

Supplemental Memorandum Regarding Draft Amended Council Bill No. 2024-16.

Background:

At the City Council's May 13, 2024, regular meeting, a first reading of Council Bill No. 2024-16 (the "Bill") occurred. The Bill, if approved would modify the City's land use regulations relating to short-term residential rentals ("STR"). The current drafting of the Bill establishes a 150-foot separation requirement between certain STR uses.

During the public hearings for the Bill, members of the Council expressed their desire to see the Bill amended to remove the 150-foot separation requirement.

Staff have prepared an Amended Council Bill No. 2024-16 (the "Amended Bill") which does not contain the 150-foot separation requirement.

Analysis:

The Amended Bill removes the language establishing the 150-foot separation requirement between non-residence rental STR uses. This language appears between lines 130 and 133 of the original version of the Bill. Without this language, non-owner occupied STRs would be allowed to locate near each other.

Recommendation:

Staff have prepared a motion to amend Council Bill 2024-16. The effect of this motion will be to remove the language appearing between lines 130 and 133 of the original Bill.

To effectuate this proposed amendment, any member of Council may move for the adoption of Amendment No. 1. If the Amendment is approved by the Council, then the Council may proceed to approve the Bill as amended.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Amendment No. 1 (Motion to amend); and
Amended Council Bill No. 2024-16.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER
2 117, ARTICLE IV, SECTION 117-102 & SECTION 117-99 OF THE NIXA CITY CODE
3 FOR THE PURPOSE OF MODIFYING THE CITY’S REGULATIONS RELATED TO
4 SHORT-TERM RESIDENTIAL RENTALS.

5 _____
6

7 WHEREAS the City first established short-term residential rental regulations in
8 August of 2019; and

9
10 WHEREAS the City’s current regulations only allow for the operation of short-term
11 residential rentals in a primary residence; and

12
13 WHEREAS this Council Bill, if approved, would modify the City Code to authorize
14 non-primary residence residential short-term rentals; and

15
16 WHEREAS the Planning and Zoning Commission held a public hearing to consider
17 the amendments contained herein at their, regular meeting; and

18
19 WHEREAS after said public hearing, the Commission recommended approval of
20 said amendments; and

21
22 WHEREAS the City Council desires to modify the City Code as set forth herein.

23
24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 NIXA, AS FOLLOWS, THAT:

26
27 SECTION 1: Chapter 117, Article IV, Section 117-102 of the Nixa City Code is
28 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
29 new Section 117-102, which said Section shall read as follows (Explanation: Language
30 in bold-face type (e.g., **thus**) is language to be to be added. Language in bold-faced
31 brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

32
33 Sec. 117-102. Short-term residential rental uses.

34
35 (a) Purpose. The purpose of this section is to preserve and promote the health, safety,
36 and general welfare of the public~~[-Promoting]~~ **by promoting** compatibility among land
37 uses within the community through regulations intended to minimize the harmful or
38 nuisance effects resulting from noise, location, traffic, and other objectionable
39 activities associated with ~~[the]~~ short-term residential rental **uses** ~~[industry]~~.

40
41 (b) Definitions. The terms set forth below shall be defined as follows for purposes of this
42 section:

43
44 (1) Short-term residential rental: The renting of an entire **residential** dwelling **unit**,
45 or any portion thereof, for a period of not more than 30 consecutive days. ~~[te~~

46 ~~overnight guests, where the owner is engaged in a contract for the rental of that~~
 47 ~~specific dwelling or any portion thereof.]~~

48
 49 **(2) *Primary residence rental:* A short-term residential rental consisting of a**
 50 **residential dwelling unit which is the owner or lessor’s domicile.**

51
 52 **(3) *Non-primary residence rental:* A short-term residential rental consisting**
 53 **of a residential dwelling unit which is not the owner or lessor’s domicile.**

54
 55 ~~[(2) *Permanent resident:* A permanent resident is a property owner or lessee who~~
 56 ~~maintains a dwelling as a primary residence as documented by at least two of~~
 57 ~~the following:]~~

58
 59 ~~[(i) Motor vehicle registration]~~

60
 61 ~~[(ii) Driver’s License]~~

62
 63 ~~[(iii) Voter registration]~~

64
 65 ~~[(iv) Tax return]~~

66
 67 ~~[(v) Utility bill]~~

68
 69 **(c) *Primary residence rental use standards.* The operation of a [A person operating a**
 70 **short-term residential rental out of his or her permanent residence] *primary***
 71 **residence rental use shall comply with the following use standards be allowed**
 72 **subject to the following regulations:**

73
 74 **(1) A business license shall be obtained prior to engaging in a primary residence**
 75 **rental use.**

76
 77 ~~[(1) Short term residential rentals may only be offered by a permanent resident within~~
 78 ~~the permanent resident’s principal residential structure. No detached building or~~
 79 ~~structure will be approved as a short-term residential rental unit.]~~

80
 81 ~~[(2) A permanent resident must obtain a business license from the City of Nixa prior~~
 82 ~~to offering their residence as a short term residential rental. Business license~~
 83 ~~information can be found in the City of Nixa Code of Ordinances under chapter 12~~
 84 ~~article II – Business Licenses.]~~

85
 86 ~~[(3) Prior to offering a short term residential rental, the permanent resident must obtain~~
 87 ~~a special use permit from the City of Nixa to operate a short term residential rental.~~
 88 ~~The special use permit is renewed on an annual basis from the date of issuance~~
 89 ~~and a condition of approval is the residence must pass a rental inspection per the~~
 90 ~~City of Nixa Rental Inspection Program.]~~

