

*Our Vision - The City of Weldon Spring fosters a premier Community that is a safe place to live and enjoy life.*



**CITY OF WELDON SPRING  
PLANNING & ZONING COMMISSION  
ON MONDAY, JULY 1, 2024, AT 7:30 P.M.  
WELDON SPRING CITY HALL  
5401 INDEPENDENCE ROAD  
WELDON SPRING, MISSOURI 63304**

**\*\*\*\*Tentative Agenda\*\*\*\***

A NOTICE IS HEREBY GIVEN that the Planning & Zoning Commission will hold a meeting at 7:30 PM on July 1, 2024, at 5401 Independence Road Weldon Spring, Missouri, 63304, with the following tentative agenda:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES:**
  - A. April 16, 2024 – Planning & Zoning Conceptual/Sketch Plan Review Meeting
- 5. VISITOR'S/PUBLIC COMMENT**
- 6. REPORT OF THE BOARD OF ALDERMEN**
- 7. PUBLIC HEARING:**
  - A. Consideration of proposed amendments to the City of Weldon Spring's Zoning regulations pertaining to Architectural Review Commission Chairman appointment, front-entry garages, home occupations, the land use table, and temporary signage.
- 8. NEW BUSINESS:**
  - A. Zoning Code Amendments Discussion – Architectural Review Commission Chairman appointment, front-entry garages, home occupations, the land use table, and temporary signage
  - B. Short-Term Rentals (Air B&B & VRBO) Restrictions Discussion
- 9. ADJOURNMENT**

*Our Mission - The City of Weldon Spring will provide premier public services to the Community with integrity, transparency, and fiscal responsibility.*

## **NOTICE OF PUBLIC HEARING**

### **City of Weldon Spring**

Notice is hereby given that the City of Weldon Spring will conduct a Public Hearing before the Planning & Zoning Commission on Monday, July 1, 2024, at 7:30 P.M. in the Weldon Spring City Hall located at 5401 Independence Road, Weldon Spring, Missouri, and before the Board of Aldermen on Thursday, July 11, 2024, at 7:30 P.M. in the Weldon Spring City Hall located at 5401 Independence Road, Weldon Spring, Missouri, concerning proposed amendments to the City's Zoning regulations, made in conformance with State Statutes and to update various zoning regulations (pertaining to the Architectural Review Commission Chairman appointment, front-entry garages, home occupations, the land use table, and temporary signage).

The public is invited to attend. Also, written comments are welcome and should be submitted to the City Clerk, Bill Hanks at [bhanks@weldonspring.org](mailto:bhanks@weldonspring.org). Anyone with a disability requiring reasonable accommodation should contact City Hall at 636-441-2110 before the Hearing to make accommodations to attend.

For additional information please contact Bill Hanks, City Clerk, at 636-441-2110 – ext. 103. Copies of the proposed amendments are available for public inspection at the Weldon Spring City Hall.

Conceptual/Sketch Plan Review Meeting Notes  
Weldon Spring City Hall  
5401 Independence Rd.  
Weldon Spring, MO 63304

**Project Name: Persimmon Trace**  
Project Location: 6101 Ozark Way

**Conceptual Review Meeting Date:** April 16, 2024  
Time: 9:00 AM – 10:45 AM

**In attendance:**

Don Licklider – Mayor of Weldon Spring  
Don Stolberg – City Administrator  
Steve Lauer – City Planner  
Bill Hanks – City Clerk  
Tom Szilasi - Planning & Zoning Commissioner  
John Eash – Planning & Zoning Commissioner  
Bill Wagner – Planning & Zoning Commissioner/Architectural Review Commission  
Karen Hotfelder – Architectural Review Commission  
Bob Breth – Architectural Review Commission  
Edwina Conley – Board of Aldermen  
Janet Kolb – Board of Aldermen  
Tom Yeager – Board of Aldermen  
Bill Schnell – Weldon Spring City Engineer  
Chris DeGuentz – Fischer & Frichtel Homes  
Mike Falkner – The Sterling Company  
Drew Weber – Hamilton & Weber

**Note:** The meeting sign-in sheet for the public is attached to these minutes.

**Property Details:**

Current Zoning – “AG” Agricultural Acreage – 9.55  
Current Land Use - Dog Kennel                      Proposed Zoning – “PR” Planned Residential  
Proposed Land Use – Detached Villas

**Meeting Summary:**

Tom Szilasi called the meeting to order at 9:00 AM. Mayor Licklider briefly reminded everyone about the format of the Conceptual Review meeting.

The Pledge of Allegiance was recited by all.

Mr. Lauer (City Planner) stated that this meeting serves as the first stage of the development process, and it is opportunity for feedback to the developer before formally submitting an

application for approval from the Planning & Zoning Commission and Board of Aldermen. Mr. Lauer added that the concept plan is 9.55-acre parcel (6101 Ozark Way) that will require a rezoning from "AG" Agricultural to "PR" Planned Resident and a Conditional Use Permit (CUP).

Drew Weber, from Hamilton & Weber Law Firm, gave a presentation of the concept plan, which is a single family detached villa development called Persimmon Trace. The Persimmon Trace proposal calls for 19 lots with the villas containing two (2) beds, two and one-half (2.5) bathrooms, two (2) side entry garages and one (1) front entry garage ranch style homes. The starting price for the villas would approximately be one (1) million dollars. A brief discussion took place.

Mr. Szilasi told the applicants that front-loaded garages would be an issue because front-loaded garages are currently not allowed according to the municipal codes.

- **Lisa Baker, 124 Osage Way:** She voiced her opposition to the development because of the overall density.
- **Jason Hitt, 100 Osage Way:** He stated that the proposal is a quality proposal, but he wants to see larger lots. Also, he opposes the idea of allowing front-entry garages.

Mr. DeGuentz stated that the average price point for these villas are \$1.1 million. He stated that he evaluated this concept and does not want the City to rewrite the municipal code. He added that he has the land under contract, and he wanted to propose this unique concept to the City of Weldon Spring

- **Dustin Roberts, 5862 Hidden Creek Drive:** He voiced his concern about the storm water runoff from the development.
- **Samatha Schaefer, 105 Osage Way:** She was concerned about children's safety with the expected increase in traffic on Ozark Way, which currently does not have sidewalks.

There was a brief discussion about sidewalks.

- **Anne Hallemeier, 113 Osage Way:** She opposed the smaller lots and the overall density of the proposed development.

At 9:33 AM, there was a site visit at 6101 Ozark Way to walk the property and get a visual of the development from the developer/

After returning to City Hall, there was further discussion on the concerns regarding the development.

Mr. DeGuentz requested copies of the comments.

The meeting was adjourned at approximately 10:42 AM.

Respectfully submitted,

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William C. Hanks, City Clerk

## STAFF REPORT – JULY 1, 2024 PLANNING & ZONING COMMISSION MEETING

### 1. Zoning Code Amendments

Architectural Review Commission – Appointment of Chairman. Section 405.395 states that the Chairman of the Architectural Review Commission (ARC) shall be designated annually each May by the Mayor. With the designation of the Chairman for the ARC at the May 9, 2024 Board of Alderman meeting a recommendation was made that this section of code should be deleted and that the ARC should be able to elect their Chairman just like the other City Boards/Commissions. The Secretary position was also included in the text for the annual election of the ARC.

