



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, June 10, 2021  
5:30 PM

Work Session

Conference Rms 1A&B  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 9 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

Meeting Agenda adopted as presented unanimously.

**Approve agenda as presented**

#### IV. APPROVAL OF MINUTES

##### **May 20, 2021 Work Session**

May 20, 2021 work session minutes adopted as presented unanimously.

**Approve May 20 minutes as presented**

#### V. NEW BUSINESS

##### **A. Commission Correspondence - Supplemental UDC Amendments**

The Commission reviewed a draft letter from Ms. Loe to the Council to outline the Commission's desire to add additional study on residential zoning (specifically density and lot coverage issues and outcomes) to their work program. Mr. Zenner indicated this letter was able to go on the July 6 Council agenda as correspondence under the reports section. Ms. Low added descriptive text to the third and fourth paragraphs to let the Council know the intent was to address emerging issues in "residential" development. There was discussion on the timing and the Commission generally agreed six months or a bit longer was a realistic timeframe. Ms. Carroll offered clarifying language that the Council would give direction to the Commission to proceed with the work if they agreed with the request. There was discussion on how this amendment(s) would fit in with other ongoing text amendment work and short term rental work anticipated to begin anew. There was also need to revisit the medical marijuana ordinances as court cases progressed.

Following review of the letter and modifications, the Commission agreed to send the letter as revised to the Council.

**B. Short-term Rental - UDC Amendment Re-Engagement**

Mr. Zenner said the Council is redirecting the Commission to take up short term rental (STRs) zoning regulations again. He said he had the minutes from the December 7, 2020 Council meeting for the Commissioners and he would attempt to summarize the direction from the Council. He said he would also like to discuss ground rules and a plan for getting through a new attempt based upon what they had learned from the previous attempts which resulted in amendments that had not found majority consensus or success by the Commission, Council or public. There was a desire to have a better process and better result. Commissioners had consensus that the desire was a more constructive process and outcome.

Mr. Zenner said there were three bills which were related and were all ultimately rejected/withdrawn by the Council. They were related bills that each addressed issues of taxation, rental conservation/registration, and zoning. Understanding that no element happens in a vacuum, the Commission was specifically charged with reviewing and recommending zoning related regulations and he hoped that a focus on this charge would be helpful. He noted the City Clerk had alerted the staff that the stay of enforcement for any currently operating STR would expire on July 31 of this year, so the Council was asking the work to begin again (though it was not expected they would be finished by July 31).

Mr. Zenner summarized and quoted from the Council meeting minutes at the December meeting where the Council withdrew the proposed legislation. Ultimately, the Council indicated the proposed regulations were too complicated. They expected the rules to be complaint driven. There was opportunity to look at building code and rental code enforcement as better tools. There was concerns that Council would never come to a resolution by considering too many business models and situations and too many exemptions or allowances. Being overly accommodating may not be a good service to the community at large. A new ordinance entirely was likely needed or they may end up with the same outcome where no one agreed or was happy. Council would also like to have data-driven information and considerations in regards to how regulations would impact affordable housing via displacement and other considerations.

Mr. Zenner said the staff would like to work with the Commission to have a bottom-up process to re-work the problem. He said it needed a fresh start and be data-driven. He discussed data the CVB had available. He said they'd also like to look at the landscape of ordinances in other jurisdictions as a lot had changed/evolved with experience and changing market conditions. He said they would like to specifically focus on land use principles as this was the purview of the Commission, and it may be easier to do so now that the other related ordinances were generally known and accounted for. The Commission and the public could take focus off the related issues and focus on the land use elements. They would also need to re-engage the public and have a through process.

There was discussion on which data would be useful and how to get data that wasn't driven by the STR market-promoting/investing groups. There was discussion on the perceived and likely scale of operation in Columbia and the role of

complaints and how they may be used and how they may not be made until regulations were in place. Ms. Carroll had provided previous data that would be brought back for consideration. Other data sources were discussed for updates and data needs that were balanced and provided useful metrics and statistics.

