



Issue: **AN ORDINANCE OF THE NIXA CITY COUNCIL ISSUING A SPECIAL USE PERMIT TO AUTHORIZE A SHORT-TERM RESIDENTIAL RENTAL AT 876 EAST SCOTT WAYNE DRIVE**

Date: August 8, 2022

Submitted By: Planning and Development Department

Background

The owner of the single-family residential dwelling located at 876 East Scott Wayne Drive has applied for a special use permit to operate a short-term residential rental from this same dwelling.

A short-term residential rental is defined by the Nixa City Code as 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.

Analysis

According to Section 117-102(c) of the Nixa City Code, short-term residential rentals may only be issued to a permanent resident for the principal residential structure on the subject property. According to Section 117-102(b), a permanent resident is a property owner or lessee who maintains a dwelling as a primary residence as documented by at least two of five documents including a motor vehicle registration, driver's license, voter registration, tax return, or utility bill. The applicant in this case has provided a motor vehicle registration and a voter identification card as evidence of their status as a permanent resident at 876 East Scott Wayne Drive.

Other codified requirements include that the short-term residential rental must be at least 150 feet from another short-term residential rental and that the location is within either the R-1, R-3 or R-4 zoning districts. The property subject to this application is located within the R-1 district and is not located within 150 feet of another short-term residential rental.

Planning and Zoning Commission

A public hearing was held for this special use permit at the August P&Z meeting. Three concerned neighbors approached the Commission to voice their concerns with allowing random people into the neighborhood. The property owner adjacent to the applicant spoke about issues she has encountered with guests of the applicant, including dogs getting loose and not being on leashes and entering her house. She also mentioned that guests mistakenly knock on her door late at night thinking her house is the short-term rental. The P&Z Commissioners would like to revisit this ordinance to possibly make changes to the qualifications for applicants. The Commission voted unanimously to recommend approval of this special use permit to City Council.



Recommendation

Staff recommends the approval of this special use permit.



Development Department P & Z Application

Application Date: _____

Project Type:

Title as it Appears on Plans: _____

- Annexation, Zoning & Concept Plan
- Preliminary Plat
- Special Use Permit
- Rezoning and Concept Plan
- Minor Subdivision (3 or less lots)
- Final Plat

- Board of Adjustments
- Exception to Subdivision Regulations
- Zoning Code Amendment
- Vacation of Easement
- Vacation of Right-of-Way
- Other _____

INFORMATION

Applicant's Name Charlone Witte Project Location Same

Applicant Address: 876 E. Scott Wayne Existing Use Home

Nixa, MO 65714 Proposed Use AirBNB / Home

Phone/Fax/Mobile 417-699-9419 Existing Zoning _____

Relationship to Owner Self Zoning _____

Legal Description of Property

Pre-application conference was held with _____

PERSONS IN INTEREST

Name	Address	Zip	Phone/Fax/Mobile
PROPERTY OWNER(S) (Identify General Partners)			

Mortgages

Optionees



Development Department P & Z Application

CONSULTANTS

Name

Address

Zip

Phone/Fax/Mobile

CONTACT PERSON : Charlane witte

Identify one person to serve as the contact for the Planning Department during the review process. This will be the only person notified by the Planning Department of meeting schedules. It will be his/her responsibility to notify the other parties who may be

Address 876 E. Scott Wayne Dr.Nixa, MO 65714Phone/Fax 417-699-9419**OWNER CERTIFICATION**

I certify that I am a person in interest and the information and exhibits herewith are true and correct to the best of my knowledge and that in filing this application, I am acting with the knowledge and consent of all persons in interest. Without the consent of persons in interest, the requested action cannot lawfully be accomplished.

Address 876 E. Scott Wayne Dr.Nixa, MO 65714Phone/Fax 417-699-9419Name Charlane witteOwner's Signature Charlane witte Capacity _____**STAFF USE ONLY**
APPLICATION ACCEPTED

Date _____

Time _____

By _____

Fee Received _____

Property Owners within 185 feet notified

Application Requirements Complete



Department of Compliance Information

PO Box 395, 715 W. Mt. Vernon
Nixa MO 65714
Ph. 417-725-3785 Fax 417-725-6394

Application Date 06/29/22 **BUSINESS INFORMATION**

Business Name Staycation

Physical Address 876 E. Scott Wayne Dr. Nixa, MO 65714

Applicant Name Charlane Witte Contact # (417) 699-9419

Is this a Home Occupation? yes Estimated # of Employees 1 Opening Date upon approval
(REQUIRED)

Description of Business Practices you are proposing:
AirBnB

OWNER INFORMATION

Name (s) Charlane Witte Contact # (417) 699-9419

City Nixa State MO Zip Code 65714

OFFICE USE ONLY

Building Department Approval

- Building permit is currently under review
 - Change of use permit is required
 - Building permit is required with construction plans containing the following information.
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____

Date: _____

Approved By _____

Planning and Zoning Approval

- Current Zoning _____
- Proposed use meets Land Development Code requirements.
 - Proposed use is allowed but subject to the following conditions.
1. _____
 2. _____
 3. _____

Proposed use is not allowed.

