

**From:** <noreply@gocolumbiamo.com>  
**Date:** January 14, 2019 at 2:39:46 PM CST  
**To:** ward5@como.gov  
**Subject:** City of Columbia Contact Form : 1-14-2019 02:39:46 pm  
**Reply-To:** <teresa.maledy@outlook.com>

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Below are the results of a Web form submitted on: January 14th, 2019 at 02:39PM (CST).

Name: Teresa Maledy  
Email Address: teresa.maledy@outlook.com  
Comments: Please see attached email message to Mr. Zenner.

Dear Mr. Zenner,

"In communities across the country, residents are speaking out about the negative impact the short term rental market has on their communities, including the loss of affordable housing, neighborhood disruptions, displacing long term residents, and safety concerns"  
Quote from an on line article

My names is Teresa Rouse Maledy. I live at 215 W. Brandon Court. I attended the last P&Z meeting and voiced my concerns regarding your proposed Short Term Rental Regulations. The City of Columbia already has a well thought out ordinance on the books for Bed & Breakfasts and this ordinance correctly applies to what you are now calling "short term rentals" (to placate investors wanting to offer AirBnB and other platforms). There is no functional difference when one compares the traditional Bed & Breakfast business model to the new versions offered on-line. Both are commercial businesses and need to be treated as such.

- 1 As in the past, this type of use should not be allowed in R1
- 2 There should be a conditional use for this in R2 and RMF and must be owner hosted. The process of approval needs to be a several step process. The applicant should first have the approval of surrounding neighbors and their neighborhood association if one exists. Secondly there should also be a City advisory board that reviews them for more macro issues like proximity to schools, a thorough background check on the applicant etc. Finally, the City Council should have the for final say on whether or not the applicant is approved.
- 3 There should be a significant permit fee that financially supports this review process considering the need for a thorough process and the number of requests that will come before the city.
- 4 Any operation should have a business license and follow the ordinances other hotels are required to follow from a health and safety standpoint.
- 5 These entities should be taxed just like any other hotel in Columbia
- 6 Penalties for not following the regulations should be severe. Some cities have \$ 20,000 or more for violations. Otherwise bad actors will take their chances, violate the laws and get their minor hand slap when caught

Unfortunately, the penalty component is almost entirely useless because as we have found with rental ordinances the City passed a few years ago relating to long term rentals, penalties are not applied because enforcement of over occupancy and nuisance laws are rarely enforced.

Thank you for listening to the citizens of Columbia and proactively protecting the quality of our neighborhoods and community.

Respectfully,

Teresa Maledy  
215 W. Brandon Road  
Columbia, MO 65203  
573.819.4387

1602 Hinkson Avenue  
Columbia, MO 65201

January 14, 2019

Community Development Department  
City of Columbia  
701 East Broadway Street  
Columbia, MO 65201

Rachel Bacon and Patrick Zenner,

Congratulations on a much-improved ordinance for short term rentals. The definitions appear to be more easily enforced and less “cookie cutter.”

I believe this process is moving much too quickly. The first draft of this ordinance was essentially tossed out, leaving us with the 13 December 2018 draft as the first legitimate draft. If the intent is to engage the public to craft an ordinance, then we really *need* a second opportunity to review the tweaks and modifications that result from this review. How are we to know if the next revision swings too far one way or the other? At least with a second review we can make course corrections before we light the main engine and blast off.

With that said, I have identified some areas where I would like to see some changes to the 13 December 2018 draft.

**Typo.**

§29-3.3(pp)(A)(1) An **owner hosted** short-term rental shall ~~is~~ *be* a dwelling unit occupied by the owner of record for a period of three hundred thirty (330) calendar days per year or more.

**Logic error.**

The occupancy period for an owner-hosted and a non-owner hosted short term rental overlaps at the boundary. The two definitions should read:

§29-3.3(pp)(A)(1) An **owner hosted** short-term rental shall be a dwelling unit occupied by the owner of record for a period of three hundred thirty (330) calendar days per year or more.

