be rented for receptions, parties, weddings or similar activities unless potential negative impacts, including but not limited to, traffic, parking and noise, have been addressed and the activity is specifically permitted in the use permit.
- (8) One (1) additional paved parking space per guest room shall be provided in addition to meeting existing City parking requirements for the type of structure. Screened parking areas may be required as determined by the Board of Aldermen.
- (9) The operator shall reside at the bed and breakfast establishment.
- (10) The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the establishment.
- (11) Only one (1) unanimated, non-illuminated sign no larger than twenty-five (25) square feet shall be permitted.
- (12) The use is limited to sleeping rooms. No recreational uses are permitted such as swimming beaches, watercraft rentals, and volley ball courts.
- (13) The special use permit shall be issued to the owner of record of the property.
- (14) A business license shall be obtained annually and the owner shall verify that the conditions of the special use permit are still being met.
- (15) No other type of occupation shall be permitted within the building where the bed and breakfast establishment is located.
- (16) Bed and breakfast establishments shall meet the Fire Codes for new construction.
- (17) If there are unique circumstances which are not generally applicable throughout the community, then those shall be listed and additional requirements to protect the public health, safety and welfare may be required.
- (18) The owner and assigns shall consent to reasonable inspection of the premises by the Building Official upon reasonable notice for purposes of public health, safety and

welfare. Any deficiencies shall be corrected prior to rental of any guest rooms.

28. Indoor pistol and rifle ranges, including target archery and similar activities, in Districts "C-1", "I-1", and "I-2" only.
29. Outdoor gun clubs, skeet shoots or target archery ranges in District "A-1" only, (provided such use is not in violation of any firearm discharge ordinance of the City).
30. Family day care facilities for the care of a minimum of five (5), but no more than ten (10) children in "R-1a", "R-1b", "R-2", "M" and "A-1" Districts. Day care centers, preschools, nursery schools and kindergarten centers, not associated with public schools, for the care of more than ten (10) children in "R-3" Districts. The Planning Commission shall make determinations for those requiring special permission as outlined below. Additionally, all other such facilities as permitted without special permits in "C" zones shall adhere to the following provisions:
 - a. Minimum space for the amount of children cared for shall not be less than required for State licensure; however the minimum area designed for child day care shall encompass at least thirty-five (35) square feet of usable floor area per child.
 - b. The structure shall be National Electric Code compliant and inspected by the Fire District and City Building Department prior to occupancy. Protective receptacle covers shall be installed in all areas occupied by children.
 - c. Interior finishes must be free of lead paint.
 - d. All heating equipment shall be well ventilated and any hot surfaces guarded to prevent possible burns to children.
 - e. Hot water heaters shall be pressure and temperature protected and properly vented and located in compliance with Building Codes.
 - f. Cooking areas for all day care types are subject to Fire District review and requirements. Unless otherwise determined due to the size of the day care or the type of cooking desired, a residential type hood and duct system is ordinarily sufficient.
 - g. Electrical powered smoke detectors with battery backup shall be required at all locations as required by the Building Code. Fire extinguishers of appropriate type shall be required in close proximity to the kitchen area. Means of egress meeting current Fire and Building Codes shall be provided in all facilities commercial and residential.
 - h. Closet doors shall have latches and/or handles that allow exit from inside. Handrails inside and out shall be Code compliant. Glass below dimensions specified by the Building Code shall be guarded or tempered.
 - i. There shall be a toilet and handwashing facilities in working order accessible to the child care space.
 - j. Swimming and wading pools shall be fenced to prevent unattended access. All other aspects (i.e., grounding) related to current Building Code shall be complied with. Pools used by the facility shall be treated, cleaned and maintained in accordance with Health Department specifications.
 - k. Outdoor play areas shall be compliant with State regulations for the size of facility and generally provided in all facilities. Said area shall be bordered by a fence or comparable barrier. Fences shall be a minimum of three (3) feet high and located in a rear or side yard. Outdoor play areas may be waived for centers or preschools where children are kept for time periods less than four (4) hours per day.