There was discussion on taxation. Ms. Burns asked, was this still desired? Taxation in terms of a level playing field was still desired by the lodging groups. The role of taxation and business licensing was discussed in terms of how it would be carried out and the interplay with the zoning ordinances. The zoning part seemed inherently more complicated.

There was a desire to have a public process that was clear and had a defined end date and milestone/revision schedule. There were frustrations with what was seen as last minute revisions by the Council at the request of certain constituencies. The Commission desired that generally all public input go through the same process and consideration by the public in the same way, rather than having late amendments sneak in without the same level of analysis, scrutiny and public input as it can erode the integrity of the work of the Commission and public in drafting the regulations.

Mr. Zenner said he appreciated the feedback from the Commission in how to develop the process in a way that would building capacity and support. There was discussion on the desire to have a joint work session with the Council to avoid some of the pitfalls of the last endeavor by getting support and direction from the Council earlier in the process on what the Council desired. Also, this would help with engaging and informing the Council on the Commission's process and to build consensus.

Mr. Stanton said he would like to keep a narrow scope this round, focusing on the land use elements to the extent possible and let the other responsible groups handle their parts. He'd like to keep on track and make clear the interrelated but separate roles of land use regulation, tracking, registration, management, enforcement and taxation. Ms. Geuea Jones said she thought they went too far in the business licensing and elements beyond land use. She saw benefits in staying focused on where STRs would be permitted and less into the details on how bedrooms and other micro elements were regulated.

Ms. Loe stated her understanding on what was already regulated by the building code and noted that this may help everyone understand what is and isn't able to be handled via other tools/regulations. She noted there would be public hearings on each piece of companion legislation after which the whole scope of the regulations could be put back together. She saw the zoning part was the most important piece and the other regulations could spin-off thereafter.

Mr. Zenner said the public hearings for the other elements would be at the Council level at the same time as the land use element, and he agreed that going too far was how they became lost in the last attempt. They would move forward by garnering and unpacking the data and working on a defined process with the Council and the public. The topic would be continued.

**VI. NEXT MEETING DATE - June 24, 2021 5:30 pm (tentative)**

**VII. ADJOURNMENT**

Meeting adjourned approximately 7:00 pm.

**Move to adjourn**



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, June 24, 2021  
5:30 PM

Work Session

Conference Rms 1A&B  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 8 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Michael MacMann, Valerie Carroll, Robbin Kimbell and Peggy Placier

**Excused:** 1 - Sharon Geuea Jones

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

Meeting Agenda adopted as presented unanimously.

**Move to adopt agenda as presented**

#### IV. APPROVAL OF MINUTES

##### June 10, 2021 Work Session

June 10, 2021 work session minutes adopted as presented unanimously.

**Move to approve minutes as presented**

#### V. NEW BUSINESS

##### A. Election of Vice-Chair

Ms. Burns was elected the interim Vice-Chair until the September elections of officers. The vote was 7-0 (Mr. Stanton was in attendance shortly after the vote).

##### B. FY 2022 Capital Improvement Plan (CIP) Review

Mr. Zenner outlined the schedule and the process for the Commission's annual review of the CIP. There was discussion of the CIP portal. There would be presentations by staffs from various departments at the July 8 meeting (Parks and Recreation, Public Works, etc.). The July 22 meeting would be dedicated to discussion and recap. This schedule would allow the Commission to send a memo to the Council by the August 2 deadline.

##### C. "Outline of Content" re: Short-Term Rental Regulations

There was discussion of the intent of the upcoming new attempt to draft STR regulations. Staff would be gathering data based upon the scope the Commission desired. There was discussion on obtaining data, gathering regulations from other communities, and how to tie quantitative and qualitative data to the envisioned regulatory framework. The goal was to identify what data would inform the process and the desired product?