Architectural Review Commission – Front Entry Garages. Section 405.430.B.7 does not permit the ARC to approve front entry single-family residential garages except for garages in the AG, Agricultural District. The proposed amendment has been amended from what was previously voted on by the Planning & Zoning Commission and Board of Aldermen to allow front entry garages for a single-family residential building which currently has a front entry garage which was completed or under construction prior to March 11, 1997. The specific date of March 11, 1997 was added as this was the date that the City approved the amendment to only allow side and rear entry garages for single family residential buildings.

Home Occupations – Section 405.215 is being amended to comply with Sections 71.990 and 89.500 of the Revised Statutes of the State of Missouri which limit the ability of cities to enact zoning ordinances restricting home-based businesses. Cities can no longer require a permit or license to use one's home as a business if it qualifies as a "no-impact" home-based business as defined in the statute.

Land Use Table - Definitions were added to Section 402.020 for uses that were added to the Land Use Table under the HTO, High-Technology Office District as either a permitted or conditional use. Additional uses were designated as permitted or conditional uses under the PC, Planned Commercial District. Other necessary corrections were also made within the Land Use Table itself.

Temporary Signage – Election Signs. The duration and number of signs were deleted to comply with previous court cases.

**Discussion:** Short-Term Rentals (Air B&B and VRBO) – Short-term rentals are defined in Section 402.020 of the Code of Ordinances of the City of Weldon Spring. The terms of the definition need to be reviewed and a process needs to be established somewhere else in the municipal code for someone that would want to conduct a short-term rental.

\*\*\*\*\*  
**AN ORDINANCE AMENDING SECTION 405.395 OF THE CITY OF WELDON  
SPRING, MISSOURI, MUNICIPAL CODE AND MATTERS RELATING THERETO**  
\*\*\*\*\*

**WHEREAS**, That Missouri cities of the fourth class, Weldon Spring being such, have the authority from time to time to amend, supplement, change, modify or repeal its regulations and restrictions pursuant to the provisions of Chapters 71, 79, and 89 of the Missouri Revised Statutes; and

**WHEREAS**, notice of public hearings in regard to the changed regulations proposed in this ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

**WHEREAS**, the Planning & Zoning Commission has recommended the following changes to Section 405.395 to the Board of Aldermen for consideration; and

**WHEREAS**, the Board of Aldermen has taken up this matter based upon the recommendations made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:**

**SECTION 1:** That Section 405.395 of the Weldon Spring Municipal Code is hereby amended as follows (added text is shown in boldface type, deleted text shown in [bracket and stricken] type):

Section 405.395      Meetings - Officers.

**SECTION 2:** That this ordinance shall be in full force and effect from and after its enactment and approval.

Meetings of the Architectural Review Commission shall be held at the call of the Chairman or the request of the Mayor. [~~The Chairman shall be designated annually each May by the Mayor.~~] Except, however, that the Commission shall meet at least once per month unless there is no business to conduct in which case the meeting may be cancelled. Notice of any meeting shall be posted in a public place at least twenty-four (24) hours prior to such meeting. At its first (1st) meeting of each calendar year or as soon thereafter as practical, the Commission shall elect a **Chairman**, Vice Chairman, and Secretary from among its members. In the absence of the Chairman, the Vice Chairman shall act as Chairman. In the absence of the Chairman and Vice Chairman, the member next in seniority shall be the Acting Chairman. If two (2) or more

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members have served an equal period of time, the member with the later term expiration date shall be deemed next in seniority. No official action of the Commission shall be taken, except at a meeting open to the public~~[-except as provided for by this Article XII]~~. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or if failing to vote, indicating such fact. A majority of the Commission may adopt rules and regulations to govern the procedures before the Commission.

**SECTION 2:** That this Ordinance shall be in full force and effect upon its enactment and approval.

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.*

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

To approve Bill

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: \_\_\_\_\_

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**AN ORDINANCE AMENDING SECTION 405.430 (B) (7) OF THE WELDON SPRING,  
MISSOURI, MUNICIPAL CODE AND MATTERS RELATING THERETO**

\*\*\*\*\*

**WHEREAS**, That Missouri cities of the fourth class, Weldon Spring being such, have the authority from time to time to amend, supplement, change, modify or repeal its regulations and restrictions pursuant to the provisions of Chapters 71, 79, and 89 of the Missouri Revised Statutes; and

**WHEREAS**, That the Board of Alderman believe it is in the best interests of the residents of the City to preserve and protect the character of the City by ensuring that new construction conforms to the City's character" as set out in Section 405.380 of the Municipal Code pertaining to the City's Architectural Review Commission; and

**WHEREAS**, notice of public hearings on the regulations proposed in this ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

**WHEREAS**, the Planning & Zoning Commission has recommended the following changes to Section 405.430 (B) (7) to the Board of Aldermen for consideration; and

**WHEREAS**, the Board of Aldermen has taken up this matter based upon the recommendations made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:**

**SECTION 1:** That Section 405.430 (B) (7) of the Municipal Code is hereby amended as follows (added text is shown in boldface type, deleted text shown in [bracket and stricken] type):

405.430        Design Standards.

**B. Residential and Multi-Family Buildings**

**7. Single-Family Residential Garages.** All garages for single-family detached dwellings shall be side-entry or rear-entry except: ~~[for garages in the "AG" Agricultural District which shall be exempt from this requirement. Except in the "AG" Agricultural District, garage doors shall not be visible from the front elevation of a house.]~~

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- A. A Front-entry garage can be considered for approval for a single-family residential building, which was either completed or under construction prior to March 11, 1997, and currently has a front entry garage.**
- B. For any residences in the "AG" Agricultural Zoning District; however, garage doors in the "AG" Agricultural Zoning District shall not be visible from the front elevation of a house.**

For corner lots with two (2) front yards, a garage shall be considered side entry if the garage doors are oriented at a right angle to the front elevation of the house, even if the garage entry faces the adjacent street. Garages should conform architecturally to the principal building and its environs. Carports are not a permitted accessory structure to single-family dwellings or attached single-family villas in Single-family residential areas.

**SECTION 2:** That this ordinance shall be in full force and effect from and after its enactment and approval.

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.*

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

To approve Bill

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: \_\_\_\_\_

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AN ORDINANCE REPEALING SECTION 405.215 KNOWN AS PREFORMANCE STANDARDS FOR ACESSORY USES AND ENACTING IN ITS PLACE A NEW SECTION 405.215 IN THE CITY OF WELDON SPRING, MISSOURI, MUNICIPAL CODE REGARDING HOME OCCUPATIONS AND MATTERS RELATING THERETO

\*\*\*\*\*

**WHEREAS**, the Missouri General Assembly has passed, and Governor Parson has signed House Bill 1662, effective August 28, 2022, which made sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

**WHEREAS**, City of Weldon Spring is authorized to enact zoning regulations to promote the public health, safety and general welfare of the citizens of the City as provided under Chapter 89 of the Missouri Revised Statutes, and

**WHEREAS**, it is necessary to clarify, amend, and add flexibility to the regulations of the zoning Code governing home-based businesses as provided under Chapters 71, 79, and 89 of the Missouri Revised Statutes: and

**WHEREAS**, notice of public hearings in regard to the changed regulations proposed in this ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

**WHEREAS**, the Planning & Zoning Commission has recommended the following changes to Section 405.215 to the Board of Aldermen for consideration; and

**WHEREAS**, the Board of Aldermen has taken up this matter based upon the recommendations made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

**SECTION 1:** That Section 405.215 of City Code henceforth shall be as follows:

A. All Accessory Uses.

1. Allowed. Accessory uses are allowed in every zoning district.
2. Generally. All accessory uses shall be incidental to the principal use; operated and maintained under the same ownership and on the same lot or on adjoining lots under the same ownership as the principal use or structure; and are subordinate to the principal use.