- l. A telephone shall be on premises and in working order. Emergency telephone numbers and a prominently displayed 911 shall be visibly posted near the phone. House numbers shall be a minimum of four (4) inches in height and easily readable from the roadway.
 - m. Fire and evacuation drills shall be conducted at least once each month and first aid supplies shall be maintained, marked and readily accessible to staff.
 - n. Hazardous materials, flammables, poisons, medicines, weapons, etc., shall be stored so as to be inaccessible to children. Children shall have no access to unapproved parts of the building.
 - o. Trash storage shall be away from childcare and play areas inside and out. Weekly trash collection is required.
 - p. Off-street access and parking shall be sufficient to accommodate children pick up and drop off. Additional individual spaces for staff are also required at a one-to-one ratio.
 - q. Signage for family day care shall not exceed that provided for in residential home occupations. Day care centers in "R-3" and "C" zones shall conform to the City's sign ordinance.
 - r. The facility shall be generally clean at all times, free from dirt and any evidence of vermin, insects, rodents, etc.
 - s. State licensure or written certification of exemption from the Missouri State Division of Family Services must be filed with the City. Requirements for number of staff, children ages, and similar State licensure issues not presented above shall be adhered to as if presented herein.
31. Transitional housing facilities in Districts "R-3" and "C-1" only.
- a. No transitional housing facility shall be permitted except under the following requirements:
 - (1) A minimum lot size for the facility of one (1) acre is required in both of the permitted zones.
 - (2) A maximum of five (5) lodging rooms shall be allowed for the first (1st) acre of property with an additional lodging room being allowed for each additional ten thousand (10,000) square feet of ground above one (1) acre.
 - (3) No more than two (2) people shall be housed in each permitted room.
 - b. No transitional housing facility shall be permitted for location within one thousand (1,000) feet of the nearest single- or two-family use or zone; or within two thousand (2,000) feet of any school, day care or church.
 - c. No transitional housing facility shall be permitted for location in an existing structure within a residential area or zone.
 - d. Only those taking part in the activity of the facility will be allowed to maintain lodging at the facility.
 - e. The Osage Beach Department of Public Safety must be notified of any new lodgers that are subject to provisions of probation and/or parole by the facility in the form of a written report addressed to the Chief of Police.
 - f. A facility administrator shall reside at the site at all times.

- g. Two (2) paved parking spaces for each room and an additional one (1) space for each employee on maximum shift will be required.
 - h. A thirty-two (32) square foot identification sign will be required in the front yard of the facility.
 - i. The special use permit will be issued to the owner of record for the property; if a transfer of title to the property or the facility should occur, it will require approval of the Board of Aldermen to transfer the special use permit.
 - j. No other type of use shall be allowed within the permitted facility.
 - k. The facility will be required to meet all safety, health and building codes that would apply to this type of use.
 - l. If there are unique circumstances that are not generally applicable throughout the community, then those shall be listed and additional requirements to protect the public health, safety and welfare may be required.
 - m. The owner and assigns shall consent to reasonable inspection of the premises by the Osage Beach Department of Public Safety upon reasonable notice for purposes of public health, safety, welfare and will fully cooperate and assist with any Police investigation involving an individual lodged within the facility. Any deficiencies or non-conforming issues will be corrected immediately.
 - n. The special use permit for any transitional housing facility will be reviewed annually by the Board of Aldermen to assure that all requirements that pertain to the issuance of the subject permit are being met and maintained.
- B. *Use Requiring Special Permission — Duration Of Permission — Renewal.* Any of the following uses may be located in the district specified by special permission of the Board of Aldermen under such conditions as to operation, and off-street parking requirements as the Board of Aldermen may impose, and after public hearing by the Planning Commission, provided that in their judgement such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of planning and zoning as set forth in the Chapter 89, RSMo., and shall comply with the height and area regulations of the district in which they may be located. All special use permits granted under this Section, including renewals, unless otherwise stated below, shall expire on the last day of February following the calendar year of their issuance. The purpose of such special use permits being issued on an annual basis and for the forthcoming year is to allow for an annual review by the Board of Aldermen of all such special use permits in a manner which will allow public input and allow adequate notice to any affected, aggrieved or interested parties. The Board of Aldermen shall conclude their reviews on or before the last day of February with new or renewed permits effective March first (1st). All special use permits are renewable by the Board of Aldermen and subject to the rules and restrictions prescribed by the Board of Aldermen. The City Clerk shall mail by certified mail to all special use holders and property owners within one hundred eighty-five (185) feet of special use permit property, at least sixty (60) days in advance of February twenty-eighth (28th) of each year notifying them of the public hearing.
- 1. Automobile wrecking yards, if enclosed within a solid fence or wall at least six (6) feet high, in Districts "A-1" and "I-2" only.
 - 2. Circuses, carnivals and fairs, with the period of time for this use to be set by the Board of Aldermen, in Districts "A-1", "C-1c" and "C-1" only.
 - 3. Community sewage or garbage processing or disposal plants in any district where municipal services are not available.