There was discussion on owner-hosted versus un-hosted models and how the regulations should address different models. There was discussion of using existing building code regulations, tax and business license regulations, rental conservation and other city regulations such as the definition of family for occupancy. Use-specific standards and the use of conditional use permits was discussed as other tools to achieve desired regulations based upon operational characteristics.

The cross-walk between the UDC in regulating land uses versus the building code in regulating construction and occupancy was discussed and how to integrate the respective codes when they were each updated on different schedules. Enforcement and violation regulation and administration was also discussed.

There was discussion on how to frame topics, objectives, and how to gather research to develop the regulations. Where, who, and how many in terms of ownership characteristics was discussed as data that may be helpful to identify the field of practices and land use characteristics. There was discussion relating to communities that regulate the number of STRs a registrant may have, which was tied to owner-hosted or smaller scale models. The Commission discussed tailoring the code so that it was better able to be enforced and less complicated in administration. There was also discussion on what resources would be needed for regulation and enforcement (time, money, staff, etc.) and available sources of data/software services provided by the market. Residency and how LLCs may be determined was discussed as challenges common to STRs.

Understanding the data would help to understand how, where, if and in what matter STRs affected affordable housing. Updated data would help to know the trend of how many STRs were opening, closing, switching between long and short term rentals, etc. Investor activity would match what they perceive as opportunities.

There were concerns that some neighborhoods were most negatively impacted due to locational reasons. How to protect them or limit the density of STRs in a neighborhood was discussed, as were tools for neighborhoods to use the overlay zoning district tools in the UDC to fully opt-in or opt-out of STRs on a neighborhood-level of geography. The complications and opportunities for this process were discussed. There was a desire to give clear standards so that investors would understand the how, what, and where of the ultimate regulations.

Some Commissioners felt the previous ordinance drafts went too far to try to make too many operators happy and that was part of the problem. It was too complicated. Not everyone would be happy, but the regulations needed to be fair and tied to protecting neighborhoods from negative externalities associated with operations. Whether and how existing operators may or may not be grandfathered was discussed. It would be important to think critically about transition clauses, timelines and related issues.

The Commission spend more time discussing the ability of the building code to

regulate and issues related to purpose-built structures for one use and if uses transition. Data scarping and the services of data providers was also discussed. Data that painted a picture of how the use operated in the City would help to right-size the regulations and help to make regulations enforceable and focused on real concerns vs. perceived concerns. It would also help to prepare the Commission on where the friction would arise from potential operators in terms of grandfathering/transition issues. Affordability issues may also be better addressed with data. Staff would update the Commission as data was reviewed/available and work with the Commission to identify data needs and sources in upcoming work sessions.

#### **D. Potential Commissioner Training Topics**

Ms. Loe gave an overview of training opportunities and how training may be addressed. She was interested in what the Commissioners' were interested in learning more about. There was discussion of similar trainings by topic, such as the recent PD training Ms. Thompson conducted, which was seen as helpful. A better understanding of the types of cases and elements of the UDC would be helpful. There would also be ongoing Sunshine Law trainings as were common every year. There was a desire to understand how all City codes were structured and the roles of departments, boards, commissions, etc. The role of Planning Staff, the Planning Commission, the CEC, the Council, and others with defined roles would be helpful. Best practices for running a meeting, making a motion, etc. would also be helpful.

Mr. Zenner described the Planning Commission Handbook and how that could be used to structure training. An overview of the UDC would be helpful, and breaking it down by category. The parameters, roles, responsibilities and "Repainting the Lane" of the Planning and Zoning Commission would be excellent training. Expectations on expertise and knowledge/constituencies versus the responsibility to be fair and objective and making defensible motions/votes, strategy and procedure for reviewing cases and structuring meetings, ex parte considerations were best-practice training topics to go over. The role and responsibilities of the staff and how that related to the Commission's role was also described as helpful. A mock public hearing would be helpful. Terminology, the anatomy of a zoning code, and how the UDC was used to regulate and carry out goals/objectives/comprehensive plans was also desired. How the UDC works and interrelates with other City codes and plans was also desired.

