

PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 22, 2015
7:30 P.M.

The following is a brief description of the Agenda items for Tuesday, September 22, 2015:

ITEM NO. 6, is a public hearing to hear citizen's comments on the proposed 2015 property and personal property tax rates. This year's rates reflect an increase due to the successful passage of the new firehouse bond issue in November of 2014.

ITEM NO. 7, is a public hearing to hear citizen's comments on a request by Alicia Sierra to rezone 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District.

ITEM NO. 8, is a public hearing to hear citizen's comments on a request by property owners to rezone 2645 Lyle, 2647 Lyle and 2649 Lyle from CB Community Business District to SR Single Family Residential District.

ITEM NO. 12, is an ordinance, to rezone 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District. The property owner will use both floors as a single family residence for her family. The property is surrounded on the north, east and south by single family homes and a mixed commercial use is to the west. The Plan and Zoning Commission recommended 6 ayes, 0 nays for approval.

ITEM NO. 13, is an ordinance to rezone 2645 Lyle, 2647 Lyle and 2649 Lyle from CB Community Business District to SR Single Family Residential District. All three of these properties are presently being used as single family homes. None of the properties meet the bulk requirements for lot area, setbacks, etc. for residential properties and will still remain non-conforming uses. The Plan and Zoning Commission recommended 5 ayes, 1 nay to approve this rezoning request.

ITEM NO. 14, BILL 5987 is an ordinance amending the Zoning Code to allow short term vacation rentals in the Single Family Residential Zoning District as a permitted use. This bill needs to be tabled until the October 13, 2015 City Council meeting when the public hearing on this matter is scheduled.

ITEM NO. 15, BILL 5988 is an ordinance that amends the Maplewood Code of Ordinances to establish the regulations for Airbnb operations. This bill needs to be tabled until the October 13, 2015 City Council meeting.

ITEM NO. 16, BILL 5989 is an ordinance establishing the property tax rates for the City of Maplewood and the Maplewood Special Business District on all real, personal, tangible and intangible property for the 2015 tax year. This bill has been read two times and tabled and a public hearing has been held and the bill is now ready for final Council action. If the new debt service tax rate for the new firehouse bond issue was not added for 2015, the residential tax rate for this year would have been 3.3¢ less than last year and the commercial rate would have been 9.9¢ less than last year.

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 22, 2015
7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Motion to Excuse Councilperson
5. Approval of the Council Agenda
6. Public hearing to hear citizen's comments on the proposed 2015 property and personal property tax rates.
7. Public hearing to hear citizen's comments on a request by Alicia Sierra to rezone 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District.
8. Public hearing to hear citizen's comments on a request by property owners to rezone 2645 Lyle, 2647 Lyle and 2649 Lyle from CB Community Business District to SR Single Family Residential District.
9. Public Forum
10. Announcements
11. Approval of the September 8, 2015 City Council meeting minutes and Closed Session minutes.
12. An Ordinance of the City Council of the City of Maplewood, Missouri, to rezone 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District.
13. An Ordinance of the City Council of the City of Maplewood, Missouri to rezone 2645 Lyle, 2647 Lyle and 2649 Lyle from CB Community Business District to SR Single Family Residential District.
14. Bill 5987 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 56, Zoning, Section 56-72 (4) SR Single Family Residential District Permitted Uses to allow short term vacation rentals in the SR District as a conditional use.
15. Bill 5988 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 14, Business and Business Regulations, by adding Article XIII, Division 3, Sections 14-800 to 14-804, Short term vacation rentals, establishing regulations governing Short term vacation rentals.
16. Bill 5989 an Ordinance of the City Council of the City of Maplewood, Missouri, establishing the tax rate for the City of Maplewood and the Maplewood Special Business District on all real, personal, tangible and intangible property within the City of Maplewood, Missouri, for 2015.

17. Council Communication

18. Mayor's Report

19. City Attorney's Report

20. City Manager's Report

21. Motion to hold a Closed Session, if needed, to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO.

22. Adjournment

▼
City
of Maplewood



▼
Office
of the
City Manager

PUBLIC HEARING NOTICE

The Maplewood City Council will hold a public hearing on Tuesday, September 22, 2015 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO, to hear citizen's comments on the proposed 2015 property and personal property tax rates.