**B. Home Occupation****1. Appearance**

- a. The home-based business shall not be visible from the public right-of-way and shall be conducted in such a manner as not to give an outward appearance of a business.
- b. The home-based business shall not result in any structural alterations or additions to the dwelling that will change its primary use.
- c. No display of products and/or equipment produced or used by the home-based business may be displayed so as to be visible from outside the dwelling.

**2. Storage**

- a. No outdoor storage, display or sale of materials, commodities, stock in trade or equipment used in the home-based businesses shall be permitted.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that are normally incidental to residential use is prohibited.

3. **Employees and Customers.** The total number of employees and customers on-site at one time shall not exceed the occupancy limit for the residential dwelling.

4. **Advertising and Signage.** No advertising or business signs are permitted on the premises.

5. **Vehicle, Trailers and Parking.** Vehicles and Trailers, including those of customers, must comply with all parking regulations contained in Section 405.290 of City code.

**6. General Provisions.**

- a. Any home-based business shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential use.
- b. A home-based business shall be owned and operated only by the occupants of the dwelling.

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- c. Retail or wholesale transactions shall be operated in such a manner that the transactions do not generate any street parking or cause a substantial increase in traffic through the residential area.
- d. Home-based businesses shall comply with all local, county, state, and federal regulations pertaining to the activity pursued, and the requirements of this ordinance shall not be construed as an exemption from such regulations.

**SECTION 2:** That this ordinance shall be in full force and effect upon its enactment and approval

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.*

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

To approve Bill #

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Conley	_____	_____	_____
Clutter	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

\*\*\*\*\*  
AN ORDINANCE AMENDING SECTIONS 402.020  
AND EXHIBIT OF CHAPTER 405 – LAND USE TABLE – OF THE WELDON  
SPRING, MISSOURI, MUNICIPAL CODE  
\*\*\*\*\*

**WHEREAS**, That Missouri cities of the fourth class, Weldon Spring being such, have the authority from time to time to amend, supplement, change, modify or repeal its regulations and restrictions pursuant to the provisions of Chapters 71, 79, and 89 of the Missouri Revised Statutes; and

**WHEREAS**, notice of public hearing in regard to the changed regulations proposed in this Ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

**WHEREAS**, the Planning & Zoning Commission has recommended the following amendments, which are outlined and set out in this legislation and “Exhibit A”, to the Board of Aldermen for consideration; and

**WHEREAS**, the Board of Aldermen has taken up this matter based upon the recommendation made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:**

**SECTION 1:** That Section 402.020 of the Municipal Code is hereby amended to add these definitions as follows:

Section 402.020:       Definitions

**AEROSPACE PRODUCTS AND PARTS MANUFACTURING:** An industry that provides the design, development, and production of various components and systems for aircraft or spacecraft.

**COMPUTER COMPONENTS DISTRIBUTION:** A business that is primarily engaged in the wholesale distribution of components for computers, computer peripheral equipment, loaded computer boards, and/or computer software.

**CONFERENCE CENTER:** A facility used for conferences, banquets, weddings, and seminars, and may include accommodations for food preparations and eating, recreation, entertainment, resource facilities, and meeting rooms.

**COMPUTER SYSTEMS DESIGN:** Establishments primarily engaged in providing expertise in the field of information technologies through one or more of the following activities: (1) writing, modifying, testing, and supporting software to meet the needs of a particular customer; (2) planning and designing computer systems that integrate computer hardware, software, and communication technologies; (3) on-site management and operation of clients' computer systems and/or data processing facilities; and (4) other professional and technical computer related advice and services.

**ELECTRONIC COMPONENTS DISTRIBUTION:** A business which distributes products, such as capacitors, resistors, microprocessors, bare and loaded printed circuit boards, electron tubes, electronic connectors, computer modems, Crystals and crystal assemblies, electronic, Electron tubes, LCD (liquid crystal display) unit screens, Microwave components, Piezoelectric devices, printed circuit laminates, switches for electronic applications, and Transducers (except pressure).

**HIGH-TECH MANUFACTURING:** An industry that uses advanced technologies to transform and upgrade conventional manufacturing. This would include manufacture of computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.

**MICRO-BREWERY:** A business whose primary activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

**MICRO-WINERY:** A small wine producer that sources its grape product from an outside supplier or an off-site vineyard, with an annual production of 10,000 gallons or less.

**SECTION 2:** That the Land Use Table Attachment, which is shown as "Exhibit A", in Chapter 405 of the City of Weldon Spring, Missouri, Municipal Codes is hereby amended as follows:

- Aerospace Products and Parts Manufacturing is permitted in the High-Technology Office "HTO" zoned district.
- The word "Entertainment" is omitted from the *Art, Entertainment, Museum, Park and Recreation* land use category.
- Automotive Filling Station (Convenience Store) requires a Conditional Use Permit for the Planned Commercial "PC" zoned district.
- Barber Shop, Beauty Salon, or Spa requires a Conditional Use Permit for the Planned Commercial "PC" zoned district.

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- Church, Temple, Synagogue (places of worship) requires a Conditional Use Permit for the General Commercial “GC” and Planned Commercial “PC” zoned district.
- Clinic-Out Patient (Medical, Dental, etc.) is permitted in the Medical “MED” zoned district.
- Co-Branded Structure (Gas, Food Sales, etc.) requires a Conditional Use Permit for the Planned Commercial “PC” zoned district.
- Computer Components Distribution is permitted in the High-Technology Office “HTO” zoned district.
- Computer Systems Design is permitted in the High-Technology Office “HTO” zoned district.
- Conference Center is permitted in the High-Technology Office “HTO” and Planned Commercial “PC” zoned districts.
- Data Center is permitted in the High-Technology Office “HTO” zoned district.
- Drug Store (Pharmacy) is permitted for the Planned Commercial “PC” zoned district.
- Electronic Components Distribution is permitted in the High-Technology Office “HTO” zoned district.
- Food/Bakery Products Manufacturing is permitted in the Light Industrial “LI” zoned district.
- Furniture, Appliance, or Electronic Sales requires a Conditional Use Permit for the High-Technology Office “HTO” zoned district.
- High-Tech Manufacturing is permitted in the High-Technology Office “HTO” zoned district.
- *The Mini-Warehouse (Self Storage Facility)* category is omitted from the Land-Use Table.
- Micro-Brewery/Micro-Winery requires a Conditional Use Permit for the High-Technology Office “HTO” and the Planned Commercial “PC” zoned districts.
- Parks, Playgrounds & Open Space (Public) is permitted in the Medical “MED” zoned district
- The word “Martial Arts” is added to the *Schools (Studios, Art, Dance, Music, or Beauty)* land use category.
- *Schools (Middle & High)* category is omitted from the Land-Use Table.
- Tattoo Establishments (State Licensed) is no longer permitted in the Planned Commercial “PC” zoned district and requires a Conditional Use Permit in the General Commercial “GC” and the Medical “MED” zoned districts
- The word “Entertainment” is added to the *Theater and Performing Arts* land use category and the land use category is no longer permitted in the Medical “MED” zoned district.
- Warehouse, Mini Self-Storage land use category requires a Conditional Use Permit for the General Commercial “GC” zoned district

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ORDINANCE NO. \_\_\_\_\_

- Warehouse, Storage, and Wholesale Trade land use category requires a Conditional Use Permit for the High-Technology Office “HTO” zoned district.