§29-3.3(pp)(A)(2) A **non-owner hosted** short-term rental shall be a dwelling unit occupied by the owner of record for a period *of less than* three hundred thirty (330) calendar days per year ~~or less~~.

**Eliminate non-hosted short term rentals within residential neighborhoods.**

**Rationale:** A non-hosted short term rental is merely a regular rental masquerading as a something else. A non-hosted short term rental removes housing stock for citizens of Columbia while driving what is arguably a housing price bubble in certain neighborhoods. Let's not make residential neighborhoods the guinea pigs of internet engineering. It's hard enough as it is for ordinary people to participate in the real estate market in neighborhoods like Benton Stephens.

**Short term rentals should be limited in duration.**

**Rationale:** The purpose of creating a short term rental ordinance was originally to find a way to capture tax revenue in a manner similar to a hotel, but without the regulatory burden of considering short term rentals as hotels. The trade off is that short term rentals are not intended to stand in as hotels, both from a taxation standpoint, and also from a zoning and use standpoint. By specifically limiting the duration of short term rentals, the justification to specifically not regulate short term rentals as if they were hotels is far easier to make. Further, limited duration provides some of the protection that is being demanded by neighbors within residential districts.

**Include minor children in the count.**

In all subsections of §29-3.3(pp)(B), where the number of transient guests are defined, the definition reads:

§29-3.3(pp)(B)(-)(-)(a) Not exceed a maximum of X (x) transient guests not including minor children.

**Rationale:** This wording could be construed to allow a very large group of minor children chaperoned by up to X number of adults to occupy a short term rental. I would suggest one of two alternate wordings:

Alternate 1: §29-3.3(pp)(B)(-)(-)(a) Not exceed a maximum of X (x) transient guests, not including legal minor children of the guests.

Alternate 2: §29-3.3(pp)(B)(-)(-)(a) Not exceed a maximum of X (x) transient guests.

Of the two, I prefer the second alternative because it is the least ambiguous.

**Notification to include neighborhood associations.**

§29-3.3(pp)(C)(2) “Property owner notification” should be extended to include any neighborhood association for which the property is located within.

**Rationale:** Neighborhood associations are notified with development or redevelopment occurs within their boundaries. I think it is only fair that City-sanctioned changes in use should also be addressed to the neighborhood associations.

**Proof of occupancy.**

**Rationale:** I don’t believe §29-3.3(pp)(C)(3), the “Proof of ownership” standard, provides sufficient assurance to the City that the owner in fact lives at the property. An affidavit is a document that is signed with the understanding that the signatory is telling the truth; no verification is required of an affidavit. Furthermore, ownership will be established under §29-3.3(pp)(C)(4) “Property registration”. As written, I believe the “Proof of ownership” standard is toothless and redundant. I would suggest the standard be reworded:

§29-3.3(pp)(C)(3) Proof of occupancy. The property owner shall submit legal proof of occupancy indicating a true and accurate representation of the number of days in which they reside at the property.

**Parking requirement.**

**Rationale:** I believe an additional supplemental use-specific standard to address the issue of parking should be inserted after item 6 and before item 7 of §29-3.3(pp)(C). While the numbers I have provided below represent what I would like to see, I am open to the idea of different standards. I would like to call this out explicitly so that anyone getting into the short-term rental business understands the requirements up front.

§29-3.3(pp)(C)(7) Off-street parking. If the property is located within a designated residential permit parking zone, the property owner must demonstrate the sufficiency of off-street parking to accommodate the following minimum numbers of vehicles, dependent upon the residential zoning:

§29-3.3(pp)(C)(7)(a) R-1: one (1) vehicle

§29-3.3(pp)(C)(7)(b) R-2: two (2) vehicles

§29-3.3(pp)(C)(7)(c) R-MF: two (2) vehicles per dwelling unit

The numbers above are merely starting points.