Reason: _____

Section: _____

Date _____

Approved By _____



MISSOURI DEPARTMENT OF REVENUE
 MOTOR VEHICLE BUREAU
 PO BOX 100
 JEFFERSON CITY MO 65105-0100
RENEWAL REGISTRATION RECEIPT



0114202211145397

Owner Information:

J3417647
 WITTE CHARLANE D TOD CAST
 876 E. SCOTT WAYNE DR
 NIXA MO 65714

County:
 CHRI

Vehicle Information:

Make: Year: Kind of Vehicle: Model: Body Style:
 FORD 20 PASSENGER SEDAN

Vehicle ID Number: Fuel Type: Cylinders: Horsepower: Transaction Date:
 3FA6P0CD2LR151615 G 18 02/14/2022

Odometer: Title Number: Purchase Date: Weight:
 [REDACTED] 01/19/21

Registration Information:

Exp. Month/Year: License Number: License Type: Reissue Plate Number: Tab/Decal Number:
 MARCH 2024 EG5V3T PASSENGER n/a J3417647

Fee Information:

Renewal:	Memorial:	Blind:	Organ:	MOH:	Process:	Reissue:	Late:	Vendor:	Total Fees:
\$42.50	\$0.00	\$0.00	\$0.00	\$0.00	\$12.00	\$0.00	\$0.00	\$1.75	\$56.25

Confirm Number:

706990

This is to certify that I have/the organization has and will maintain, during the period of registration, financial responsibility (insurance) with respect to each motor vehicle that I own, license or operate on the streets or highways. Any false affidavit is a crime under Section 575.050 of Missouri Law.

The following certification applies only if you indicated that your vehicle has been out-of-state for at least 60 days: I certify that the vehicle referenced has not been within the State of Missouri for the 60 day period immediately preceding the date of this application for registration. I further certify, the vehicle will be submitted for the appropriate safety and/or emissions inspection within 10 days after returning to Missouri by me or my agent as required by Missouri law.

