



WILDWOOD

July 19, 2021

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: **Request for Authorization to Post for Consideration at an Upcoming Public Hearing Matters Relating to Short-Term Rentals in all "R" and "NU" District Designations. [Wards – All]**

Council Members:

BACKGROUND >>> The City of Wildwood has, since its inception, closely managed any activities that occur in its residential areas, unless solely single family dwellings on individual lots or of a similar nature or type. In residential districts, as defined by the City's Zoning Ordinance, and also being inclusive of the NU Non-Urban Residence District, certain activities can occur that are more non-residential in nature than residential. However, these types of activities are normally considered "conditional." These "conditional" types of uses are allowed under this special review and permitting process because the nature of these activities allow them to be embedded into predominately residential areas, so these subdivisions can thrive and improve by their existence there. These activities include schools, places of worship, child-care facilities, government buildings, and others. Although some may be non-residential in character, they can be controlled by the conditions set forth by a permit.

However, in none of these instances, nor, certainly without a Conditional Use Permit (CUP), is any activity allowed that is commercial in nature and in violation of the Zoning Ordinance. This prohibition also takes into account "Home Occupations," which are considered accessory uses to any allowable residential zoning district designations and can occur therein, but under very stringent requirements to ensure residential buildings remain, in all aspects, specific to that character and nothing else. The City of Wildwood has prioritized protection of its residential areas more so than any other land use area and associated activity.

Therefore, acknowledging this approach, the City has always maintained that short-term rental arrangements of detached single family dwellings located within any of the City's "R" Residential and NU Non-Urban Residence Districts that accommodate non-related people occupying them and compensating the owners of said properties for such as violations of code. The City's Zoning Ordinance, through its descriptions in all "R" Residential Districts and the NU Non-Urban Residence District, utilizes a series of definitions relating to the terms of *single family dwelling*, *family housekeeping unit*, *home*

occupation, and hotel to provide the grounds and basis for not allowing short-term rentals to occur within the City of Wildwood. This approach is legal and appropriate, but has been argued to be less than clear for most individuals, when attempting to understand the interpretations or develop the same conclusion, as the Department of Planning and the City Attorney. This complexity is the reason for the consideration being considered by the Planning and Zoning Commission for discussion and action, i.e., a public hearing.

NEXT STEPS >>> Given how the current method that short-term rentals are defined and treated, the Planning and Zoning Commission was asked by the Department of Planning and City Attorney to consider a zoning process to simplify this matter of how these types of determinations are formed and possibly create a more clear and singular statement in this regard. Accordingly, a request was made to the Planning and Zoning Commission to authorize the Department of Planning to post for consideration at a future public hearing of this body the treatment of short-term rentals relative to the City's Zoning Ordinance. The Planning and Zoning Commission did duly consider this request from the Department of Planning and City Attorney and authorized it to prepare the appropriate advertisement for such and then post the matter for consideration at a future date for discussion.

For the purposes of this current request to the Planning and Zoning Commission, the Zoning Ordinance specifies who or what entities can request considerations before it. These entities include a property owner, and owner under contract, the City Council, and the Planning and Zoning Commission. The specific regulation for such is provided below.

Chapter 415.560 (B.) – 2. Each such petition, other than those initiated by the Planning Commission or the City Council, shall be verified by all deed owners or contractual owners of property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented therein. If petitioners are contract owners, a complete copy of the contract creating such interest shall be included with the petition.

Again, the Planning and Zoning Commission, by a vote of 6 to 0, authorized the City to post this specific matter for consideration and action at a public hearing, with that future date to be determined. This action was taken at the Planning and Zoning Commission's July 19, 2021 meeting.

MORE INFORMATION >>> If any of the City Council Members should have questions or comments before tonight's City Council meeting regarding this item, please do not hesitate to contact the Department of Planning at (636) 458-0440. Thank you for your review of this item.

Respectfully submitted,

CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

Michael Lee, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor
Steve Cross, City Administrator
John A. Young, City Attorney
Travis Newberry, Senior Planner