4. Garbage, offal, or dead animal reduction or dumping in Districts "A-1" and "I-2" only.
5. Golf driving ranges, commercial or illuminated in Districts "A-1" and "C-1" only.
6. Mines, other than strip or open cut mines, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel, or similar materials, concrete batching plants, asphalt plants, and related industries; provided however, that no permit shall be issued until and unless the location site plan and method of operation, including necessary structures, have been submitted to and approved in writing by the Board of Aldermen, which permit shall be for a limited period of time not to exceed ten (10) years, subject to regulations and restrictions prescribed by the Board of Aldermen in Districts "A-1" and "I-2" only.
7. Sanitary landfills in Districts "A-1" and "I-2" only.
8. *Adult entertainment establishments.* This use may only be permitted in "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:
 - a. *Special conditions.*
 - (1) No adult bookstore, adult entertainment facility, bathhouse or modeling studio shall be permitted within two thousand (2,000) feet of any religious institution, school, or public park or any property zoned only for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, or public park, or the property zones for residential use.
 - (2) No adult entertainment establishment shall be allowed to locate or expand within one thousand (1,000) feet of any other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined in this Section. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 - (3) All access to and from the adult entertainment establishment shall be provided from a street classified as an arterial street.
 - (4) The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
 - (5) The property on which the use is located shall be screened by solid masonry wall, at least six (6) feet in height along all interior property lines.
 - (6) The facility on which the use is located and the parking for such facility shall have a front setback as per Section **405.430**, a side yard setback of ten (10) feet, and a rear yard setback of ten (10) feet.
 - (7) Off-street parking shall be provided at a ratio of one (1) parking space per seventy-five (75) square feet of interior floor area. All off-street parking requirements shall conform to Article **IX** of this Chapter.
 - (8) The facility in which the use is located shall be designed in such a fashion that all openings, entries, and windows prevent view into such facilities from any pedestrian, sidewalk walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.

(9) The facility in which such a use is located shall be limited to one (1) wall mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.

(10) Lighting the parking area must provide a minimum light level of 0.25 foot-candles over the entire parking area, but in no point shall the light level exceed 3.0 foot-candles, nor shall any increase in light levels or visible glare be permitted at the lot line.

C. *Site Plan Required.* Each application for a special use permit shall require the submission of an accompanying site plan. The site plan shall include, at a minimum, the following information:

1. The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.
2. The site plan shall delineate the property lines of the proposed project, and shall indicate the zoning and present use of abutting properties.
3. The site plan shall delineate existing rights-of-way and easements.
4. The site plan shall delineate the general location and width of all proposed streets and public rights-of-way and easements.
5. The site plan shall delineate the solid masonry screening as provided in Section **405.590(B)(8)**.
6. The site plan shall delineate the proposed building layout with the front, side and rear building setbacks as required in Section **405.590(B)(8)**.
7. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
8. The site plan shall delineate the location, number of parking spaces, the proposed parking and its location and requirements in accordance with Section **405.590(B)(8,a,7)**.
9. The site plan shall delineate all points of access and egress in accordance with Section **405.590(B)(8)**.
10. The site plan shall present in tabular form the proposed net density of the use provided the number of seats, employees or other applicable unit of measure.
11. The site plan shall delineate the gross floor area of the building or structure.
12. The site plan shall detail the proposed stages of construction for all land in development and improvements within the proposed district.
13. The site plan shall describe the landscaping to be provided.
14. The site plan shall delineate the proposed exterior lighting in accordance with Section **405.590(B)(8)**.
15. The site plan shall delineate the proposed architectural details of the facility in accordance with Section **405.590(B)(8)**.

16. The site plan shall indicate the signage in accordance with Section **405.590(B)(8,a,9)**.
17. The site plan shall set forth any other information necessary for determination of the suitability of the proposed use for the site.
18. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this Chapter.

Any use or operation permitted within this Subsection and operating at the time of the passage of this Chapter shall be deemed zoned under special classes, with permissive use granted for a period of ten (10) years from the date of passage of this Chapter.

- D. The consideration of a special class use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and the Board of Aldermen.

Chapter 400. Zoning Code

Article III. Other Use Regulations and Design Standards

Division 1. Use Regulations

Section 400.525. Short Term Rentals.