Ms. Loe said an annual check-in in addition to on-going discussions/training may be beneficial.

#### **VI. NEXT MEETING DATE - July 8, 2021 @ 5:30 pm (tentative)**

#### **VII. ADJOURNMENT**

Meeting adjourned approximately 7:00 pm

**Move to adjourn**



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, September 9, 2021  
5:30 PM

Work Session

Conference Rms 1A&B  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 8 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

**Excused:** 1 - Michael MacMann

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

Meeting Agenda adopted as presented unanimously.

**Approve agenda as presented**

**Yes:** 8 - Burns, Loe, Rushing, Stanton, Carroll, Geuea Jones, Kimbell and Placier

**Excused:** 1 - MacMann

#### IV. APPROVAL OF MINUTES

**Approve work session minutes as presented**

**August 19, 2021 Work Session**

August 19, 2021 work session minutes adopted as presented unanimously.

#### V. OLD BUSINESS

**A. Short-term Rental Regulation - Progress Report**

Mr. Zenner reintroduced the topic of Short-Term Rentals to the Commission and relayed that Mrs. Smith would be briefing the Commission on a STR data update for the second half of the meeting. Mr. Zenner began by summarizing his review of STR ordinances drafted by other communities. He stated that no other community regulated STRs with standards specific to each zoning district. He noted that many ordinances had community-wide STR caps and that STR density regulations was viewed through a per-bedroom lens in most communities.

Mr. Zenner had discussed Fayetteville's ordinance with their planning staff and found that they had a 180 start-up/grace period clause that encouraged under-the-radar STRs to become legally complying units. With this clause, they noted that they did not have a swarm of applications come in. Additionally, he found that they did not have renter protections like we do here in the City of Columbia. Mr. Zenner mentioned a checklist used by Fayetteville and noted that something similar could be used by our Office of Neighborhood Services.

Regarding the City's difficulties in drafting an ordinance, he noted that complications arose from trying to satisfy everyone when in fact many views and opinions on STRs are in direct conflict. From his review of similar communities, he stressed that STRs should be allowed in R-1 but with regulations. Regarding the building code, he noted that cities did not make STRs adhere to the standards of transient housing. His guidance for the next step would be to agree on what aspects of STRs the Commission was most concerned with so that they could be regulated and then sit down with Council to discuss those items.

Commissioners desired to have an outline of case studies, codes, and ordinances used by communities Mr. Zenner reviewed. They indicated that they had been previously advised by the Law Department that targeted STR caps would not stand constitutional scrutiny. Mrs. Thompson reiterated that such counsel was correct. She reiterated that the request for tonight was to know what the Commission's desired outcomes were for a STR ordinance. For example, if affordable housing protections was a concern then that can be a bullet point.

Commissioners expressed that they liked some of the benefits of STR but were concerned with public testimony regarding large-scale STR enterprises. Mr. Zenner mentioned that Fayetteville's ordinance has caps regarding Type 1 and Type 2 STR businesses. Commissioners reiterated that they didn't know all of the codes adopted by Fayetteville, such as ICC, transient housing, change of use and stated that they'd like to discuss how the City of Columbia is or would address those issue with the City's building officials her. Mr. Teddy commented that the building code review can be included in desired outcomes. Some commissioners expressed that they were only comfortable with owner-occupied STRs.

In regards to other communities, Commissioners wanted context for before and after STR ordinances were passed. They reiterated that quantitative data was important, particularly local-level data. Some Commissioners expressed that they wanted all residential areas to be treated the same. Commissioners mentioned that Council has recently discussed sensitive areas regarding redevelopment. Law commented that STR density could be regulated around sensitive areas or points of interests similar to how adult retail is regulated in proximity to other uses.

