

**Planning and Zoning Commission Work Session Minutes
September 22, 2022
Conference Room 1A & 1B - 1st Floor City Hall**

Call to Order

Commissioners Present –Carroll, Geuea-Jones, Kimbell, Loe, MacMann, Stanton, Placier, and Wilson
Commissioners Absent – Burns
Staff Present –Zenner, Thompson, and Smith

Introductions

Approval of Agenda

Meeting agenda adopted unanimously, as amended (move “New Business” to the end of agenda).

Approval of Minutes

September 8, 2022 work session minutes adopted as presented.

Old Business

A. Draft Regulations – Short-term Rental Update

Mr. Zenner introduced the topic and distributed a “flow-chart” prepared by Chairman Loe that was intended to alleviate some confusion on the types of STR licensures that could be granted at the various STR Tiers that were being proposed within the regulations. He went on to explain that after reviewing the follow chart it became apparent that some modifications and alterations to the definitions, the focus of the September 8 work session, were necessary.

However, before discussing the proposed definition changes Mr. Zenner asked for clarification on why the Commission desired to establish STR’s as an “accessory use”. He noted that calling out the use in this fashion seemed unnecessary given the fact that a property owner, all thing being considered equal, would likely choose to have the ability to rent their principal residence for greater than 30 days per year if they were going to be required to go through all the same inspection requirements. Mr. Zenner asked if it was the Commission’s intent to allow principal residence STRs that were rented no more than 30 days to be allowed reduce inspection, application fees, and other proposed regulatory standards to justify the “accessory use” classification. The Commission noted that this was their intent and further noted that this was in keeping with the original idea of a property owner being allowed utilize excess space within their primary residence.

Having received this confirmation on why “accessory use” was proposed, Mr. Zenner suggested that if it were the Commission’s desire to include a “tenant” as an eligible STR licensee, subject to property owner authorization, then potentially it would be appropriate to include that type of occupant within the “accessory use” designation as was illustrated in Chairman Loe’s flowchart. Doing so would allow the such an individual, who for all intents and purposes, claims the dwelling to be their primary residence the same opportunities to benefit from the proposed regulations which may promote opportunities to retain affordable rental housing. Furthermore, Mr. Zenner pointed out that including such use authorization would be at the most restricted level; therefore, offering a greater level of control on the alternative use of the dwelling which in turn may reduce unforeseen impacts of upon the surrounding neighborhood.

There was general Commission discussion on this suggestion. Mr. Zenner noted that licensure to a tenant would require authorization by the property owner before such license would be issued. From an administrative perspective the cross-check on property owner authorization would add limited addition burden to staff and could be covered in an application form. Additionally, the property owner and the tenant would be equally responsible for addressing possible code violations as the property owner was ultimately responsible for their rental certificate. Following additional discussion, the Commission agreed to that allowing “tenants” an

opportunity to be licensed for STRs in their primary residence for no greater than 30 days was a step in the right direction and permitted more parity between property owners and tenants.

Given this conclusion, Mr. Zenner noted revisions to the definitions discussed but set aside at the last work session would need revision. He stated that the definition of “Owner” was proposed to be modified to remove references to “tenants”. He also stated that a new definition of “Principal Resident” was proposed which would be inclusive of both an owner and tenant. Additionally, Mr. Zenner noted that the definition of “Principal Residence” was proposed to be simplified by making reference to “Principal Resident” and identifying what staff would evaluate to conclude the dwelling was actually the principal resident’s principal residence. Finally, he stated that the definition of “Secondary Residence” was to be modified such that licensure of this type of dwelling would be limited to only an “owner” and not a tenant.

Mr. Zenner showed the Commissioners the following proposed definitions which were discussed and subsequently voted upon. Vote totals are shown within **(parenthesis)**.

Owner. When used in the context of Short-Term Rentals this term shall mean, any person, firm, trust, corporation, partnership or any other legal entity who has legal interest in a property as shown within the records of the Boone County Assessor’s Office. **(7-0 Approved)**

Principal Resident. When used in the context of Short-Term Rentals this term shall mean, the owner or a tenant under a signed lease greater than 30 days, that occupies a dwelling unit that is their true, fixed, and principal residence to which, whenever absent, they return until a new principal residence is established. **(7-0 Approved)**

Principal Residence. The one dwelling unit in which a principal resident resides that, whenever absent, is the dwelling to which they return until a new principal residence is established. A principal residence shall be documented by motor vehicle or voter registration, driver license, or other such evidence as determined acceptable by the Director of Community Development. **(Approved 7-0)**

Secondary Residence. A dwelling unit in which an owner, as defined herein, lives temporarily for time intervals less than their principal residence and for which all necessary utilities shall remain in the owner’s name. **(Approved 8-0)**

In discussing the revised definitions, Commissioners expressed concern relating to the possibility of STR licensure to properties owned by LLC or other legal entities as proposed within the definition of “Owner”. It was suggested that to discourage possible abuses, the application process be structured such that it required applicants who were not an individual owner to disclose all owner who had greater than 10% interest in a property. Requiring this disclosure, Commissioners believed, would permit staff with an ability to create a database of owners to whom future applications could be compared against to ensure that only one (1) licensure per entity were being issued.

There was discussion of this recommendation. Staff identified that there could be possible administrative burdens associated with it, but would investigate if such provisions would be possible. There was also discussion that the disclosure would be more of a burden on the applicant than staff and that it would send a signal that the City was serious about only permitting one licensure per entity. Following additional limited discussion, the definition of “Owner” was approved with the caveat staff would further investigate a way of identifying multiple owners within LLC or other legal entities to ensure that goal of a single licensure be upheld.

Having established the baseline for the definitions of “owner”, “principal resident”, “principal residence”, and “secondary residence”, Mr. Zenner indicated that at the next work session the Commission would be able to discuss the rest of the proposed regulatory standards in the draft ordinance. He noted that the next published version of the draft would be updated to include the adopted definitions.

New Business

A. Election of Commission Officers 2022-2023

Mr. Zenner distributed ballots and provided general instruction on how votes were to be cast. He requested that Chairman Loe open the floor for nominations of each position (Chair, Vice-Chair, and Secretary) followed by voting on those positions individually. Once all votes were cast Mr. Zenner asked that all ballots be returned to him for the purposes of records retention.

Commissioner Geuea-Jones was nominated to become the PZC Chair. Motion made by Commissioner Carroll and seconded by Commissioner Placier. Nomination was approved unanimously. Commissioner Loe was nominated to become PZC Vice-Chair. Motion made by Commissioner Kimball and seconded by Commissioner MacMann. Nomination was approved unanimously. Commissioner Carroll was nominated to become PZC Secretary. Motion made by Commissioner MacMann and seconded by Commissioner Geuea-Jones. Nomination was approved unanimously.

Ballots were cast and then provided to Mr. Zenner. Following review of the ballots and calculation of the votes all nominated candidates were elected to their respective positions by a unanimous vote of Commissioners present (8-0).

ADJOURNMENT

Meeting adjourned at approximately 6:50 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner MacMann, to approve the agenda as amended (moved New Business to last agenda item). Motion passed unanimously. Motion made by Commissioner MacMann, seconded by Commissioner Geuea-Jones, to approve the September 8, 2022 work session minutes as presented. Motion passed unanimously.