91

92 ~~[(4) Prior to issuance of a permit for short-term residential rentals, the owner/operator~~
93 ~~of the short-term residential rental unit must provide, in writing, the name and~~
94 ~~telephone number of the permanent resident and the name and telephone number~~
95 ~~of a local contact person that will be available 24 hours per day, seven days per~~
96 ~~week, for the purpose of responding within 45 minutes to complaints regarding the~~
97 ~~operation of the short-term residential rental or the conduct of the overnight~~
98 ~~guests.]~~

99
100 ~~[(5) Short-term residential rentals can only be rented out for 14 consecutive days per~~
101 ~~stay and can only be rented for 180 days in a calendar year.]~~

102
103 ~~[(6) If the owner/operator of the short-term residential rental is present on the premises~~
104 ~~during the entire stay of the guest, there is no limit on the number of rental days~~
105 ~~per year the unit can be rented, however, the unit can only be rented for up to 30~~
106 ~~consecutive days per single stay.]~~

107
108 ~~[(7) The owner of the short-term residential rental shall maintain records and keep~~
109 ~~them for a period of three years, available for inspection, which includes the~~
110 ~~following information: dates the dwelling was rented, the name of the renter,~~
111 ~~contact information, vehicle description and license plate information for each~~
112 ~~overnight guest.]~~

113
114 **(d) *Non-primary residence rental use standards.* The operation of a non-primary**
115 **residence rental use shall comply with the following use standards:**

116
117 **(1) No detached building or structure shall be used as a non-primary residence**
118 **use.**

119
120 **(2) A business license and use permit shall be obtained prior to engaging in a**
121 **non-primary residence rental use.**

122
123 **(3) Prior to the issuance of a business license and use permit, a certificate of**
124 **occupancy shall be acquired.**

125
126 **(4) Prior to the issuance of a certificate of occupancy, the non-primary residence**
127 **rental use shall pass a rental inspection conducted pursuant to Section 103-**
128 **31 of the Nixa City Code.**

129
130 ~~[(e) *Permit required.* No short-term residential rental shall operate within the boundaries~~
131 ~~of the City of Nixa without first obtaining a business license from Nixa City Hall and a~~
132 ~~special use permit approved by city council.]~~

133
134 ~~[(f) *Violations.*]~~

135

136 ~~[(1) Nixa City Council may immediately revoke or suspend the license or deny either~~
137 ~~the issuance or renewal thereof if the owner is found in violation of the rules and~~
138 ~~requirements set forth in this ordinance.]~~

139
140 ~~[(2) It shall be a violation of this section for an owner to advertise, promote or to use~~
141 ~~a third-party intermediary to advertise or promote a short-term rental which is not~~
142 ~~in compliance with the provisions of this section.]~~

143
144 **SECTION 2:** Chapter 117, Article IV, Section 117-99 of the Nixa City Code is
145 hereby amended as set forth herein:

146 (1) The following use descriptions are modified as follows:

- 147
148
149 a. The “short-term residential rental” use shall be added to the “I. Residential,”
150 “E. Miscellaneous, rooms for rent situations,” section of the table of approved
151 uses and such use shall be authorized as a permitted use within the R-1, R-3,
152 and R-4, zoning districts.

153
154 **SECTION 3:** Aside from the modifications described in Section 2, all other portions
155 of Section 177-99 of the Nixa City Code shall remain unmodified.

156
157 **SECTION 4:** The City Attorney, when codifying the provisions of this Ordinance, is
158 authorized to provide for different section numbers, subsection numbers, and different
159 internal citation references than those provided herein when such section numbers,
160 subsection numbers, or internal citation references are in error or are contrary to the intent
161 of this Ordinance.

162
163 **SECTION 5:** Savings Clause. Nothing in this Ordinance shall be construed to
164 affect any suit or proceeding now pending in any court or any rights acquired, or liability
165 incurred nor any cause or causes of action occurred or existing, under any act or
166 ordinance repealed hereby.

167
168 **SECTION 6:** Severability Clause. If any section, subsection, sentence, clause, or
169 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
170 the validity of the remaining portions of this Ordinance. The Council hereby declares that
171 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
172 phrase thereof, irrespective of the fact that any one or more sections, subsections,
173 sentences, clauses, or phrases be declared invalid.

174
175 **SECTION 7:** This Ordinance shall be in full force and effect from and after its final
176 passage by the City Council and after its approval by the Mayor, subject to the provisions
177 of section 3.11(g) of the City Charter.

178
179 **[Remainder of page intentionally left blank. Signatures follow on next page.]**
180
181

182 **ADOPTED BY THE COUNCIL THIS 28th DAY OF May, 2024.**

183

184

185

186

187 _____
PRESIDING OFFICER

188

189

190 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2024.**

191

192

193

194

195 _____
MAYOR

196

197

198 APPROVED AS TO FORM:

199

200

201 _____
CITY ATTORNEY

ATTEST:

CITY CLERK

ATTEST:

CITY CLERK

Removes the 150 feet separation requirement from proposed regulations.

AMENDMENT NO. 1 TO COUNCIL BILL NO. 2024-16

A MOTION TO AMEND SAID COUNCIL BILL BY:

1. Striking out the following language appearing between line 130 and 133:

“No non-primary residence rental use shall be located on a lot which is within 150 feet of another lot with an approved non-primary residence rental use. Said 150 feet distance shall be measured from property line to property line of each lot.”

so that Section 117-102(d)(5) shall be deleted thereafter.

Said Amendment was adopted by the required majority of City Council on the 28th day of May 2024 and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

CITY CLERK