Commissioners expressed that impacts to neighbors should be considered and that the Commission should focus on 5-9 conditions to be regulated. Commissioners expressed that the STR occupancy regulations should mirror the zoning code and that it should be enforced. Other Commissioners noted that STRs already exist and that amnesty should be given to existing STRs while new STRs are held to whatever regulated are put in place by a new ordinance. Some Commissioners wanted to ensure that STRs were operated as close to the original AirBnB business model as possible.

After round robin discussion of the Commissioners' desired outcomes, Mr. Zenner handed the floor to Mrs. Smith for a presentation on STR data. Mrs. Smith gave a PowerPoint presentation on existing STR data for the community and what it has to

offer. She indicated that various data packages have different information for different types of users. For example, the CVB looks information relating to nightly costs and STR rates of occupancy while we might look at other factors.

Mrs. Smith highlighted the top-grossing STR properties in the community and indicated that we should conduct research during football season. Commissioners discussed and had questions for how STRs were reviewed and were curious as to how it could actually be determined if they were owner-occupied-hosted or full-time STRs. Mrs. Thompson noted that this Commission would need to define owner-occupied. Mr. Zenner indicated that the challenge would be in regulating and enforcing that owner-occupied clause.

#### **VI. NEXT MEETING DATE - September 23, 2021 @ 5:30 pm (tentative)**

#### **VII. ADJOURNMENT**

Meeting adjourned approximately 6:58 pm

**Motion to adjourn**



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, November 4, 2021  
5:30 PM

Work Session

Conference Rms 1A&B  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 8 - Sara Loe, Joy Rushing, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

**Excused:** 1 - Tootie Burns

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

Meeting Agenda adopted unanimously.

**Move to approve agenda**

#### IV. APPROVAL OF MINUTES

##### October 21, 2021 Work Session

October 21, 2021 work session minutes adopted as presented with one abstention.

**Approve minutes as presented**

#### V. NEW BUSINESS

##### A. 2022 Submission Calendar

Mr. Zenner discussed the draft calendar and asked for feedback or if anyone noticed errors. There was discussion on the impact of winter holidays relative to scheduled meetings. The calendar would be posted later in the month on the website.

#### VI. OLD BUSINESS

##### A. UDC Revision - Light Vehicle Service & Repair Parking Ratio

Mr. Smith described the previous work session where this topic had been discussed, and review the two amendments (A1 and A2) which had been prepared in light of the previous discussion. He said staff appreciated any revisions needed prior to scheduling the public hearing that will be required. He said the proposed amendment sheets were generally or very closely what he anticipated being reviewed at the public hearing advertised for the December 9 regular meeting.

Mr. Smith described that only the M-DT downtown district previously had a definition for fuel and gas facilities and there was a need for a definition that worked in all zones in which the use was permitted or conditionally allowed. He also reviewed the proposed use-specific standards for gas stations and the

proposed revision to the parking ratios to use square footage.

There was general discussion by the Commission on the applicability of using square footage for parking calculations. There was discussion on how the options had moved from number of bays to square footage. There were benefits in flexibility as space usage devoted to co-related uses (such a retail areas) may change over time or if buildings changed use, and this was more consistent with how other parking ratios for uses were calculated in the UDC. There was discussion on how other communities used parking maximums versus minimums, and how parking was calibrated or right-sized in various communities based upon the intent of the regulations. There was discussion on how the proposed parking ratios fit into local examples of similar businesses and a recent request for exceeding the maximum parking under the existing parking requirements.

Mr. Smith said he envisioned in the subsequent text amendments they were working on for the next round that a maximum parking intent statement may be appropriate to help frame parking ratios and the intent of the code. Mr. Zenner described how relief for exceeding parking maximums per the UDC would still retain the procedure of asking for relief (via a variance) from the Board of Adjustment for instances when there may be a hardship and/or very specific reason for different parking. The PD zoning process also presented an option should a business model not be well-accounted for in the code, or if there were other significant factors at hand.

There would be additional opportunity for the public to provide input and revisions could be proposed at the public hearing. In general, the draft was ready to move forward for public feedback.