After reading the comments from the previous draft, there appears to be much disagreement about what a short term rental is. My concern is that we are once again crafting an ordinance as a knee-jerk response to a disruptive technology. This new technology has the potential to impact hotels and rentals alike. I feel quite strongly that while this effort is worthy and required, our approach is misguided. We are making small changes here and there which have the potential to impact other areas of the code, and which may not work in a cohesive way with existing code. I believe we need to take a step back and really consider how short term rentals fit into a "rooms for hire" model and write a rental code that adequately accommodates all forms of rental, no matter their use.

Thank you for considering my comments.

Respectfully,

A handwritten signature in black ink, appearing to be 'P. Norgard', with a stylized, flowing script.

Peter Norgard



Rachel Bacon &lt;rachel.bacon@como.gov&gt;

## Short Term Rental Draft Regulations

1 message

Robbie Price &lt;price@soa-inc.com&gt;

Mon, Jan 14, 2019 at 2:57 PM

To: "patrick.zenner@como.gov" &lt;patrick.zenner@como.gov&gt;, "rachel.bacon@como.gov" &lt;rachel.bacon@como.gov&gt;

Cc: Matt Pitzer &lt;ward5@como.gov&gt;

Dear Mr. Zenner and Ms. Bacon:

I want to register my thoughts about the proposed Draft Regulations under consideration before the Planning and Zoning Commission (P&Z) and ultimately by the City Counsel. First of all I want to thank you both and your staff for the time and dedication to understand this issue, to patiently conduct public educational meetings and forums, and to thoughtfully craft proposed changes which balance the public's opinions with the City's ability to administer a coherent ordinance. It was and continues to be a difficult task and you should be commended on your effort.

My personal opinion has developed and evolved over the past months after attending almost every public meeting on the subject and listening carefully to those who registered opinions. At first I was clearly in the property rights side of the discussion and felt, with proper regulations, that STRs and residential neighborhoods could co-exist. However, based on what I have learned from researching other communities and how STRs have negatively impacted at-risk neighborhoods, **I feel STRs are not compatible with preserving and sustaining residential neighborhoods in Columbia, Missouri.** Here are my reasons:

1. **Protection** – Zoning regulations have historically protected residential neighborhoods from encroachment of commercial activity. STRs are a new form of commercial business and can bring increase traffic, parking, noise and activity into otherwise quiet neighborhoods. Specific neighborhoods are more sensitive to STRs due to their proximity to Downtown, MU and event venues. I live in the Grasslands and we are a prime location for those who seek temporary lodging for sporting events and easy access to the university and our business district. Currently we have a commercial, un-hosted STR operating in our neighborhood. It is akin to a hotel or bed & breakfast as it accommodates up to 23 persons. Neither of those two uses are allowed in R1 zoning and it causes strain and consternation on the adjacent homeowners. Many existing neighborhoods already have Covenants restricting STRs. Those neighborhoods without have no protection against increasing STR presence. The City needs to err on the side of caution for all citizens by protecting R-1 and R-2 zoned property from this commercial activity.
2. **Incompatible** – R-1 and R-2 neighborhoods typically are stable with regards to who lives there. Whether owner-occupied or as a lessee, these are long-term residents, not transients as with STR occupants. Long-term residents by their permanent nature have the opportunity to interact with their neighbors, to foster community; STR occupants do not. Not knowing who lives next to you fosters insular behavior. The sense of community erodes and dissipates. The cohesiveness wanes and it can be a downward spiral. In 2018, a majority of surveyed homeowners in the Grasslands voted to prevent STR use completely. The prevailing attitude was to not allow the few to disrupt the interests and tranquility of the majority.
3. **Security/Safety** – I will repeat, strangers as neighbors foster insular behavior. We are less inclined to reach out to a short term renter than someone who is there permanently. Withdrawing interaction leads not caring as much about your neighbors. It is a self-feeding cycle. Parents worry about the safety of their children when strangers are present. STR use can promote this worry and behavior leading to a degradation of the sense of community.
4. **Enforcement** – This is a great worry as ordinances which are not well enforced do no one any good. The City has a tough duty enforcing Rental Conservation ordinances. STRs will be a nightmare precisely for their short term nature. The City is not nimble enough to enforce occupancy or noise or problem properties. Neighbor shaming is not the answer as it pits neighbor against neighbor. This is not conducive to long-term neighborhood health.