Ad as appearing in the September 6, 2015 **St. Louis Post-Dispatch**.

▼
*City
of Maplewood*



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PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 9/22/15 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO 63143, to hear citizen's comments on a request by Alicia Sierra to rezone 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District.

Ad as appearing in the September 4, 2015 **St. Louis Post-Dispatch**.

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*City
of Maplewood*



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PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 9/22/15 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO 63143, to hear citizen's comments on a request by property owners to rezone 2645 Lyle, 2647 Lyle and 2649 Lyle from CB Community Business District to SR Single Family Residential District.

Ad as appearing in the September 4, 2015 **St. Louis Post-Dispatch**.

September 8, 2015

The September 8, 2015 Council meeting was called to order at 7:33 p.m., Mayor James White presiding.

Mayor White requested a moment of silence for Peg Wolf, wife of Councilmember Fred Wolf, who passed away this week.

ON ROLL CALL, the following members were present: Councilmember Cerven, Councilmember Dunn, Councilmember Faulkingham, Councilmember Greenberg, Mayor White and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: Councilmember Wood motioned to excuse Councilmember Wolf, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Wood motioned to approve the agenda, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

PUBLIC FORUM: Joseph Scott, 2009 Alameda, stated his support for a proposed veteran's memorial but expressed his displeasure with the plans chosen by the Council. He stated more input from the community is needed before a plan is finalized.

ANNOUNCEMENTS: None.

APPROVAL OF THE AUGUST 11, 2015 CITY COUNCIL MEETING MINUTES: Councilmember Cerven motioned to approve, duly seconded by Councilmember Dunn, which motion received the approval of the Council.

MOTION TO RENEW BILL 5987 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72, SR SINGLE FAMILY RESIDENTIAL DISTRICT, PERMITTED USES, TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT (REQUESTED BY COUNCILMEMBER DUNN): Councilmember Dunn motioned to approve, seconded by Councilmember Cerven. Discussion was held. The motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham and Greenberg. Nays, Mayor White and member Wood.

R15-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPOINTING KEVIN SCHUH TO THE PARKS AND RECREATION COMMISSION AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2016 was introduced. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

R15-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI APPOINTING KEVIN NEILL TO THE SUSTAINABILITY COMMISSION AND ESTABLISHING HIS TERM OF OFFICE AS EXPIRING JUNE 30, 2017 was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion

received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

R15-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO PURCHASE FOUR (4) POLICE VEHICLES THROUGH THE STATEWIDE CONTRACT AVAILABLE UNDER THE STATE OF MISSOURI'S DIVISION OF PURCHASING AND MATERIALS MANAGEMENT COOPERATIVE PROCUREMENT SERVICES IN THE AMOUNT OF EIGHTY NINE THOUSAND SIX HUNDRED THIRTY SEVEN DOLLARS (\$89,637.00) was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

R15-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH CTS GROUP FOR FACILITY MODERNIZATION AND ENERGY CONSERVATION MEASURES FOR THE CITY OF MAPLEWOOD was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution. Discussion was held. The motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

BILL 5989, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, ESTABLISHING THE TAX RATE FOR THE CITY OF MAPLEWOOD AND THE MAPLEWOOD SPECIAL BUSINESS DISTRICT ON ALL REAL, PERSONAL, TANGIBLE AND INTANGIBLE PROPERTY WITHIN THE CITY OF MAPLEWOOD, MISSOURI, FOR 2015 was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5989 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5989 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 5987, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72 SR SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT was given its first reading. It was moved by Councilmember Cerven, duly seconded by Councilmember Dunn that Bill No. 5987 be moved to its second reading. Discussion was held. Councilmember Dunn motioned to amend the bill to include a new Section (e) under Conditional Uses for short term vacation rentals, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Dunn that amended Bill No. 5987 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 5984, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573 OF THE MAPLEWOOD CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 50, TRAFFIC AND MOTOR VEHICLES, SECTION 50-243, OTHER PROHIBITIONS ON PARKING, BY ADDING SUNNEN DRIVE METROLINK TRACKS was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5984 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

BILL NO. 5984 was approved by the City Council on this 8th day of September, 2015 as **Ordinance number 5780**.