## **B. Short-term Rental Data Collection**

Ms. Smith summarized the information she had provided the Commission in the memo attached to the agenda with follow-up data on STR operators. Commissioners discussed that they believed the data points would help to frame the potential regulations to understand the types of operators, business models, issues and related outcomes of regulations such as impacts on enforcement, taxation, affordable housing, and others.

Mr. Zenner answered questions about potential enforcement strategies in the future should regulations be passed. Mr. Teddy discussed tools available to the police and neighborhood services staffs. Mr. Zenner discussed the intent to protect surrounding properties. He also discussed bigger picture that there were different considerations in terms of the impact of investment operators versus local, smaller operations. He reiterated he'd heard from the Commission at the previous work session that the ordinance drafts had gotten too complicated as it attempted to address more models of operations than may be necessary.

There was discussion on operators of such a scale that they may have the impact of hotel operators. There was discussion on the different between residential and commercial building codes and issues of when rental units were converted out of the traditional rental structure. Ms. Smith described some operators that had been

found to be renting out substantial numbers of units as STRS previously being used in the more traditional rental market. She also described the level of investment and the types of investment seen in units that appear to be purpose-bought for STRs. The types and impacts of superficial renovations versus long-term unit maintenance was discussed by the Commission, as were concerns about stock being removed from buyers whom may rent out to long-term local renters or stock that may otherwise be available for sale for home-ownership/home-occupation. Pros and cons and issues were discussed. The impact of over-saturation was discussed, and potential tools for regulation by block, neighborhood or other density methods. The impact of super hosts and party hosts was discussed.

The role of “off-the-books” or word-of-mouth only listings was discussed. Some Commissioners believed there were substantial numbers of STRs that were under the radar because they weren’t advertised on platforms. The use of distinction by zone versus owner-hosted had been part of previous discussions, and there were many observations on how to address behaviors and regulations by operational types. Taxation, accountability and enforcement were discussed.

There were discussions on the existing affordable housing issues, including the long wait list on for the Columbia Housing Authority’s properties. How to figure out the impact of STRs on the market was discussed. It was challenging because there were not a lot of STRs relative to the total housing stock, yet it also is hard to know how many truly exist and other system-wide factors related to housing issues that have been felt in recent years. Decent and affordable housing was a concern for those that work and live in the community. The options available to those that own property was discussed. The impact of units that are vacant and not open to anyone at any given time for a variety of reasons was also discussed, as was the trend towards investment properties as investments in ways that had been evolving from traditional models. The topic was determined to be continued.

## **VII. NEXT MEETING DATE - November 18, 2021 @ 5:30 pm (tentative)**

## **VIII. ADJOURNMENT**

Meeting adjourned approximately 6:59 pm

**Move to adjourn**



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, November 18, 2021  
5:30 PM

Work Session  
REVISED

Conference Rms 1A&B  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 9 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

Meeting Agenda adopted unanimously.

#### IV. APPROVAL OF MINUTES

##### November 4, 2021 Work Session

November 4, 2021 work session minutes adopted as presented with one abstention.

#### V. OLD BUSINESS

##### A. Short-Term Rental Regulation - UDC Text Change (follow-up)

Mr. Zenner asked that the Commission pick up from previous discussions. He would like clarity and to make sure he was hearing correctly what the next steps were. He wanted clarity on if STRs would be permissible in all residential districts. Ms. Burns, he noted, was not at the previous meeting and had indicated concerns. Other Commissioners said it would depend upon the use-specific standards or other factors. Overall, if concerns could be addressed (various concerns) and depending upon the regulations around business practices, operational type, restrictions, density, etc., there may be support for STRs in all residential districts, but is a highly dependent answer. There was some momentum for tools such as one registration per citizen and other tools to focus on concerns of investors overtaking a neighborhood or community, whereas a person using their primary/principal residence carried fewer concerns. Enforcement was discussed as an important part of the equation. Challenges of enforcement and potential tools were discussed, and the tools and regulations associated with zoning versus licensure.