[Ord. No. 19-198, 10-1-2019]

- A. Purpose. The purpose of this Section is to establish regulations for short term rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of St. Charles by minimizing negative secondary affects related to short term rentals including excessive noise, disorderly conduct, illegal parking, overcrowding and excessive accumulation of refuse. This Section is not intended to provide any owner of residential property with the right or privilege to violate any deed restriction or private conditions, governance or restrictions applicable to the property's owner that may prohibit the use of such owner's residential property for short term rentals as defined in this Section. Short term rentals are not permitted in dwelling units that have deed restrictions or any City imposed conditions of approval or restrictions that would prohibit the use of such a dwelling as a short term rental as defined herein.

- B. Definitions.

OWNER

The person or entity that holds legal and equitable title to a short term rental property.

SHORT TERM RENTAL

See Section **400.050**.

SHORT TERM RENTAL PROPERTY

See Section **400.050**.

TRANSIENT

See Section **400.050**.

- C. Short Term Rentals.

1. Short term rentals shall be permitted in the "HCD" Historic Commercial District, "R-1C," "R-1D" and "R-1E" Single-Family Residential Districts, the "R-2" Two-Family Residential District and the "R-3A" Multi-Family Residential District subject to the requirements of this Section.
2. Short term rentals shall be subject to and shall comply with all requirements of City and State building, fire safety and occupancy codes and limits.
3. The owner shall not provide any meals as part of a short term rental.
4. No short term rental shall occur in any location on the short term rental property except within the dwelling unit.

5. The owner of any short term rental shall be required to apply for and obtain a short term rental permit and business license from the City before renting or advertising the availability of the short term rental.
6. A short term rental permit shall be valid from January 1 and shall expire on the following December 31.
[Ord. No. 21-015, 1-19-2021]
7. The owner of the short term rental property shall submit the following information on a short term rental permit application form provided by the Department of Community Development, which shall include, at a minimum, the following information: (a) the name, address and telephone number of the owner of the short term rental property; and (b) such other information as the City deems reasonably necessary to administer this Section.
8. Any false statements or false information provided in the application for a short term rental permit shall be grounds for denial of the permit, permit revocation or imposition of penalties as outlined in Section **400.1890**.
9. A short term rental application shall be denied if the owner has had a short term rental permit revoked within the past twelve (12) months for the same or other short term rental property. If a short term rental permit is revoked twice, no short term rental permit shall subsequently be approved for such owner.
10. The owner shall use reasonable, prudent business practices to insure that the short term rental property is used in a manner that complies with all applicable Statutes, ordinances, rules and regulations pertaining to the use and occupancy of the short term rental property.
11. The name, address and telephone number of a local contact person who shall be available twenty-four (24) hours a day, seven (7) days per week, for the purpose of responding within forty-five (45) minutes to complaints regarding the condition, operation or conduct of occupants of the short term rental property or their guests, shall at all times be kept on file with the City.
12. The owner or local contact shall upon notification that any transient, occupant or guest of the short term rental property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed a violation of any applicable law, ordinance, rule or regulation pertaining to the use and occupancy of the short term rental property, respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct. Failure of the owner or local contact to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term rental property in a timely and appropriate manner shall be grounds for revocation of the short term rental permit and shall subject the owner to all administrative, legal and equitable remedies available to the City.
13. The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of a short term rental property do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, ordinance, rule or regulation pertaining to the use and occupancy of the short term rental property.
14. No amplified or reproduced sound shall be used outside or audible from the property line of any short term rental property between the hours of 10:00 p.m. and 10:00 a.m.
15. No short term rental property shall be rented more than one (1) time between the hours of 6:00 p.m. and 6:00 a.m.
16. On-site parking for transients of a short term rental property shall be allowed on approved driveway, garage and/or carport areas only.

17. Prior to the rental of a short term rental property, the owner shall:

- a. Obtain through positive identification by driver's license or passport the contact information of all transients, including the name, permanent address, telephone number and emergency contact for each person to occupy the short term rental property.
- b. Require the transient to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants or guests of the short term rental unit with all applicable laws, ordinances, rules and regulations pertaining to the use and occupancy of the short term rental unit.
- c. Information required in Subsection **(C)(17)(a)** and **(b)** above shall be maintained by the owner for a period of three (3) years and shall be made available upon request to any employee of the City responsible for the enforcement of any law, ordinance rule or regulation pertaining to the use and occupancy of the short term rental property.
- d. The Director of Community Development shall have the authority to impose additional conditions on the use of any short term rental property to insure that any potential secondary affects unique to the subject short term rental property are avoided or adequately mitigated.