All the amended changes to the Land Use Table in Section 2 of this Ordinance are referenced in “Exhibit A” of this Ordinance.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its enactment and approval.

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF  
WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.*

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

To approve Bill #

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: \_\_\_\_\_

## Chapter 405: Land Use Table – Attachment 1

### Land Use Table

The Land Use Table provides a tabular summary of the principal land uses allowed within each zoning district. Please refer to the specific district regulations and all other applicable requirements and procedures contained in Chapter 400.

- A. **Permitted (By-Right):** Uses identified in a zoning district column of the Use Table with a “•” are “permitted by-right” and shall be permitted in such zoning district subject to all other requirements of this Zoning Ordinance.
- B. **Conditional Uses:** Uses identified in a zoning district column of the Use Table with a “C” are “Conditional Uses” and shall be permitted in such zoning district in accordance with the standards and procedures contained in Article IX.
- C. **Unlisted Uses:** Any use not shown as a use permitted by right or a conditional use in a zoning district is specifically prohibited in that district. Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of this Code. Any use not shown as a use permitted by right or a conditional use in any zoning district, but constituting a use that is required to be permitted by law, shall be subject to the conditions of the most appropriate zoning district and the following requirements.
1. The use shall be permitted only to the extent required by law;
  2. The use shall be approved only as a Conditional Use in the City’s “LI” Industrial District, except if by law it is required to be permitted by right;
  3. The use shall be located no closer than 1,000 feet from any residence, residential property, park, school, or church, except as may be modified by the Board of Aldermen via a Conditional Use Permit;
  4. The use shall maintain a distance of at least 1,000 feet from any other such use having the same description, except as may be modified by the Board of Aldermen via a Conditional Use Permit;
- D. **Old Town” & Village Center Overlay (Shell Districts):** As of the adoption of this Chapter, no property may be rezoned to the “OT” Old Town District or “VC” Village Center. All preexisting “OT” and “VC” property shall be permitted all lawful uses as of the effective date of this Code. After the effective date of this Code revision, no additional land shall be rezoned to the “OT” or “VC” Overlay District. Any proposed subdivisions, including lot splits, change of use, new construction or other alterations not permitted under the respective district regulations shall require rezoning to an applicable zoning district. Use of property maintaining the “OT” and “VC” preexisting zoning shall be subject to all other regulations of this Code.

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LJ	Reserved
RESIDENTIAL PRINCIPAL USES													
Dormitories									•				
Group Home	C	C	C	C	C	C							
Lofts										C			
Modular Home	C												
Multi-Family ("Apartment")										C			
Assisted Living, Congregate Care, Residential Care, Senior Housing, Skilled Nursing Facilities						C			•	C			
Single-Family (individual home sites)	•	•	•	•	•	•				C			
Single-Family (Conservation Subdivisions)	•	•	•	•	•	•				C			
Single-Family (Conventional Subdivisions)	C	C	•	•	•	C				C			
Townhomes, Condos, Multiplex										C			
Two-Family Attached ("Villa")						C				C			
NON-RESIDENTIAL PRINCIPAL USES													
Aerospace Components Manufacturing								•					
Agriculturally related limited commercial uses, i.e. commercial nursery activities.	C												
Antique Sales										•			

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LI	Reserved
Arts, <b>Entertainment</b> , Museums, Parks & Recreation	•	•	•	•	•	•	•	•	•	•	•		
Automotive Customizing Shop											C	•	
Automotive Parts and Supply Store											•		
Automotive Filling Station (Convenience Store)										C	C	C	
Animal Production (beef & dairy cattle, poultry and egg production, and sheep & goat farming),	•												
Animal Production, limited (chicken egg production and animal aquaculture)	•	C											
Automotive Rental Agency											C	•	
Automotive Repair (Body/Paint) Shop											C	•	
Automotive (Vehicle, Boat, or RV) Sales											C		
Automotive Service Station (i.e. Jiffy Lube)											C		
Automotive Wash Services											C	•	
Bakeries (Retail)											•	•	
Bar, Tavern or Lounge											C	C	
Barber Shop, Beauty Salon or Spa							C				C	•	
Bed and Breakfast Inns											•	•	

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LI	Reserved
Broadcasting, Telecommunications, Radio, TV, and Cable Networks								•			•	•	
Building Material Sales & Services											•	•	
Bus, Truck & Rail Terminals												•	
Catering Service								•		•	•		
Cemetery, Crematory, and Mausoleum	C	C	C	C	C		•						
Church, Temple, Synagogue (places of worship)	•	•	•	•	•	•	•			C	C		
Clinic-Out Patient (Medical, Dental, etc.)							•	•	•	•	•		
Club, Civic, Religious, or Fraternal Organization							•	•	•	•	•	•	
Co-Branded Structure (Gas, Food Sales, etc.)										C	•	•	
Computer Components Distribution								•	•				
Computer Systems Design								•	•				
Conference Center								•	•	•			
Construction Contractor												•	
Couriers and Messengers								•			•		
Crop Production	•	•											
Data Center								•		C	C		
Day Care – Adult					C	C	•		•				

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LI	Reserved
Day Care – Child Nursery	C	C			C	C	•		•		•		
Drug Store (Pharmacy)									•	•	•		
Dry Cleaning & Laundry Pick-up								•		•	•	•	
Dry Cleaning Plant												•	
Electronic Components Distribution								•					
Equipment Sales, Rental & Leasing												•	
Financial Services-banking								•		•	•		
Fishing Lakes	•	C											
Food/Bakery Product Manufacturing												•	
Forestry and Logging	•	•										C	
Funeral Home, Mortuaries										C	C		
Furniture, Appliance or Electronics Sales								C		•	•		
Golf Courses and Country Clubs	•	C	•	•	•	•	•	•		•	•		
Golf, Miniature											•		
Greenhouse, Plant Nursery & Garden Supplies	C											•	
Grocery Store- Retail										•	•		
Hospital									•		•		

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LI	Reserved
Health Care, Social Services, Vocational Rehab, and Family Services							•	•	•	•	•		
Health Club, Fitness Center & Gymnasiums								•	•	•	•		
High-Tech Manufacturing								•					
Hotel								•		•	•		
Hotel, Extended Stay										C	C		
Industrial, Heavy												C	
Industrial, Light								C		C		•	
Information Services and Data Processing								•		•	•		
Kennels, Pet Care, and Dog Daycares	•	C								•	•		
Liquor Store										•	•		
Laundromat- self service											•		
Massage Therapy Establishment (licensed)										C	•		
Mini-Warehouse (Self-Storage-Facility)										C		•	
Micro-Brewery/Micro-Winery								C		C			
Night Club, Dance Hall or Private Club										C			
Office								•	•	•	•	•	

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:	•												
Use permitted as a conditional use:	C												
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LI	Reserved
Park, Playgrounds & Open Space (Public)	•	•	•	•	•	•	•	•	•	•	•	•	
Postal, Mail, and Coping Services							•	•		•	•	•	
Printing & Publishing Facility								•		•	•	•	
Psychiatric and Substance Abuse Hospitals							C		C				
Public Administration, Police, Fire, Government	•	•	•	•	•	•	•	•	•	•	•	•	
Public Administration, (Other than Weldon Spring)	C	C	C	C	C	C	C	C	C	C	C	C	
Recreation Facility or Area (Commercial)								•	•	•	C	•	
Repair Services								C		C	•	•	
Research, Development & Testing Services								•	•	•	C	•	
Restaurant, Fast Food								C	C	•	•	•	
Restaurant, General								•	•	•	•	•	
Retail Sales & Services							•		•	•	•	•	
Resale (Consignment) Sales, Thrift Shops										•	•	•	
Schools (Studios), Art, Dance, <b>Martial Arts</b> , Music or Beauty								•		•	•	•	
Schools, Business, Vocational or Trade School								•	•	•	•	•	
Schools (College, Junior College)								•	•	•	•	•	
Schools, Public (Elementary and Secondary)	•	•	•	•	•	•	•			•	•	•	
Schools, Private (Elementary and Secondary)	C	C	C	C			C			•			

# Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table													
Use is permitted by right:													•
Use permitted as a conditional use:													C
Use not permitted:													
USES	Ag	RS3	RS2	RS1	RS½	PR	SP	HTO	MED	PC	GC	LJ	Reserved
<del>Schools (Middle &amp; High)</del>										E	E	E	
Tanning Salon (State licensed)									•	•			
Tattoo Establishment (State licensed)									C	E	C		
Telecommunication Antennas (concealed, roof-mounted, stealth, and utility pole-mounted) by administrative permit via Section 405.215 & 405.175 as an accessory use.	•						•		C	•	•	•	
Tobacco Store											C		
Wireless communication Towers as per Section 405.225(B) as an accessory use.	C						C	C		C	C	C	
Theater, Cinemas,										•	C		
Theater, <del>Entertainment</del> , and Performing Arts									•	C	C		
Utilities, Major (water & wastewater treatment plants, power generation facilities, transmission towers, substations, lift stations, and similar uses)	C									C	C	C	
Utilities, Minor (lift stations, water towers, and similar uses)	C	C	C	C	C	C			•	•	C	C	
Vaporizer (Vap)/Electric Cigarette (E-Cig) Store											C		
Veterinary Clinic								•	•	•	•	•	
Warehouse, Mini (Self-Storage)										C	C	•	
Warehouse, storage, and wholesale trade								C		C		•	

Chapter 405: Land Use Table – Attachment 1

City of Weldon Spring Land Use Table												
Use is permitted by right:												
Use permitted as a conditional use:												
Use not permitted:												
USES												
Reserved												

\*\*\*\*\*

**AN ORDINANCE AMENDING SECTION 415.080 (J) OF THE CITY OF WELDON  
SPRING, MISSOURI, MUNICIPAL CODE AND MATTERS RELATING THERETO**

\*\*\*\*\*

**WHEREAS**, That Missouri cities of the fourth class, Weldon Spring being such, have the authority from time to time to amend, supplement, change, modify or repeal its regulations and restrictions pursuant to the provisions of Chapters 71, 79, and 89 of the Missouri Revised Statutes; and

**WHEREAS**, notice of public hearings in regard to the changed regulations proposed in this ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

**WHEREAS**, the Planning & Zoning Commission has recommended the following changes to Section 415.080 (J) to the Board of Aldermen for consideration; and

**WHEREAS**, the Board of Aldermen has taken up this matter based upon the recommendations made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:**

**SECTION 1:** That Section 415.080 (J) of the Weldon Spring Municipal Code is hereby amended as follows (added text is shown in boldface type, deleted text shown in [bracket and stricken] type):

**Section 415.080 (J) Allowed Sign Uses**

**J. Election Signs.**

1. Zoning. Residential and non-residential.
2. Permit/Fee. No permit required, except the permission of the property owner; no fee required.
3. Sign Area. Election signs shall have a maximum sign area of six (6) square feet, except those fronting on State or Federal highways may be thirty-two (32) square feet.
4. ~~[Duration. Election signs may be displayed forty (40) days prior to and five (5) days after any election held within St. Charles County.~~

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

~~5. Number. Not more than one (1) election sign per individual candidate and/or proposition shall be permitted per twenty five (25) feet width of any lot.]~~

**SECTION 2:** That this ordinance shall be in full force and effect from and after its enactment and approval.

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF  
WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.*

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. H4anks, City Clerk

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**To approve Bill**

**Motioned:** \_\_\_\_\_

**Seconded:** \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
<b>Baker</b>	_____	_____	_____
<b>Clutter</b>	_____	_____	_____
<b>Conley</b>	_____	_____	_____
<b>Kolb</b>	_____	_____	_____
<b>Martiszus</b>	_____	_____	_____
<b>Yeager</b>	_____	_____	_____
<b>Licklider</b>	_____	_____	_____

**Absent:** \_\_\_\_\_

## **Short-Term Restriction Examples**

**1.City of St. Charles (City) Municipal Code**

**2.Town of Augusta Ordinance**

## Chapter 400. Zoning Code

### Article III. Other Use Regulations and Design Standards

#### Division 1. Use Regulations

#### Section 400.421. Short-Term Rentals.

[R.O. 2011 § 400.421; Ord. No. 17-261, 11-21-2017; Ord. No. 18-023, 2-20-2018; Ord. No. 18-115, 5-15-2018; Ord. No. 18-259, 11-20-2018; Ord. No. 22-104, 8-2-2022]

A. All short-term rentals shall comply with the following:

1. In addition to any applicable permits/licenses, an annual short-term rental permit shall be required for every short-term rental and renewals of said permit shall be due prior to the last business day in December every year. The fee for said permit shall be approved by City Council.
2. Shall be subject to and shall comply with all requirements of City and State building, fire safety and occupancy codes and limits.
3. No occupancy of a short-term rental shall occur in any location except within the primary structure.
4. Total short-term rentals within residentially zoned areas shall be limited to no more than one-half of one percent (0.5%) of the total housing units in the City as identified by the most recent decennial census.
5. Parking shall be provided in accordance with Section **400.670**; however, modifications to this standard may be approved by the City Council via a conditional use.
6. A yearly safety inspection is required for every short-term rental property. Failure to receive and pass a yearly safety inspection is grounds of revocation of any permit for the short-term rental.
7. The owner of any short-term rental property shall apply and obtain a business license from the City before renting or advertising the availability of the short-term rental. Failure to maintain an active business license will be grounds for revocation.
8. The owner of the short-term rental property shall submit the following information on the application form provided by the Department of Community Development, which shall include, at a minimum, the following information: (a) the name, address, email 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.
9. Any false statements or false information provided in the application for a short-term rental property shall be grounds for permit revocation or imposition of penalties as outlined in Section **400.1890**.
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.

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 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. In order to ensure compliance and compatibility with the surrounding land uses, each short-term rental shall be affixed with an operable noise monitoring device. Said device shall notify the tenant and property owner of any noise deemed unreasonable. Said device shall be documented/inspected and in good working order prior to the issuance of any occupancy for the short-term rental.
  16. No short-term rental shall be rented more than one (1) time between the hours of 6:00 P.M. and 6:00 A.M. in any twenty-four (24) hour period.
  17. Prior to the rental of a short-term rental, 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 property unit with all applicable laws, ordinances, rules and regulations pertaining to the use and occupancy of the short-term rental property.
    - c. Information required in Subsection **(A)(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 or designee 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.
- B. Residential Zoning. Short-term rentals within a residential zoning district shall conform to the following standards and provisions in addition to the standards of Subsection **(A)** of this Section:
1. The dwelling unit shall be a single-family, two-family dwelling or multi-family dwelling.

