

Planning and Zoning Commission Work Session Minutes
March 24, 2022
Conference Room 1A & 1B - 1st Floor City Hall

Call to Order

Commissioners Present – Kimbell, Carroll, Geuea-Jones, Loe, Rushing, Placier, Burns, and MacMann
Commissioners Absent –Stanton
Staff Present – C. Smith, Palmer, Teddy, Thompson, Zenner

Introductions

Approval of Agenda

Meeting agenda adopted unanimously.

Approval of Minutes

March 10, 2022 work session minutes adopted as presented.

Old Business

A. Short-term Rental Regulations – Permitted Use Table Modifications

Chairman Loe introduced the topic and began discussion with where the Commissioners left off at the February 24 work session. The focus of discussion was on establishing where a Tier 2 STR would be considered permitted or conditional. There was general discussion of the factors that would differentiate a Tier 2 from a Tier 3 STR. The consensus was that a Tier 2 STR would be used as “primary” residence at some point within a calendar year. Whereas, a Tier 3 STR was never intended to be used a “primary” residence at any point within the year.

There was significant discussion on how “primary” residence needed to be defined. Recommendations were offered that a Tier 2 STR be further broken into two sub-classes to be known as “primary residence” and “secondary residence”. Commissioner Geuea-Jones offered reference to the FHA standards for these terms. Commission Kimball offered a recommendation on “secondary residence” that was referenced on the rmcgp.com website as “secondary occupancy” (see attached reformatted Blog Post).

The primary concerns expressed by the Commission relating to the appropriate designations for a Tier 2 STR (conditional or permitted) focused on the number of days the dwelling could be rented as well as the characteristics of how the dwelling unit (i.e. owner occupied or investor owned) was used. These issues were discussed at length. It was concluded that a Tier 2 STR could not be used for more than 120 days a calendar year for rental – anything more would cause it to become a Tier 3 STR and result in it no longer being considered being used for “residential” purposes.

The Commission also clarified that a property owner would still be entitled to only one STR per entity regardless of what Tier it fell into and whether it was being used as a “primary” or “secondary” dwelling. It was reiterated that Tier 1 would permit an STR as an accessory use to the primary residential use of the property for no more than 30 days per year, Tier 2 would be allowed to be used between 30-120 days per year and that it would be “permitted” if it were the operator’s primary residence and “conditional” if it was their secondary residence, and that a Tier 3 would not be allowed within any

residential zoning districts given its commercial characteristics; however, would be conditional in M-OF to mirror the allowance of a Bed & Breakfast and permitted in the M-N, M-C, and M-DT given the underlying commercial nature of those districts and the potential that existing dwelling units were located in those zones.

A motion was made by Commissioner Loe and seconded by Commissioner Geuea-Jones to allow a Tier 2 STR in the R-1, R-2, and R-MF districts as conditional or permitted (C/P) and be further permitted (P) in the M-OF, M-N, M-C, and M-DT districts as shown in the Permitted Use Table that was being displayed during the work session. The motion was passed unanimously. It was further noted that the definitions to differentiate between “primary” and “secondary” residence would be discussed further and that the Commission and staff would also discuss use-specific standards for the Tiers that would further clarify the differences between them.

During the work session, Mr. Zenner also provided an overview of how the proposed regulations would be prepared and presented during the required public hearing. He noted that prior to taking this topic to the public hearing it was staff’s intent to flush out the details and outline the ordinance content, then secure a meeting with Council to gain their support and feedback, make revisions based on Council feedback, and then finally proceed to a public hearing.

Commissioners asked if the ordinance would be shared with other “allied” departments to ensure that the proposed standards were not unenforceable or problematic. Mr. Zenner stated that this was the staff’s intent as something more significant was prepared and the framework for the regulations was better defined. He noted that the internal feedback loop would occur before meeting with Council and depending on the internal comments additional Commission work session discussion may be needed.

Having arrived the end of the work session, Chairman Loe suspended further discussion on the topic. Mr. Zenner noted that conversation would continue at the April 7 work session which would be used to continue to flush out use-specific standards and confirm the Tier 3 district and use (permitted or conditional) designations.

ADJOURNMENT

Meeting adjourned approximately 6:55 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner Kimball, to approve the agenda as presented. Motion passed unanimously. Made motion by Commissioner Geuea-Jones, seconded by Commissioner MacMann to approve the March 10, 2022 work session minutes as presented. Motion passed unanimously.