Mr. MacMann said they needed to take a step back and agree to what ownership meant and define ownership for LLCs, etc. He said that would be a key step before moving onto regulations regarding location and other issues.

Ms. Loe passed out information she had compiled on the STR codes for other communities. She looked at university towns of a similar size or similar characteristics and looked at ownership and owner-occupied. She said she saw caps

and distinction based upon owner occupation. She also looked at dates of passed ordinances and revised ordinances to see evolution in regulation. She also noted some states prohibit restrictions by zone, such as the Jacksonville ordinance in the handout she provided.

Ms. Burns brought up issues of occupancy and the desire to make the ordinances simple. How to regulate occupancy was important.

There was extensive discussion on the pros and cons of using existing regulations for parity on occupancy, looking at building codes, and opportunities and challenges of using additional calculations for occupancy for STRs. Different classes and regulations offered options but enforcement challenges. This is anticipated to be an ongoing discussion as the regulations move forward, there is not a lot of clear consensus, but Mr. Zenner said with guidance from the Commission staff would work with the Law Dept. for a workable solution for regulations. There was discussion of the use of CUP processes as well.

There was discussion of how existing home occupation standards might work for owner-occupied STRs. This may be an option to look at for Type 1 STRs. There was discussion on what a Type 1 and a Type 2 system might look like and desired outcomes that could be used to guide the next draft. The intent was to keep a simple framework, how to define ownership was important. There was discussion of using mail, power bills, etc. something simple for ownership determination.

Ms. Carroll made a motion to ask staff to begin drafting a framework for STRs based upon an owner occupancy framework. Ms. Rushing seconded the motion. There was discussion on the Commission. The motion was not clear. There was discussion to make the motion more clear. The intent appears to be to have two sets of standards for two classes of STR operations. Ms. Carroll and Ms. Rushing accepted the amendment to the motion. There was unanimous support for drafting a two-type framework.

Mr. Zenner asked for guidance on the next component of the regulation. He said he understood the concerns related to how classing is applied, and that there needed to be narrowly defined standards for each district. He said most known STRs are in the R-1 district split between individual owners and investors. There were fewer STRs in the R-2 and R-MF residential zones. He said taking into account the concerns and needs expressed, staff would recommend permitting them in all districts to share the burden. He said the mixed use zones had very few and were less likely to have as many use issues. He asked if there was a motion to support allowing STRs in all residential districts subject to use-specific standards.

Ms. Rushing said how many units also mattered and she would like this to be part of the use-specific standards. Mr. Zenner said yes, numbers, density, caps by blocks/neighborhoods, etc. could certainly be part of the use-specific standards. They would be able to look at occupancy restrictions by district if the answer was first which districts they would be allowed in.

There was extensive discussion by the Commission on how to address occupancy. The discussion of the building code, rental certificate process, the issues of the definition of a family, conflicts, and complications by zones were discussed. Ms. Loe and Mr. Zenner discussed ways the building code calculate occupancy. But other issues and opportunities were also discussed. The number of bedrooms was discussed and as an opportunity to calculate the number of STR guests, but the issue was that a big home could impact neighbors by having a lot of guests tied to bedrooms, and there was the unintended consequences of conversion of homes to have additional sleeping spaces to increase occupancy. Mr. MacMann discussed conversion of homes which occurs already in rental areas. Ms. Geuea-Jones cited concerns with having different systems for long-term rentals for STRs, especially when it came to the application of the definition of family presently used. Ms. Carroll also discussed similar concerns and brought up bed and breakfasts and rental versus building codes. Ms. Burns was not comfortable permitting any additional occupancy than what was already permitted by the definition of "family" within the Code. There was not consensus on the process moving forward but there was consensus that this was an important part to be worked out in the regulations. This would take time and effort to iron out. Other limiting factors to occupancy were important, especially those that affected neighbors, such as parking and other limiting factors. If the on-site home-owner would be included in occupancy would also need to be part of the discussion.