2. No short-term rental property shall be within five hundred (500) feet of another short-term rental property located within a residential zoning district, unless otherwise permitted by this Section.
  3. A yearly safety inspection is required for every short-term rental property. Failure to receive and pass a yearly safety inspection will render the conditional use and/or permit, as applicable, null and void.
  4. Failure to receive or maintain a valid business license for the short-term rental property will render the conditional use and/or permit, as applicable, null and void.
  5. Past Approvals of Short-Term Rental Permits. Unexpired short-term rental permits approved prior to the effective date of this Section shall be permitted to apply for a conditional use regardless of the buffer requirement of Subsection (B)(2) of this Section; however, an application shall be received no later than December 30, 2022. Failure to receive a complete application by December 30, 2022, will render the previous permit null and void and subject to all current standards of short-term rentals, including, but not limited to, the buffer requirement of Subsection (B)(2) of this Section.
- C. Commercial Zoning. Where short-term rentals are within a commercial zoning district the use shall conform to the standards and provisions of this Section, as applicable.
- D. 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 occupancy permits as appropriate 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.

BILL NO. 2023-01 INTRODUCED BY TRUSTEE In Park

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING ORDINANCE 92-1 BY  
ADDING THERETO REGULATIONS FOR SHORT TERM  
RENTAL UNITS

COPY

BE IT ORDAINED by the Board of Trustees of the Town of Augusta, Missouri,  
as follows:

SECTION 1: Purpose -

1. The purpose of this Ordinance is to establish regulations for short term rental units in order to ensure an appropriate balance of residential and commercial properties; to preserve the community and cohesiveness of the Town's residents; and to safeguard the peace, safety and general welfare of neighborhoods by minimizing negative secondary affects related to short term rental units including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse, and improve responsiveness to neighbors' complaints, all within the Town of Augusta, Missouri. This Ordinance is adopted pursuant to the Town's police power to preserve the Town's permanent housing stock, balance the economic opportunity created by short-term rentals with the need to maintain a supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing that results from the dedication of long term housing stock to short-term rental use, create a level playing field for all parties engaged in the business of providing lodging, mitigate the disruptive effects that unmonitored short-term rentals can have on neighborhoods, and protect the livability and quality of life of the Town's residential neighborhoods.

The Board of Trustees acknowledges there are thirteen (13) existing short-term rental units as of the Effective Date of this Ordinance. Those existing short-term rental units will be allowed to continue to operate by complying specifically with the requirements in section 5,d below and with the rest of this Ordinance. The Town will allow of maximum of fifteen (15) short-term rental units total.

2. Definitions -

a. For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed to them by this Ordinance;

b. "Actively Operating" means a short-term rental that is rented out/occupied for a total of more than 18 days per calendar year.

c. "Apartment" means a rented room or set of rooms that is part of a residential building and is used as a place to live for 28 days or longer.

d. "Applicable Laws, Rules, and Regulations" means any laws, rules, regulations, and codes (whether local, state, or federal) pertaining to the use and occupancy of a privately-owned residential dwelling or a short-term rental unit.

e. "Applicant" means a person applying for a Short-Term Rental Unit permit or renewal of permit.

f. "Good Neighbor Brochure" means a document prepared by the Town of Augusta, as may be revised from time to time that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of Short-Term Rental Units.

g. "Owner's Agent or Operator" means an individual or business entity who is designated as the Owner's agent to act on the Owner's behalf to ensure compliance with this Ordinance. "Operator" may be the "Owner".

h. "Owner" means any person or entity having fee-title ownership.

i. "Property" means the actual single-family house or other residential dwelling unit including all of its improved real property, which is used as a short-term rental.

j. "Responsible Person" means a Short-Term Rental Unit occupant who is at least 21 years of age and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.

k. "Short-Term Rental Unit" means a privately-owned residential dwelling or other property (but not a hotel or bed and breakfast), including, without limitation a single family detached or multiple-family attached unit (not including apartments), second unit dwelling, lodging or rooming house, condominium, duplex, triplex, quadplex, mobile home or house trailer at a fixed location, or any portion of such dwelling or other property rented for lodging or sleeping purposes for any period of less than 28 days.

A "short-term rental unit" is different from a "bed and breakfast," as 1.040.2.d. of the Code defines. The difference between the two is based on several factors and is ultimately the decision of the Town Board. Both provide overnight lodging to guests.

Whether a property constitutes a "bed and breakfast" or a "short-term rental unit" is determined on a case-by-case basis.

The individual circumstances of each property determine the weight the Town Board assigns different factors. There is no one factor or set number of factors that makes the property a bed and breakfast or a short-term rental unit, and no one factor alone makes this determination. The factors used to evaluate a property and to determine whether it is a "bed and breakfast" or a "short-term rental unit" include:

- Access to space: A guest of a bed and breakfast typically has exclusive control and access over one room or a specific area of a building, whereas a guest of a short-term rental unit typically has exclusive control and access over the entire building.
- Personal Host: A bed and breakfast is typically hosted by a person who personally hosts the guests, prepares meals for them, and serves and assists the guests in person. That person is typically an owner of the bed and breakfast or an owner of a company that owns the bed and breakfast. On the other hand, a short-term rental unit is typically unhosted, the guests do not share the building with a host during the guests' rental, and a host typically does not perform the functions listed above.
- Bona fide meals: A bed and breakfast typically serves fresh, prepared breakfast or other *bona fide* meals to the guests. A short-term rental unit typically does not do so and guests are either responsible for their own meals or may partake in pantry food left in the short-term rental unit.
- Groups of guests: A building operating as a bed and breakfast typically has between two and four guest rooms, so between two and four groups of unrelated guests may occupy the building at the same time. On the other hand, a short-term rental unit typically has only one group of guests occupying the building at one time.

For these purposes a "bed and breakfast" includes a "bed and breakfast residence," as section 2.040 2(c) mentions. A "bed and breakfast residence" is defined as a "bed and breakfast" in which the host of the bed and breakfast lives as his or her primary residence.

- l. "Bed Tax" – St. Charles County Convention and Sports Facility Authority Sleeping Room Tax
- m. "Short-Term Rental Permit" means a permit issued by the Town of Augusta authorizing the operation of a Short-Term Rental Unit.
3. Authorized Agent or Representative

a. An Owner shall designate an Operator to act on the owner's behalf to ensure compliance with the requirements of this ordinance.

b. Notwithstanding Subsection 3.a above, the Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental unit, regardless of whether such noncompliance was committed by the Owner or Operator or the occupants of the Owner's short-term rental unit or their guests.

4. Short-Term Rental unit permit – Required

a. An Owner must obtain a Short-Term Rental unit permit and a Bed Tax Registration Permit prior to advertising or renting any "short-term rental unit" to any transient for a period less than 28 days.