BILL 5985, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573 OF THE MAPLEWOOD CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 50, TRAFFIC AND MOTOR VEHICLES, SECTION 50-243, OTHER PROHIBITIONS ON PARKING, BY AMENDING SUTTON BOULEVARD 2700 BLOCK was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5985 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

BILL NO. 5985 was approved by the City Council on this 8th day of September, 2015 as **Ordinance number 5781**.

BILL 5986, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AMENDING ORDINANCE 5573, AS AMENDED, BY DELETING SECTION 34-13, FAILURE TO APPEAR was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5986 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

BILL NO. 5986 was approved by the City Council on this 8th day of September, 2015 as **Ordinance number 5782**.

BILL 5988, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS was given its first reading. It was moved by Councilmember Dunn, duly seconded by Councilmember Cerven that Bill No. 5988 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5988 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

COUNCIL COMMUNICATION: None.

MAYOR'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: Mr. Corcoran asked for clarification from Councilmember Greenberg regarding the independent verification of the CTS contract and/or pricing for such service.

MOTION TO HOLD A CLOSED SESSION, IF NEEDED, TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11) AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO.: Councilmember Wood motioned to hold a closed session to discuss a real estate matter, seconded by Councilmember Cerven, which motion received the following roll call vote: Ayes members Cerven, Dunn, Faulkingham, Greenberg, Mayor White and Wood. Nays, none.

The Council reconvened at 8:30 p.m. and the Mayor stated no votes were taken.

There being no further business before the Council, the meeting adjourned at 8:32 p.m.

INTEROFFICE MEMORANDUM



To: Plan Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: September 2, 2015
Subject: **Petition Number 2015-17/3368 Oxford**
Request by Alicia Sierra for a Change in Zoning from the NB Neighborhood Business District to "SR" Single Family Residential District.

BACKGROUND

The subject property, 3368 Oxford, is zoned NB Neighborhood Business District. The site which is approximately 8,100 square feet supports a two story mixed use (commercial, residential) structure built in 1904.

The petitioner recently purchased the building which has historically supported various office uses on the street level and an apartment on the second floor. The petitioner will utilize both floors for a single family residence for her family.

ZONING REQUEST

The petitioner, Alicia Sierra recently purchased the subject property and is requesting a rezoning from NB Neighborhood Business District to SR Single Family Residential District on the subject property.

Approval of this rezoning request, if granted by the Plan and Zoning Commission and the City Council, would allow the petitioner to have her property reclassified by St. Louis County from mixed commercial usage to single family residential only and should therefore lower her annual property taxes.

PLANNING AND ZONING ISSUES

1. **Site Inventory:** The site is located within the "SR" Single Family Residential District and is surrounded on the north, east and south by single family homes and a mixed commercial use to the west. The City Code states "the purpose of the "SR" District is to protect and conserve areas of predominantly single-family detached residences, while allowing at the same time for the construction of new units if in substantial conformance with surrounding and adjacent residences."

2. **Impact to Adjacent Properties:** Approval of the proposed change of zoning from the NB Neighborhood Business District to SR Single Family Residential District should not impact adjacent properties and the surrounding neighborhood. The requested zoning, SR District, is consistent with surrounding uses and could be considered a downgrade in intensity from the existing business zoning classification.
3. **Comprehensive Plan:** The proposed rezoning is not in accordance with the City's Comprehensive Land Use Guide which designates the subject property as Commercial.

FINDING:

Staff recommends approval of this request, based on the following findings of fact.

1. The scale and intensity for the proposed change of zoning is compatible with adjacent and surrounding single family residential dwelling units.
2. As the site has historically supported an apartment dwelling and various commercial uses, the proposed change of zoning should not adversely impact adjacent properties and the surrounding single family residential neighborhood.
3. The proposed change of zoning is not in conformance with the City's Comprehensive Land Use Guide.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO REZONE 3368 OXFORD FROM NB NEIGHBORHOOD BUSINESS DISTRICT TO SR SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, Alicia Sierra submitted a petition to the City Council requesting a change of zoning from the NB Neighborhood Business District to the SR Single Family Residential District for a parcel located at 3368 Oxford; and

WHEREAS, the Plan & Zoning Commission recommended approval (6 ayes, 0 nays) for the change of zoning request at their September 8, 2015 meeting; and

WHEREAS, the City Council of the City of Maplewood, Missouri, held a public hearing on this proposed rezoning at their September 22, 2015 City Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

Section I. The City Council of the City of Maplewood, Missouri, hereby rezones 3368 Oxford from NB Neighborhood Business District to SR Single Family Residential District.