18. The owner shall post the current short term vacation rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short term vacation rental property.

D. Permit Procedure.

1. Upon receiving an application for a permit for a short term rental property that complies with the provisions of this Section, the Department of Community Development shall notify the owners of all real property within two hundred (200) feet of the property lines of the subject short term rental property of the short term vacation rental permit application. The fee for a short term rental permit shall be seventy-five dollars (\$75.00) annually.

E. Penalties And Enforcement.

1. The Director of Community Development or designee or the Chief of Police or designee are responsible for enforcement of this Section.
2. The Director of Community Development is authorized to suspend or revoke a short term rental permit for violation of this Section. Appeal of a permit suspension or revocation shall be in accordance with Section **605.240** pertaining to business licenses.
3. Upon request by the Director of Community Development or designee or the Chief of Police or designee, the owner shall provide access to the short term rental property and to any records related to the use and occupancy of the short term rental property during normal business hours for the purpose of determining compliance with this Section.
4. Pursuant to Section **400.1890**, each day during any portion of which a violation of this Section is committed, continued or permitted shall be a separate offense.

Hotel/Motel Room Tax

Hotels and motels located inside the boundary of St. Louis City, according to state law, must pay a room tax on the room sales for each calendar quarter

Hotels and motels located inside the boundary of St. Louis City, according to state law, must pay a room tax on the room sales for each calendar quarter. The tax is 3.5% for the Convention and Sports Tax and 3.75% for the Convention and Tourism Tax. Both taxes are remitted to the License Collector for the City of St. Louis. The 3.5% tax is used to pay for convention facilities at America's Center. The 3.75% tax is sent to the Convention and Visitors Commission (CVC) for its use to advertise and attract people and conventions to St. Louis. The CVC remits 4/15 of the tax to the Regional Arts Commission for its use to assist in the attraction of tourists through the development of cultural assets.

These taxes apply to all temporary lodging facilities in St. Louis City* including hotels and motels, bed and breakfast operations, transient home rentals through online providers like AirBnb and similar room rentals. (* In St. Louis County, these taxes are collected by the License Division of the St. Louis County Department of Revenue.) The 3.5% tax is authorized by Section 67.657, RSMo, and the 3.75% tax is authorized by Section 67.619, RSMo.

These taxes are payable on a quarterly basis, and are due 20 days after the end of each calendar quarter. Taxes which are not paid within 30 days of the end of a calendar quarter are subject to interest at the rate of 2% per month and a penalty of 1% per month.

For more information and filing forms, please contact the St. Louis City License Collector's office at (314) 622-4528. To ensure proper crediting of your account, please use forms provided by the office to pay the tax.

There are two ways a guest can qualify for exemption from the tax.

- Guests must have stayed at the motel/hotel for more than 31 days (in the calendar quarter).
- Guests who are part of the Federal Government and residing on official business are exempt. Such guests must have supportive documentation stating that they work for the Federal Government.

Eligible federal entities are the military, military personnel, Amtrak, the American Red Cross, and the railroad industry.

Example

Taxes are filed by Calendar Quarter

Quarter Month Span

- 1st Quarter January 1st - March 31st

- 2st Quarter April 1st - June 30th
- 3rd Quarter July 1st - September 30th
- 4th Quarter October 1st - December 31st

If a guest checked in on February 3rd and did not check out until April 29th, this person was a guest for 56 days in the 1st quarter and qualifies for exemption but was only a guest for 29 days in the 2nd quarter and is therefore ineligible and must pay this tax for 29 days.

If a guest checked in on July 1st and checked out July 31st, this guest does not qualify for exemption because he or she stayed for only 31 days.

If a guest checked in on October 1st and checked out in December, this guest qualifies for 4th quarter exemptions for all days stayed in the 4th quarter.

If you have any questions when filing exemptions, please feel free to contact the License Collector's office at (314) 622-4528.

Related Information

- [Convention & Tourism Hotel/Motel Quarterly Tax Return](#)
- [Hotel/Motel Business License Process](#)

A short term rental owner occupied is a principal residential dwelling unit that is occupied by the resident (who may be either the owner or the tenant/lessee of the owner authorized by the owner to offer the unit for short term rental) for a cumulative minimum of 270 days per calendar year.