5. Short-Term rental unit permit for all types – Application and processing requirements.

a. The Owner/Operator must submit the following information on an application form provided by the Town of Augusta:

- i. Short-Term Rental application – form can be found on website
- ii. A passing life-fire-safety inspection/valid Occupancy permit from designated official from the Augusta Fire Department
- iii. A Copy of the St. Charles County Convention and Sports Facility Authority Sleeping Room Tax registration form that was filed by the Short-Term Rental, along with either a paid receipt for such taxes for the prior calendar quarter, or a no tax due from St. Charles County Convention and Sports Facility Authority.
- iv. A business license from the Town of Augusta
- v. Permit fee of \$200.00
- vi. Acknowledgement of receipt and inspection of the Good Neighbor Brochure.
- vii. Other information as the Town Clerk deems reasonably necessary to administer this ordinance.

b. A short-term rental unit permit issued under this ordinance shall expire one anniversary year (i.e. 365 days or 366 days with a leap year) from date of permit issuance, unless revoked earlier. The permit authorizes the property owner to conduct only such services as is described in the permit and in accordance with the terms and conditions of this ordinance.

c. Beginning January 1, 2023, a Short-Term Rental unit permit application, along with the necessary license and inspections, for an

existing short-term rental unit permit must be submitted at least thirty (30) days prior to the expiration date of the permit. Upon timely submittal of renewal, the Short-Term Rental unit permit will remain effective until such time as the Short-Term Rental unit permit expires, is revoked, or denied. Failure to timely submit an application for a renewal of an existing short-term rental unit permit shall result in that permit being eliminated from the cap inventory and the owner or agent must apply for a new short-term rental unit permit. If no permits are available, the property owner will be added to the waiting list.

d. Owners of existing short-term rental units shall submit all application requirements in Section 5.a. within forty-five (45) days following the effective date of this ordinance. Failure to timely submit an application of an existing short-term rental unit permit shall result in that Owner not receiving a short term rental unit permit.

e. After registration of existing short term rental units, new short-term rental unit applications will be considered on a first-come-first-served basis to issue short-term rental unit permits for a maximum of fifteen (15) short-term rental units total. When the maximum number of short-term rental unit permits have been issued, applications will be placed on a waitlist for consideration when permits become available. An owner must pay an annual fee of \$100 to be placed on the waitlist and to remain on the waitlist. Applicants will be added to the waitlist in the order in which the Town Clerk receives the applications by e-mail.

f. Following a change in ownership of a property with a short-term rental unit permit, the new owner will have thirty (30) days to apply for a new short-term rental unit permit according to Section 5.a. above. The new owner must be approved and permit assigned before the new owner rents or advertises the unit for rent as a short-term rental unit. If a short-term rental unit application is not received within thirty (30) days after the change in owner, then the short-term rental unit permit will expire, and the first Owner on the waitlist shall be eligible to apply for a permit according to Section 5.a. above.

g. Except as provided for the properties with 13 existing short-term rental units as of the effective date of this ordinance, a Short-Term Rental Unit Permit will not be granted for a property zoned residential (either R-1 or R-2), unless the owner of that property first obtains a Conditional Use Permit to operate a Short-Term Rental Unit on that R-1 or R-2 zoned property.

The procedures and standards for the Conditional Use Permit application shall be those set forth in Section 7.010 of the Town's Zoning Code.

If, after 45 days from the effective date of this ordinance, any owner of an existing Short-Term Rental Unit fails to apply for a Short-Term Rental Unit Permit, then that property shall be subject to this rule that a Short-Term Rental Unit Permit will not be granted for a property zoned residential (either R-1 or R-2), unless that the owner of that property first obtains a Conditional Use Permit to operate a Short-Term Rental Unit on that R-1 or R-2 zoned property.

h. A Short-Term Rental Unit Permit application, whether initial or renewal, shall be accompanied by payment of an application fee of \$200.

i. A Short-Term Rental Unit Permit shall not be issued or renewed if there are unresolved Town compliance cases, outstanding fines or fees, or liens on the property, either for the Owner or the property.

j. A Short-Term Rental Unit Permit must be renewed annually to remain valid. Failure to apply to renew a Short-Term Rental Unit Permit within thirty calendar days prior to the expiration date of the permit will result in the Short-Term Rental Unit Permit being terminated.

k. Short-Term Rental unit permit renewals are subject to any intervening changes in this ordinance, and renewal shall be denied if the short-term rental unit no longer qualifies under the requirements of this ordinance, unless specifically exempted therefrom. A Short-Term Rental Unit Permit shall not be renewed if the unit has not been Actively Operating in the previous 364 days. An Owner or Operator that is denied a renewal for failure to actively operate may apply for a new Short Term Rental Unit Permit, if otherwise qualified under this ordinance, and shall be added to any existing waitlist.

l. A short-term rental unit permit shall not be granted for apartments, as defined in this ordinance.

m. The Town of Augusta may conduct an inspection of the Short-Term Rental Unit prior to issuing a new permit and prior to issuing a renewal.

n. A Short-Term Rental Unit Permit may be denied if the Owner or property has had a prior Short-Term Rental Unit Permit suspended or revoked.

o. The Town Clerk shall issue the Short-Term Rental Unit permit.

6. Operational requirements for Short-Term Rental Unit Permits

a. The Owner or Operator shall reside within a 12-mile radius of the town limits of Augusta, Missouri, as measured specifically from 237 Ferry Street, Augusta, Missouri 63332. The Owner or Operator shall demonstrate regular occupancy, which may be by neighbor verification or other means sufficient, to demonstrate regular and continuous residence. If the Owner or Operator is a business or organization, then one of its owners, directors, or officers (if a corporation), or members (if an LLC) must reside within a 12-mile radius of 237 Ferry Street, Augusta, Missouri 63332, in order to satisfy this section's requirement.

b. While a Short-Term Rental is rented, the Owner/Operator shall be available 24 hours a day, seven days a week for the purpose of responding within 30 minutes to complaints regarding condition, operation, or conduct of occupants or guests of the Short-Term Rental Unit.

c. Upon notification that the Responsible Person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental Unit, the Owner or Operator shall promptly respond within 30 minutes in an appropriate manner to immediately halt or prevent a recurrence of such conduct by the Responsible Person and/or any occupants and/or guests. Failure of the Owner or Operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the Short-Term Rental Unit within 30 minutes and in an appropriate manner shall render the Owner and/or Operator subject to all administrative, legal and equitable remedies available to the Town, up to and including Short-Term Rental Unit Permit revocation.

d. The Owner or Operator shall post the current Short-Term Rental Unit Permit number on, or in, any advertisement appearing in any newspaper, magazine, brochure, television trade paper, internet website, social media website, etc., that promotes the availability or existence of a Short-Term Rental Unit in a place or location deemed acceptable by the Town Clerk. In the instance of audio-only advertising of the same, the Short-Term Rental Unit Permit number shall be read as part of the advertising. The following shall be clearly identified in any advertisement: 1) the maximum overnight occupancy of the Short-Term Rental Unit; 2) requirements for compliance with the Town's noise standards and regulations; 3) a statement that the Short-Term Rental Unit occupants shall respect the privacy and quiet enjoyment of their property and neighboring properties.

e. The Owner/Operator shall use reasonably prudent business practices to ensure that the Responsible Person, occupants and/or guests of

the short-term rental unit do not create unreasonable noise, disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental Unit. The Short-Term Rental Unit shall be used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Short-Term Rental Unit including paying the bed tax.

f. Maximum Number of Occupants. The maximum number of overnight guests and residents for a Short-Term Rental Unit shall not exceed two persons per bedroom, unless the Owner/Operator gives the Responsible Person prior explicit permission. The Owner/Operator shall use caution in giving such permission and bear in mind the Owner/Operator's responsibilities in section 6.n.