Section II. This Ordinance shall be in full force and effect fifteen (15) days after passage and approval.

Passed this ____ th day of ____ 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this ____ th day of ____ 2015

James White, Mayor

Attest

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM



To: Plan Commission

From: Anthony Traxler, Assistant City Manager/Director of Public Works

Date: September 2, 2015

Subject: **Petition Number 2015-18/2645 Lyle, 2647 Lyle and 2649 Lyle**
Request by the property owners for a Change in Zoning from the CB Community Business District to "SR" Single Family Residential District.

BACKGROUND

The subject properties 2645, 2647, and 2649 Lyle are zoned CB Community Business District. 2645 Lyle is approximately 6,960 square feet, 2647 Lyle is approximately 4,200 square feet and 2649 Lyle is approximately 4800 square feet. All three sites support single family residential structures.

The owner of 2647 Lyle encouraged the adjacent property owners to approve the rezoning after he was turned down for a loan because the use (residence) is a non-conforming use in the CB District. Staff was surprised by this because the existing lot and structure do not meet code requirements for the SR District which require a lot width of 50 feet and lot area of 6,000 square feet (2647 Lyle is 35 feet wide and 4,200 square feet). This structure also does not meet the required structure setbacks which makes the structure itself non-conforming. These situations are somewhat typical of structures located throughout the city of Maplewood which is why staff was perplexed by the loan denial.

ZONING REQUEST

The petitioners, property owners of 2645, 2647, 2649 Lyle are requesting a rezoning from CB Community Business District to SR Single Family Residential District on the subject property.

Approval of this rezoning request, if granted by the Plan and Zoning Commission and the City Council, would bring the existing residential uses into conformance with the property's zoning. However, bulk requirements such as lot area, setbacks, etc. would most likely still be non-conforming for the structures at 2647 and 2649 Lyle.

PLANNING AND ZONING ISSUES

1. **Site Inventory:** The three parcels in question (site) are located near the intersection of Big Bend and Manchester Road (see the attached section of the zoning map). The site has for many years been the subject of redevelopment. Staff believes the current rezoning was done near 1980 to allow for commercial development to take place along Big Bend and Manchester Road. The existing commercial parcels along Manchester Road may not be large or deep enough for new developments or redevelopment to take place. This situation is what is holding back redevelopment along Big Bend. The site is located adjacent to parcels zoned CB District and LR District. However, to the north and east of site are single family residences. The City Code states “the purpose of the “SR” District is to protect and conserve areas of predominantly single-family detached residences, while allowing at the same time for the construction of new units if in substantial conformance with surrounding and adjacent residences.”
2. **Impact to Adjacent Properties:** Approval of the proposed change of zoning from the CB Community Business District to SR Single Family Residential District should not impact adjacent properties and the surrounding neighborhood. The requested zoning, SR District, is consistent with surrounding uses to the north and east and could be considered a downgrade in intensity from the existing business zoning classification.
3. **Comprehensive Plan:** The proposed rezoning is not in accordance with the City’s Comprehensive Land Use Guide which designates the subject property as Commercial.

FINDING:

Staff has the following findings of fact.