88-321-02-A. STANDARDS AND CONDITIONS FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN ALL APPLICABLE ZONING DISTRICTS

1. Short term rental owner occupied regulations are applicable to all properties in zoning districts which allow short term rental and may be further regulated by provisions of any approved development or project plan.
2. The dwelling unit to be rented may be within a single family, two-family, or multi-family structure or certain carriage houses.
3. A carriage house, as defined in 88-810-280 and permitted in accordance with 88-305-05, may be approved as short term rental owner occupied if the principal building for such property is owner occupied.
4. During the possible 95 days the resident is not present, the property or unit may continue to be used as a short term rental.
5. While not present, the resident may not enter into a contract with more than one party during any given period. While present, the resident may enter into a contract with two parties, provided there shall be at least one bedroom in the dwelling for the resident.
6. No more than 2 persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed 8 guests per dwelling unit, may occupy the dwelling unit.
7. Except for units within a carriage house or two-family structure, guests shall live in common with the family, sharing a common entrance, kitchen facilities, and living areas.
8. The unit must be located within the principal building on the property and may not be located within an accessory building.
9. The unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
10. No food service may be provided by the resident.
11. The city-issued short term rental permit for such dwelling unit shall be on display in the interior of the unit.
12. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.

88-321-02-B. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN R DISTRICTS

1. In R-10 and R-7.5 districts, short term rental is allowed only as follows:
 - a. Property that is designated as a historic landmark or located in a historic district may qualify for an owner occupied permit, upon issuance of a special use permit in accordance with 88-525.
 - b. If the resident host has been operating a short-term rental at the property prior to the passage date of this ordinance and can provide documentary evidence to the satisfaction of the director of the city planning and development department of such use, the resident host may continue to operate a short-term rental upon issuance of a special use permit in accordance with 88-525.
2. In other R districts, prior to accommodating any guest on the property, the resident host of an owner occupied short term rental must submit, initially, an administrative approval application for and obtain the approval of the city planning and development director. If the host residing in the short term rental unit is not the owner of such unit, the application must include a notarized affidavit from the owner allowing the unit to be used by the host for short term rentals.

3. The resident host shall submit a notarized affidavit stating that notification of short term rental use was provide or registered mail and by regular mail to:
 - a. All adjacent property owners (including those adjoining and immediately across the street).
 - b. In the case of a short term rental unit within a multi-family structure (condominium or otherwise), the affidavit must also state that such notification was provided to any condominium association and to all condominium unit owners and tenants of units adjoining and immediately across a hallway and those immediately adjacent on floors above or below the short term rental unit.
 - c. Any applicable homeowner's association and neighborhood and civic organizations registered with the city.
4. Upon approval, the resident host will receive a permit number, indicating that the property is eligible for short term rental use and listing on a short term rental intermediary platform.
5. Thereafter, annual registry is required (but not a new administrative approval application or affidavit).

88-321-02-C. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES IN AG-R, B, D, UR, MPD AND M1 DISTRICTS

There are no approval requirements, but registration of the short term rental unit with the city planning and development director and issuance of a short term rental permit with annual renewal is required.

(Ord. No. 170771, § 1, 2-22-2018)

Jefferson City, MO

Sec. 17-63. - Levy of tax.

In addition to the license fees levied on hotels and motels pursuant to article IV of chapter 17 there is hereby levied upon the charges for all sleeping rooms paid by the transient guests of hotels or motels, including short term rental, for lodging purposes, of a residential dwelling unit or room or space within a residential dwelling unit, situated in the City a tax of seven percent per occupied room per night. Every person collecting such a charge for sleeping rooms shall collect the tax and remit the same to the City. The tax shall be itemized separately on each bill. The term "transient guest" as used herein shall have the definition as provided in RSMo § 67.1000.

(Ord. No. 12747, § 1, 5-4-98, effective 4-1-99; Ord. No. 14744, § 1, 11-22-2010; Ord. No. 15761, § 4, 1-3-2018)



If you would like to contact us, please note that we are currently experiencing longer wait times than usual due to recent travel restrictions. Thank you.

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What regulations apply to my city?

As an Airbnb host, it's important for you to understand the laws in your city, county, state, province, territory and/or country (your "jurisdiction"). As a platform and marketplace, we don't provide legal advice, but we do want to give you some useful considerations that may help you better understand laws and regulations in your jurisdiction. This list is not exhaustive, but it should give you a good start in understanding the kinds of laws that may apply to you. If you have questions, contact your local government, or consult a local lawyer or tax professional.