Additional daytime guests are allowed between the hours of 9:00am and 9:00pm, with the additional maximum daytime guests not to exceed two persons per bedroom with a maximum of 15 guests allowed for five bedrooms or more. If the use is On-Site Owner Short-Term Rental, the Owner shall be deemed to occupy at least one bedroom, which shall diminish the number of bedrooms for overnight guests.

g. A Short-Term Rental Unit shall not change the residential character of the outside appearance of the residence, either by use of colors, materials, lighting, or any advertising mechanism.

h. No property use shall cross over any property line.

i. Except as allowed in Section 6 p above, all parking associated with a Short-Term Rental Unit shall be entirely on-site, in the garage, carport, and driveway or otherwise off the public street. No parking spaces shall be between the front door of the unit and the street.

j. The Augusta Town Board shall have the authority to impose additional conditions on the use of any given Short-Term Rental Unit to ensure that any potential secondary effects unique to the subject Short-Term Rental Unit are avoided or adequately mitigated.

k. Trash and refuse shall not be left stored within public view. Short-term rental units shall be kept clean with no visible trash. All trash containers shall be stored out of public view except when at the curb the night before or on trash collection days.

l. All Short-Term Rental Units must comply with the provisions of Section 5 of this ordinance regarding the collection and remittance of

licensing and permit fees and bed taxes. Failure to comply with these provisions may result in revocation of short-term rental unit permit.

m. The short-term rental unit address and 24-hour contact phone number of the Owner or Operator shall be listed in the Town's annual hard copy directory.

n. The Owner and/or the Operator shall use reasonably prudent business practices to ensure the Responsible Person, occupants, and guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any provisions of this ordinance or applicable laws.

o. Upon notification by a Town representative authorized to enforce this ordinance that any Responsible Person, occupant, or guest of the occupant of a short-term rental unit has created unreasonable noise or disturbance, engaged in disorderly conduct or committed a violation of an applicable law, the Owner and/or the Operator shall use all reasonable efforts to immediately halt and prevent a reoccurrence of such conduct. Failure of the Owner or the Operator to respond to a notification provided under this Section within thirty (30) minutes of the receipt of that notification shall be evidence that the Owner or the Operator has failed to use reasonable efforts as required by Section 6 of this ordinance.

p. All garage, driveway and on-site designated parking spaces shall be made available for vehicle parking. If those existing on-site parking spaces do not include one parking space per bedroom, then the short-term rental unit property shall be allowed one on street parking space per bedroom, as needed.

q. Parking, either on-site or on the street, of any detached camper, boat, boat trailer or other non-motorized vehicle will not be permitted for more than 72 hours during one rental of the short-term rental unit.

r. No vehicles shall be parked in a designated fire lane or block or restrict access to adjacent properties.

s. No amplified or reproduced sound shall be audible from the property line of any short-term rental unit between the hours of 9:00pm and 10:00am. Any disturbing, excessive, or offensive noises are prohibited.

## 7. Restrictions

a. Special Events. Weddings, corporate events, commercial functions, and any other similar events that have the potential to cause traffic.

parking, noise, or other problems in the neighborhood are prohibited from occurring at the short-term rental unit property. Informal gatherings and social gatherings are allowed in accord with section 6 f.

b. Fireworks. No person shall use, discharge, or possess any fireworks.

c. Subletting. Guests are prohibited from subletting a short-term rental. Only property owners and/or agents with a valid short-term rental unit permit are allowed to advertise and rent a residential unit as a short-term rental.

d. Maximum Short-Term Rental Units per Property. Only one Short-Term Rental unit per property is permitted, including single-family and multi-family properties. The only exception to this section is that the property at 208 Ferry Street shall be allowed to continue to operate two short-term rental units at 208 Ferry Street as long as that property owner obtains the proper license in conformity with the requirements of this Ordinance and then holds the proper license continuously.

e. Types of Units. Short-term rental of tiny homes or mobile or manufactured home units is prohibited.

f. Incidental Camping. A short-term rental unit permit does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental unit property.

g. Visible Address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street.

h. Smoke Alarms. Smoke alarms, in good working order, shall be installed in accordance with the St. Charles County Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.

i. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the St. Charles County Building Code and at a minimum shall be installed outside each

bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

j. Fire Extinguisher. Each short-term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.

8. Procedures for operators and renters.

a. Prior to occupancy of any short-term rental unit the Operator shall:

i. Provide the Responsible person a copy of the Good Neighbor Brochure.

ii. Provide the Responsible person information about the short-term regulations.

iii. Require such Responsible person to execute a formal acknowledgement in the form acceptable by the Town of Augusta that he or she is legally responsible for compliance of all occupants of the short-term rental unit and their guests with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental unit. This information shall be maintained by the Operator for a period of three years and be made readily available upon request of any officer of the Town of Augusta Board responsible for the enforcement of the Town of Augusta ordinances or any other applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental.

iv. Provide the Responsible person with the Operator's 24-hour availability information.

v. Provide the Responsible person a copy of the maximum number of overnight occupants and the maximum number of daytime occupants as permitted pursuant to this ordinance.

vi. Post a copy of the short-term rental unit permit and a copy of the Good Neighbor Brochure in a conspicuous place within the short-term rental unit.

vii. Provide the responsible person a copy of trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.

viii. Provide a copy that no radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces any sound shall be used outside or be audible from beyond the property boundaries of any short-term rental unit between the hours of 9:00pm and 10:00am.

9. Recordkeeping Duties

a. The Owner or Operator shall maintain for a period of three years records in such form as the Town Board of Augusta may require to determine the amount of sales tax owed to the Town. The Town Board shall have the right to inspect such records at all reasonable times. Such records shall be maintained at the Owner or Operator's premises or online and shall be available for delivery to the Town Board within five calendar days.

10. Violations.

a. Additional Conditions. An Owner operating a short-term rental without a permit or any other violation of any provision of this ordinance by any of the occupants, Owner(s) or the Operator shall authorize the Town Board of Augusta to impose additional conditions on the use of any given short-term rental unit to ensure that any potential additional violations are avoided.

b. Permit Modification, Suspension, and Revocation. A violation of any provision of this ordinance by any of the occupants, Owner(s) or the Operator shall constitute grounds for modification, suspension, and/or revocation of the Short-Term Rental unit permit and/or any affiliated licenses or permits pursuant to the provisions set forth in this ordinance.

c. Whenever any Owner or Operator fails to comply with any provision of this ordinance, the Town Board upon hearing, after giving the Operator/Owner 10 days' notice in writing specifying the time and place of hearing and requiring him or her to show cause why the short-term rental unit permit should not be revoked, may modify, suspend or revoke the short-term rental unit permit.

d. The Town Board shall give to the Operator and/or Owner written notice of the modification, suspension, or revocation of the permit. The

notices required in this Ordinance may be served personally or by first-class U.S. mail.

e. The Town Board shall not issue a new short-term rental unit permit after the revocation of a permit unless the Town Board is satisfied that the former holder of the permit will comply with the provisions of this ordinance and the unit complies with any additional application and processing requirements.

f. Notice of Violation. The Town may issue a notice of violation to any occupant, Owner(s) or Operator(s), pursuant to this ordinance, if there is any violation of this ordinance committed, caused or maintained by any of the above parties.

g. Citation. The Town may issue a citation to the property Owner(s) if there is any violation of this ordinance committed, caused, or maintained. Unless otherwise provided, any person issued a citation pursuant to this ordinance shall for each separate violation be subject to: 1) a fine in an amount not to exceed two hundred dollars (\$200) for the first violation; 2) a fine in an amount not to exceed two hundred seventy-five dollars (\$275) for a second violation issued for the same offense within a 12 month period of the date of the first offense; and 3) a fine in an amount not to exceed three hundred dollars (\$300) and an immediate revocation of the Short-Term Rental unit permit for a period of two years for the third violation and every violation thereafter within a 12 month period of the date of the first violation. Every calendar day of violation shall constitute a separate violation.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval.

Passed: 1/9/2023

ATTEST: [Signature]

[Signature]  
Chairman of the Board of Trustees  
Town of Augusta, Missouri

Approved: 1/9/2023

ATTEST: [Signature]

[Signature]  
Chairman of the Board of Trustees  
Town of Augusta, Missouri