1. The scale and intensity for the proposed change of zoning is compatible with adjacent and surrounding single family residential dwelling units.
2. As the site has historically supported residential uses, the proposed change of zoning should not adversely impact adjacent properties and the surrounding single family residential neighborhood.
3. The proposed change of zoning is not in conformance with the City’s Comprehensive Land Use Guide.
4. The proposed rezoning could limit future redevelopment in the area which is why the site is zoned CB District and why the Comprehensive Plan calls for commercial zoning.
5. The site could continue to operate as a residence without the proposed change of zoning and if the use was discontinued or abandoned the residential use could potentially be reestablished via a conditional use permit per Section 56-1063 (I) of the Zoning Code which states:

(l) Nonconforming Residential: Notwithstanding the provisions of 56-848 and subsections (h) and (i) of this section, upon the recommendation of the Plan and Zoning Commission, the Council may issue a conditional use permit for a nonconforming use of an existing structure, if, following a public hearing, the City Council shall determine that:

(1) The proposed use is consistent with the design, construction and original intended use of the structure; and

(2) The proposed use serves a community need, and no detrimental effect will be made upon the character of the zoning district in which the conditional use is proposed.

The Council may limit the term of the Conditional Use Permit. The granting of a Conditional Use Permit shall not be construed as continuing the nonconforming use beyond the term of the permit, nor extended to any other nonconforming use nor to any other occupant or use.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO REZONE 2645 LYLE, 2647 LYLE AND 2649 LYLE FROM CB COMMUNITY BUSINESS DISTRICT TO SR SINGLE FAMILY RESIDENTIAL DISTRICT

WHEREAS, Deb Dombar (2645 Lyle), Tony Spoto (2647 Lyle) and Gary James (2649 Lyle) submitted a petition to the City Council requesting a change of zoning from the CB Community Business District to the SR Single Family Residential District for parcels located at 2645, 2647 and 2649 Lyle; and

WHEREAS, the Plan & Zoning Commission recommended approval (5 ayes, 1 nay) for the change of zoning request at their September 8, 2015 meeting; and

WHEREAS, the City Council of the City of Maplewood, Missouri, did hold a public hearing on this proposed rezoning at their September 22, 2015 City Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

Section I. The City Council of the City of Maplewood, Missouri, hereby rezones 2645, 2647 and 2649 Lyle from CB Community Business District to SR Single Family Residential District.

Section II. This Ordinance shall be in full force and effect fifteen (15) days after passage and approval.

Passed this ____ th day of ____ 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this ____ th day of ____ 2015

James White, Mayor

Attest

Karen Scheidt, Acting City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72 SR SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT AS A CONDITIONAL USE.

WHEREAS, the Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays of the amendment to the SR District at their July 6, 2015 meeting; and

WHEREAS, the City Council held a public hearing on October 13, 2015 regarding the proposed amendment to the SR District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 56-72, Permitted Uses, (4) Conditional Uses, is hereby amended by adding a new subsection (e) Short term vacation rentals that meet the requirements of article XIII, division 3, sections 14-800 to 14-804, short term vacation rentals of the city code.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this th day of, 2015

James White, Mayor

Attest: _____
Karen Scheidt, Acting City Clerk

Approved this th day of , 2015

James White, Mayor

Attest: _____
Karen Scheidt, Acting City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance 5573, as amended, Chapter 14, Business and business regulations, is hereby amended by adding the following:

Section 14-800 Purpose:

- A. The purpose of this chapter is to establish regulations for short term vacation rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Maplewood by minimizing negative secondary affects related to short term vacation rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.
- B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restriction or private conditions, governance or restrictions applicable to the property's owner that may prohibit the use of such owner's residential property for short term vacation rentals as defined in this chapter. Short term vacation rentals are not permitted in dwelling units that have deed restrictions for affordable housing purposes or other city imposed conditions of approval or restrictions would prohibit the use of such dwelling as a short term vacation rental as defined herein.

Section 14-801 Definitions:

- A. *Owner* means the person or entity that holds legal and equitable title to a short term vacation rental property and who resides there as the legal residence of such person.
- B. *Owner occupied* means the owner (or person controlling any entity that is the owner) resides in said short term vacation rental property as the owner's (or such controlling person's) legal residence.
- C. *Short term vacation rental* means a rental of any legally permitted dwelling unit, or a portion of such a legally permitted dwelling unit, located in a single family zoning district as defined by Section 56-71 to 56-73 of this code for a period of less than 30 consecutive calendar days, in compliance with the terms of this Ordinance Sections 14-800 to 14-804.
- D. *Short term vacation rental property* means the property in which a short term vacation rental is located.
- E. *Transient* means any person who occupies any rooms or accommodations within a short term vacation rental property for a period of less than thirty (30) continuous days.