- **Business Licenses:** Many jurisdictions require owners or operators of certain businesses to apply for and obtain a license before the business can be operated. Many local governments have sections of their websites explaining the business licensing process, and providing you with relevant forms and information. Contact your local jurisdiction for more information.
- **Building and Housing Standards:** Most local governments and many jurisdictions have rules and regulations specifying minimum construction, design, and maintenance standards for buildings, including regulations on habitability, health, and safety. Certain rules applicable to residential and non-residential uses may be relevant to your listing. Some jurisdictions may also require an inspection of your property to make sure it meets minimum habitability standards. Contact your local government to find out what standards apply to your listing.
- **Zoning Rules:** Most cities or other local jurisdictions have laws that set out the way you can use your home. These rules are often found in a zoning code, planning code, or city ordinances. You should consult these rules or regulations to see if your listing is consistent with current zoning requirements or use definitions, or contact your local government directly.
- **Special Permit:** Some jurisdictions may require a special permit to rent out your home. Contact your local government to see if you need one, and, if you do, how to get it.
- **Taxes:** Many jurisdictions require hosts to collect a tax for each overnight stay, and pay that tax to the city or other jurisdiction. Contact your local government to see if you need to collect any taxes. In certain jurisdictions Airbnb automatically collects and remits certain taxes on your behalf. [Learn more.](#)
- **Landlord-Tenant Laws:** When hosting longer stays, you may be subject to landlord-tenant laws that vary by jurisdiction and may impose more onerous legal obligations on you and provide guests with certain additional legal rights. For example, in certain jurisdictions, guests who stay in a home or apartment for a certain period of time—the exact number of days depends on jurisdiction—may establish rights as a tenant. Generally, this means that local tenancy laws could protect them, and you may not be able to remove them from your property without proceeding through required eviction processes. Consult a local lawyer specializing in landlord-tenant law to learn more.
- **Other Rules:** It's also important to understand and follow other contracts or rules that might apply to your listing, such as leases, timeshare ownership rules, condo board or co-

op rules, homeowners association (HOA) rules, or rules established by tenant organizations. Read your lease agreement and check with your landlord, if applicable. If you live in rent controlled or stabilized housing, there may be special rules that apply to you. Contact your local government to ask questions about this topic.

We're committed to working with local officials to help them understand how Airbnb benefits our community. Where needed, we will continue to advocate for changes that will allow regular people to rent out their own homes.

More information about your jurisdiction's laws and regulations may be available on our [Responsible Hosting page](#) in the Local regulations section.

Did you get the help you needed?

Yes

No

Ready to start hosting?

Take the next step towards earning extra money with your home.

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What are my city's potential regulations?

Before you advertise your property for rent, you should always review state and local laws regarding short-term property rentals. Below is a non-comprehensive list of regulations. Please visit the related government pages for complete information.

St. Paul, Minnesota

Under St. Paul's ordinance regulating short-term rentals, individuals offering a property for short-term rental on sites like Vrbo.com must obtain a license from the City and comply with additional requirements. We encourage you to review the City's requirements for short-term rentals, set forth here (http://urldefense.proofpoint.com/v2/url?u=https-3A__www.stpaul.gov_departments_planning-2Deconomic-2Ddevelopment_planning_current-2Dactivities_short-2Dterm-2Drental-2Dzoning-2Dand&d=DwMFAg&c=tmh68fGhvYqZefO02qmwIQ&r=hw_PJ-rmNblMECmYAC396a3mwGnRCzwyG78ake4rZtw&m=-36vbEJZQLHb_Z) and here ([http://urldefense.proofpoint.com/v2/url?u=https-3A__www.stpaul.gov_departments_safety-2Dinspections_licenses_short-2Dterm-2Drental-2Dhost&d=DwMFAg&c=tmh68fGhvYqZefO02qmwIQ&r=7AJ7Nf3TsutZrCFe9oOPTJO-oL6_2lusyjsuyw&m=94HOIGBVsOMc4dTrP2uUQhKtQ8oxp546Sf-TBYceak4&s=u6wwDwqjsJM39UmlvVI2uda_loQpG4X9uSt1XYiwZRk&e=](http://urldefense.proofpoint.com/v2/url?u=https-3A__www.stpaul.gov_departments_safety-2Dinspections_licenses_short-2Dterm-2Drentals&d=DwMFAg&c=tmh68fGhvYqZefO02qmwIQ&r=7AJ7Nf3Tsut;Fe9oOPTJO-oL6_2lusyjsuyw&m=94HOIGBVsOMc4dTrP2uUQhKtQ8oxp546Sf-TBYceak4&s=DTsGY-yXFWJaJe8GUATsIoOlcGypZ_Tk8-lwCu_QoUU&e=),)).