VOTER IDENTIFICATION CARD

ISSUED BY Kay Brown

417-582-4340 100 W. Church St., Rm. 304, Ozark, MO 65721

12/27/2021 www.christiancountymo.gov/clerk

Registration Date: 11/12/2021 ID # 750177898

Precinct: 24.02-NORTHVIEW A



CHARLANE DEMAY WITTE

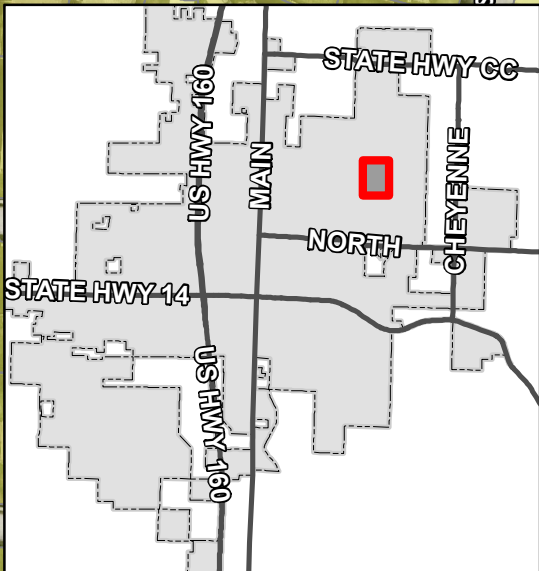
**876 E SCOTT WAYNE DR
NIXA MO 65714**

Y FOLD HERE Y

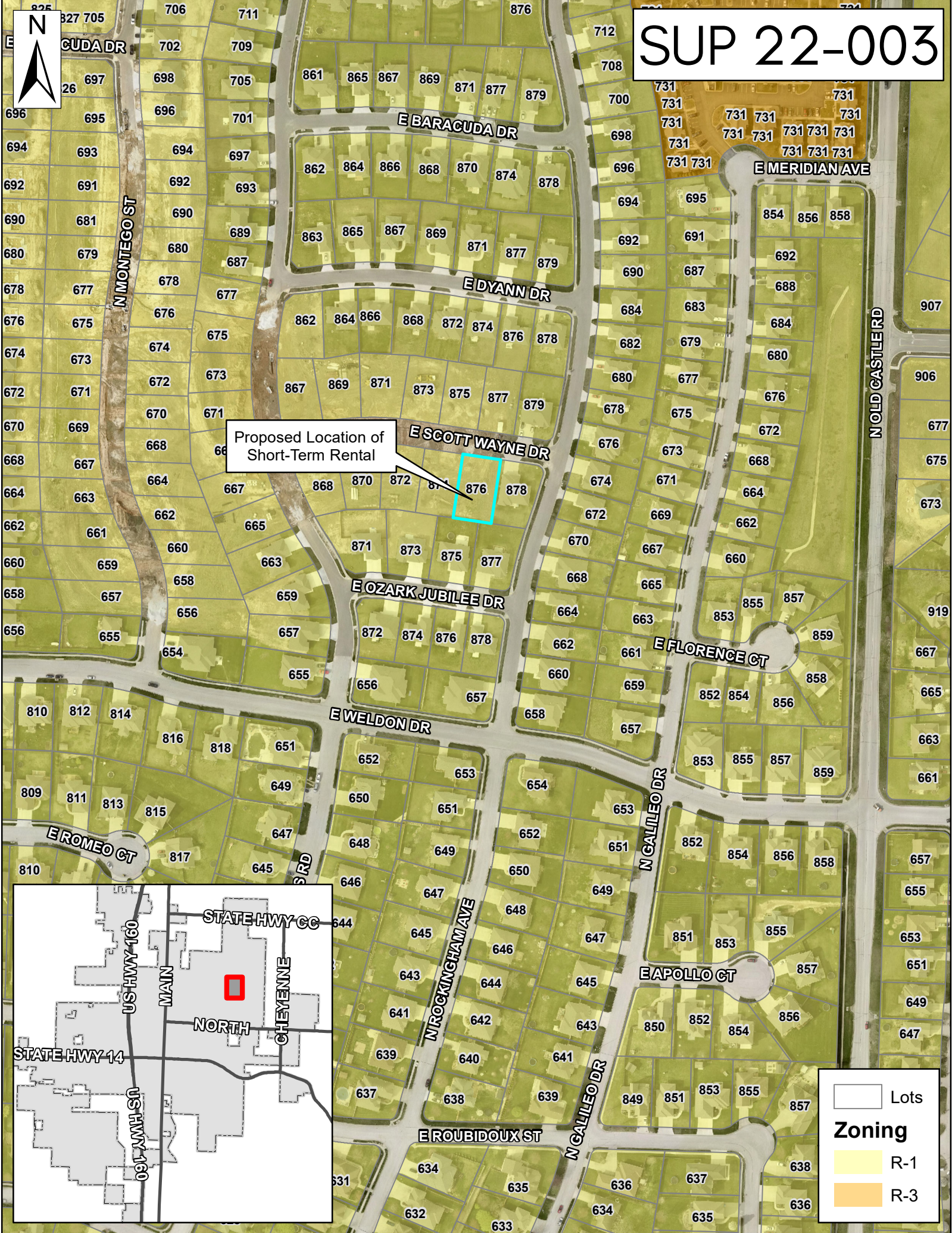
SUP 22-003



Proposed Location of Short-Term Rental



	Lots
	R-1
	R-3



1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA GRANTING SPECIAL
2 USE PERMIT 22-003 TO AUTHORIZE A SHORT-TERM RESIDENTIAL RENTAL USE
3 FOR THE SINGLE-FAMILY ZONED PROPERTY LOCATED AT 876 EAST SCOTT
4 WAYNE DRIVE.

5 _____
6
7 **WHEREAS** an application has been received requesting the issuance of a Special
8 Use Permit authorizing a short-term residential rental use at the single-family zoned
9 property located at 876 East Scott Wayne Drive; and

10
11 **WHEREAS** Special Use Permits may be granted pursuant to the provisions of
12 Chapter 101, Article III of the Nixa City Code; and

13
14 **WHEREAS** Special Use Permits authorizing short-term residential rentals are
15 additionally governed by the provisions of Section 117-102 of the Nixa City Code; and

16
17 **WHEREAS** the Planning and Zoning Commission held a public hearing regarding
18 the application at the Commission’s August 1, 2022, regular meeting; and

19
20 **WHEREAS** said Commission, after the public hearing, recommended approval of
21 the application; and

22
23 **WHEREAS** City Council finds that sufficient information has been presented to
24 satisfy all applicable standards of the Nixa City Code for issuance of Special Use Permit
25 22-003.

26
27 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
28 **NIXA, AS FOLLOWS, THAT:**

29
30 **SECTION 1:** A Special Use Permit authoring the short-term residential rental land
31 use at the single-family zoned property located at 876 East Scott Wayne Drive,
32 referenced as Special Use Permit 22-003, is hereby granted. Special Use Permit 22-003
33 shall be governed by all applicable provisions of the Nixa City Code, including the
34 provisions of Article III of Chapter 101 and Section 117-102. Any violations of the provision
35 of this Ordinance, or the conditions contained herein, shall be grounds for revocation of
36 Special Use Permit 22-003.

37
38 **SECTION 2:** This Ordinance shall be in full force and effect from and after its final
39 passage by the City Council and after its approval by the Mayor, subject to the provisions
40 of section 3.11(g) of the City Charter.

41
42
43 **ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2022.**

44
45 **ATTEST:**
46

47 _____
48 PRESIDING OFFICER

CITY CLERK

49
50
51 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2022.**

52
53
54
55 _____
56 MAYOR

ATTEST:

CITY CLERK

57
58 APPROVED AS TO FORM:
59
60 _____
61 CITY ATTORNEY