Section 14-802 Short Term Vacation Rentals:

- A. Short term vacation rentals shall be permitted only in owner occupied single family residences within the SR Single Family Residential Zoning District and as permitted as provided in the zoning ordinance.
- B. Short term vacation rentals shall be subject to and shall comply with all requirements of the city and state building, fire, safety and occupancy codes and limits.
- C. The owner of the short term vacation rental shall spend the night on-site at the short term vacation rental property at all times during the term of any short term vacation rental.
- D. Not more than two (2) rooms in any dwelling unit may be rented at the same time as a short term vacation rental.
- E. The owner of any short term vacation rental shall be required to apply for and obtain a short term vacation rental permit and business license from the city before renting or advertising the availability of the short term vacation rental.
- F. A short term vacation rental permit shall be valid from July 1 and shall expire on the following June 30.
- G. Obtaining and renewing a short term vacation rental permit: The owner of the short term vacation rental property shall adhere to the following conditions and shall submit the following information on a short term vacation rental permit application form provided by the city, which shall include, at a minimum, the following information:
 - (1) The name, address and telephone number of the owner of the short term vacation rental property.
 - (2) Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
- H. Any false statements or false information provided in the application for a short term vacation rental permit shall be grounds for denial of permit, permit revocation or imposition of penalties as outlined in this Code of Ordinances.
- I. A short term vacation rental permit application shall be denied if the owner has had a short term vacation rental permit revoked within the past twelve (12) months for the same or other short term vacation rental property. If a short term vacation rental permit is revoked twice, no short term vacation rental permit shall subsequently be issued for such owner or such short term vacation rental property.
- J. Operational requirement: The owner shall use reasonable, prudent business practices to insure that the short term vacation rental property is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental property.
- K. The name, address and telephone number of a local contact person who shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests, shall at all times be kept on file with the city.
- L. The owner shall post the short term vacation rental permit on the exterior of the short term vacation rental property within plain view for the general public with a 24 hours a day, 7 days a week local contact phone number for complaints. The permit shall be between 8 ½" by 11" and 4" by 5" in size and shall be displayed at all times that the short term vacation rental property is being used for a short term vacation rental.
- M. The owner or local contact shall upon notification that any Transient, occupant or guest of the short term vacation rental property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term vacation 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 vacation rental in a timely and appropriate manner shall be grounds for revocation of the short term vacation rental permit and shall subject the owner to all administrative, legal and equitable remedies available to the city.
- N. The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term vacation rental property.
- O. No amplified or reproduced sound shall be used outside or audible from the property line of any short term vacation rental property between the hours of 10:00 p.m. and 10:00 a.m.
- P. Prior to rental of a short term vacation rental property, the owner shall:
- (1) Obtain 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 vacation property.
 - (2) 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 vacation rental unit with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
 - (3) Information required in Items (1) and (2) above shall be maintained by the owner for a period of three (3) years and shall be made available upon request to any officer of the city responsible for the enforcement of any provision of the municipal code or any applicable law, rule or regulation pertaining to the use and occupancy of the short term vacation rental property.
 - (4) On-site parking shall be allowed on approved driveway, garage and/or carport areas only.
 - (5) The number of occupants allowed to occupy any short term vacation rental property shall be limited to two (2) people per bedroom and no more than two (2) bedrooms within any short term vacation rental property shall be rented at the same time.
 - (6) The City Manager or designee shall have the authority to impose additional conditions on the use of any short term vacation rental property to insure that any potential secondary affects unique to the subject short term vacation rental unit are avoided or adequately mitigated.
- Q. The owner shall post the current short term vacation rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short term vacation rental property.

Section 14-803 Permit Procedure:

- A. Upon receiving an application for a permit for a short term vacation rental property that complies with the provisions of this chapter, the residents within 200 feet of the property lines of the subject property shall be notified of the application for short term vacation rental permit.
- B. The fee for a short term vacation rental permit shall be \$75 annually.

