

BILL NO. 2019-085

ORDINANCE NO. 2074

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA,
MISSOURI, AMENDING CHAPTER 117 OF THE CODE OF THE
CITY OF NIXA TO INCLUDE SECTION 117-102 - SHORT TERM
RESIDENTIAL RENTAL USES**

WHEREAS, ARTICLE II, Section 2.1 of the Home Rule Charter of the City of Nixa, Missouri provides the City of Nixa all powers of the General Assembly of the State of Missouri have authority to confer upon any City, provided such powers are consistent with the Constitution of the State of Missouri and are not limited or denied by the City of Nixa's Charter or by statute; and

WHEREAS, the City of Nixa, Missouri desires to preserve the quality, integrity, and stability of residential areas; and

WHEREAS, the City has enacted a variety of ordinances which govern the intent and location of certain uses; and

WHEREAS, the City has identified a new trend in the community allowing rentals of less than thirty (30) days in primarily residential areas; and

WHEREAS, The City of Nixa Planning and Zoning Commission, after a duly noticed public hearing, reviewed and recommended the adoption of the regulations related to short term residential rental use; and

WHEREAS, The City of Nixa provided notice and held a public hearing of this proposed amendment to the Code prior to its adoption.

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

Section I: The Code of the City of Nixa, Missouri, is hereby amended by adding Chapter 117, Section 117-102, Short Term Residential Rental Uses, which shall read as follows:

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 (2) 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, 7 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 3 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.

Section II: All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section III: This ordinance shall be in full force and effect from and after the date of its passage.

READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL FOR THE CITY OF NIXA, MISSOURI THIS 26TH DAY OF AUGUST 2019.


PRESIDING OFFICER


ATTEST:


CITY CLERK

APPROVED THIS 26th DAY OF AUGUST 2019.


MAYOR

ATTEST:


CITY CLERK

~~ATTEST:~~ APPROVED as to FORM


CITY ATTORNEY