Internal behavior and occupancy was part of the conversation, but the outward impacts were also important as to how STRs affect a neighborhood. This discussion needed to include the total number permitted per block face (or some other measurement) to prevent over-saturation in specific areas negatively effecting the neighborhood and elements such as availability of housing in certain areas. There was a desire to also make known the STRs so the neighborhood will know how to participate in enforcement when there are issues. There was more concern for non-owner STR models having stricter caps. Density was less of a concern if the owner was there, hosting. They lived in the neighborhood and lived with the neighbors. An investor maximum was discussed.

There was discussion on long-term tenants and how they may fall into a two-class system. They may have characteristics of owner-hosted units. This may be permitted if kept tight. Ms. Smith noted that many landlords wouldn't allow subleasing in this manner, so it may not come up much unless there was a family or a trust relationship. There was a desire for the option to exist, but that such situations be as tightly responsible as an owner-host situation. There was discussion of the registered agent concept which had been in previous drafts to handle absences. The intent was still to include owner-hosts as the principle resident most of the time, but retain the idea that the owner did not necessarily have to be on-site every minute there was a guest there, that some flexibility could be built in. There was less time to discuss this during the remainder of the meeting, but the conversation could continue at subsequent meeting discussions.

Mr. Zenner asked if there was a vote or majority in agreement that under the two class system that if owner occupancy was not a limitation on the districts in which

STRs were permitted, that there may be a limit via block face or similar. Ms. Geuea-Jones agreed and Mr. Stanton seconded. There was additional discussion to clarify the motion. Class 1, owner-occupied, would be allowed in all Districts and not capped on number of Type 1. Some had concerns if the long term tenants were described the same as the owner-occupied definition, worried about enforcement scenarios, that they should be in the Class 2 definition. There were discussions on what does owner-occupied mean still in terms of working out the registration and approval process. There were concerns some might try to game the system. Ms. Geuea-Jones felt strongly long-term renters needed to have an option under the zoning code and subject to individual leases to have the same affordability and long-term living benefits afforded to them as residents of their own home. There was discussion of how the regulations would help to keep a lot of housing from being removed from the market and issues associated with tight housing and affordability issues.

The Commission returned to the motion under discussion. There was a desire to work out the finer details moving forward, especially with regards to how owner and owner-occupied are defined, but the Commission voted 6-3 to ask the staff to work on drafting ordinances addressing owners and non-owners/investors in all districts. As simplistically as possible was desired. Ms. Loe also recommended looking at the IBC for the definition of an owner for guidance. It described how a person with legal access may fit in.

Mr. Zenner asked if he was correct that the staff needed to come back with three definitions next, one each for owner, investor and primary tenant?

There was discussion on how definitions may need to be drafted. Owner-occupied may need to be a fourth definition if not otherwise addressed. Mr. Zenner said they would prepare a new draft for the Commission to react to and dive into those definitions.

There was additional discussion on how insurance, licensure, the certification processes, registration tools, and enforcement may work with zoning standards. There was a desire to preserve housing opportunities for persons living in the community. It can be challenging to have large amounts of housing out of the market because of investors. There was a shortage of housing. Homelessness and long housing wait lists were expressed as concerns. The desire was to keep people in housing and keep it affordable and try to limit negative impacts. Staff was asked to work with the Legal Dept. to bring back ordinances to work through with this end in mind.

Mr. Zenner thanked the Commissioners for their progress thus far on the topic. He said the December 9th work session would include a short presentation on the Comp Plan engagement efforts, with time allotted for their holiday meal. He said STRs would likely come back at the January 6 work session.

**VI. NEXT MEETING DATE - December 9, 2021 @ 5:30 pm (tentative)**

**VII. ADJOURNMENT**

Meeting adjourned approximately 6:57 pm