Short Term Rentals

The City of Columbia invites the public to participate in reviewing and commenting on the potential regulation of short-term rentals (STRs) in the city. A short-term rental is a dwelling unit rented out for a short period of time either informally or via an online platform/website including, but not limited to, AirBnB.com or VRBO.com. In response to public feedback obtained from public meetings, as well as public hearings held by the Planning and Zoning Commission and City Council (2018-2020), ongoing text changes to the Unified Development Code (UDC) have been produced. The text changes include revisions to the definitions for “hotel” and “bed and breakfast”, creation of a definitions for “short-term rental” and “transient guest”, and creation of new use-specific standards governing the establishment and operation of a short-term rental inside the City’s corporate limits (Case # 31-2019).

UPDATE:

City Council approved the withdrawal of amendments to the proposed short -term rentals policy ordinance from the December 7, 2020 Council meeting agenda and placed an administrative hold on current enforcement activities pending the outcome of the ordinance review scheduled for the January 19, 2021 Council meeting.

To submit written comments, please email planning@como.gov.

Materials from the March 5, 2020 Planning and Zoning Commission Meeting

- Staff Report to the Planning and Zoning Commission (3-5-20)
- Consolidated Draft (2-10-20)
- Public Correspondence

Materials from the February 20, 2020 Planning and Zoning Work Session

- Staff Report to Planning and Zoning Commission
- STR Consolidated Amendment Draft (revised 2/11/20)

Materials for the October 10, 2019 Planning and Zoning Commission Meeting

A request by the City of Columbia to amend Chapter 29, Sections 29-1.1 [Definitions], 29-3.2 [Permitted Use Table], and 29-3.3 [Use-Specific Standards] of the City Code relating to revision of the definitions for the



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on of definitions for Online

“short-term rental hosted”, “short-term rental un-hosted” and “transient guest”, and creation of new use-specific standards governing the establishment and operation of short-term rentals inside the City’s corporate limits.

- Staff Report to the Planning and Zoning Commission
- Draft Regulations & Use Table (dated September 20, 2019)
- Public Correspondence (as of 10-4-19)

Materials from the September 5, 2019 Planning and Zoning Commission Work Session

- Staff Report to Planning and Zoning Commission
- Proposed Text Change (revised 8-28-19)

Materials from the July 18, 2019 Planning and Zoning Commission Work Session

- Staff Report to Planning and Zoning Commission
- Staff Report to Planning and Zoning Commission (March 7, 2019)
- Proposed Text Change (revised 3-1-19)
- Excerpts from Minutes
- Public Correspondence

Materials from the June 20, 2019 Planning and Zoning Commission Work Session

- Staff Report to Planning and Zoning Commission
- Staff Report to Planning and Zoning Commission (3-7-19)
- Proposed Text Change (revised 3-1-19)
- Excerpts from Minutes

Materials from March 21, 2019 Planning and Zoning Commission Meeting

Staff Report to Planning and Zoning Commission
Public Correspondence following 3-7-19 PZC mtg
Case #31-2019 Minute Excerpts
Staff Report to the PZC (3-7-19)
Proposed Text Change (revised 3-1-19)

Materials from March 7, 2019 Planning and Zoning Commission Meeting

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g and Zoning Commission

- Proposed Text Amendment (dated 3-1-19)

Materials from February 7, 2019 Planning and Zoning Commission Work Session

- Staff Report to Planning and Zoning Commission
- STR Comment Summary Spreadsheet
- Public Comments #1
- Public Comments #2
- Converted PowerPoint – Joy Rushing’s R-2 Neighborhood
- Meeting Minutes

Previous Drafts and Meeting Materials

- December 20, 2018 Planning and Zoning Commission Listening Session Meeting Materials and Video
- Short Term Rental (STR) code amendments to the Unified Development Code (UDC) – Draft November 12, 2018
- **Tuesday, Nov. 20 at 6 p.m.**
 - Meeting Agenda
 - Meeting Presentation
 - Meeting Minutes
- **Thursday, Nov. 29, at 2 p.m.**
 - Meeting Agenda
 - Meeting Presentation
 - Meeting Minutes

Additional Information

- Summary of previous public engagement

For additional information, or to be added to the email stakeholder list, please contact planning@como.gov or call 573.874.7239.

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