Section 14-804 Penalties and Enforcement:

- A. Upon request by the City Manager or designee, owners shall provide access to the short term vacation rental property and to any records related to the use and occupancy of the short term vacation rental property during normal business hours for the purpose of determining compliance with this chapter.
- B. Any person violating any of the provisions in this chapter shall be deemed guilty of a misdemeanor punishable pursuant to Section 1-11, General Penalty; Continuing Violations.
- C. In addition to any penalty imposed pursuant to Section 1-11 of this code, the City Manager or his designee may impose additional conditions on the use of any short term vacation rental permit pursuant to Section (P) (6) – Permits.
- D. Except as otherwise expressly provided in Sections 14-800 to 14-804, enforcement of Sections 14-800 to 14-804 is at the sole discretion of the city. Nothing in this chapter shall create a right of action on any person against the city or its agents for damages or to compel public enforcement of the provisions of Sections 14-800 and 14-804 against private parties.
- E. Pursuant to Chapter 1-11(c) of this code, each and every day during any portion of which a violation of this code or any other ordinance of this city is committed, continued or permitted, shall be a separate offense.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of , 2015

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

Approved this day of , 2015

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council
FROM: Martin J. Corcoran, City Manager
DATE: September 18, 2015
RE: Tax Rates

The attached ordinance establishes the tax rates for the General Fund, Policemen's and Firemen's Pension Fund, Solid Waste Fund and Debt Service. I am still waiting for certification for the Debt Service Fund levy. The following rates have changed from the preliminary rates given to you on September 8, 2015 due to a decrease in our assessed valuation after the appeals to the Board of equalization.

General Fund commercial rate increased \$0.015
SBD residential rate decrease \$0.0510
SBD commercial rate decreased \$0.06

If we had not passed a bond issue, our property rates for residents would be 3.3¢ less than they were last year. The property rates for commercial would be 9.9¢ less than last year and there has been no change in personal property.


Martin J. Corcoran
City Manager

Enclosure

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, ESTABLISHING THE TAX RATES FOR THE CITY OF MAPLEWOOD AND THE MAPLEWOOD SPECIAL BUSINESS DISTRICT ON ALL REAL, PERSONAL, TANGIBLE AND INTANGIBLE PROPERTY WITHIN THE CITY OF MAPLEWOOD, MISSOURI, FOR 2015.

WHEREAS, a public hearing was conducted on the proposed tax rates on September 22, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. The 2015 tax levy within the City of Maplewood, Missouri, levied upon every dollar of taxable, tangible property in the City of Maplewood, Missouri, shown by the latest completed assessment shall be as follows per one hundred dollar (\$100.00) assessed valuation:

<u>Rate per \$100 Assessed Value</u>	<u>Residential</u>	<u>Commercial</u>	<u>Personal Property</u>
General Fund	\$0.1820	\$0.4700	\$0.5670
Policemen's & Firemen's Pension Fund	\$0.3770	\$0.3860	\$0.4450
Solid Waste Fund	\$0.1520	\$0.1540	\$0.2180
Debt Service	\$0.2800	\$0.2800	\$0.2800
Total Tax Rate.....	\$0.9910	\$1.2900	\$1.5100

Section II. The City Manager is hereby authorized to lower the tax rates set above if the state auditor requires the rates to be lowered.

Section III. The 2015 tax levy within the Maplewood, Special Business District, levied upon every dollar of taxable, tangible property in the Maplewood Special Business District, shown by the latest completed assessment shall be as follows per one hundred dollar (\$100.00) assessed valuation:

<u>Rate per \$100 Assessed Value</u>	<u>Residential</u>	<u>Commercial</u>	<u>Personal Property</u>
General Fund	\$0.1050	\$0.2400	\$0

Section IV. The City Clerk shall send a certified copy of this ordinance to the Collector of Revenue, St. Louis County, Missouri, for collection of the tax rate upon assessed valuation of all tangible, intangible, real, and personal property within the City of Maplewood.

Section V. This ordinance shall be in full force and effect immediately upon its passage and approval.

Passed this 22rd day of September, 2015

Approved this 22rd day of September, 2015

James White, Mayor

James White, Mayor

Attest:

Attest:

Karen Scheidt, Acting City Clerk

Karen Scheidt, Acting City Clerk