Solutions exist. **My preference is to prohibit STR use in R-1, R-2 and R-MF zoning.** Allow STR use in commercially zoned areas where expectations of commercial behavior is understood, acceptable and tolerated. If allowance of STRs is to be considered for these three zoning classifications then create a high bar - prohibit its use in R-1 and only permit those properties which are Owner-occupied to have an STR. A strict conditional use requirement should be implemented. This is ponderous process and forces much work on both the City and the prospective operator. But it effectively vets the proposed STR use and allows for neighborhoods to give voice to their collective wish. Adjacent property owners can determine what is their preferred course of action, not a city-wide administrative approval. This allows those neighborhoods with special conditions have a say in their future.

Thank you for your hard work and interest in preserving our residential quality of life and your serious consideration of the above.

Cordially,

Robbie Price

[111 E. Brandon Road](#)

**Robbie Price AIA, LEED AP +**

Architect / Associate

**soa**

[www.soa-inc.com](http://www.soa-inc.com)

**2801 Woodard Drive, Suite 103**

**Columbia, MO 65202**

**P 573.443.1407**

 Please consider the environment before printing this email.

TO: MEMBERS OF THE COLUMBIA PLANNING & ZONING COMMISSION  
CC: Pat Zenner, Rachel Bacon

RE: SHORT-TERM RENTAL PROPOSED REGULATIONS

Dear Members of the Commission,

This letter and comments reflect the views of the Columbia Apartment Association and was developed with input from a wide range of our stakeholders and members, many of whom have participated in the various forums and informational meetings that have been held relating to the issue of short-term rentals over the course of the past few years. We hope you find these comments to be both incisive and constructive and believe that the short-term rental ordinance, as proposed, is not in the best interests of property owners, people who travel to our community as visitors, and the community at-large.

At the heart of our argument is our fundamental belief that a short-term rental does not qualify as a “land use” in the Unified Development Code. The underlying land use for rentals of all types, both long-term and short-term, as well as land that is used as a single family or multi-family dwelling is residential. Rentals have been a part of the fabric of this community for as long as it has existed. In fact, most people who live in our community live in rental housing, but the code only defines the underlying land use in terms of density – R-1, R-2 or R-MF – all of which are residential land use categories. The fact that long-term rentals are not considered to be a land use raises the question of why short-term rentals should be treated any differently?

Consider this scenario. If a person who owns an R-1 property and provides housing on a longer-term rental basis, would they be required to request a zoning change if they began offering the same property on a short-term basis? The answer is no. The property would remain a residential R-1 property, regardless of the term of the rental agreement signed by the occupants and the appropriate occupancy levels for that property would be defined according to the underlying zoning category. The obverse is also true.

If someone operates a short-term rental currently and wanted to convert that property to a long-term rental property, would a request to change zoning be required? The answer is clearly no. There is no zoning category called long-term rental, so there is nothing to convert to. The underlying zoning designation remains the same.

We believe that the creation of a short-term rental use designation would lead to other more fundamental changes in the way we treat rental property of all types in this community and believe that changing that structure could set a dangerous precedent for land use in Columbia.

Aside from this fundamental issue, there are many inconsistencies and seemingly unfair or over-reaching aspects of this new short-term rental proposal that should be mentioned. Without dwelling too much on the possible scenarios that could be created under any one provision of the proposed short-term rental rules, here are a few of the most salient issues that we find concerning and would oppose:



1. Despite the efforts of city staff to improve the definitions provided in the latest version of the proposal, we find many to be unclear or fraught with unintended consequences. For instance, if a transient guest occupies a space, that space becomes subject to the short-term rental rules, regardless of whether or not that transient guest actually pays rent or a fee of any kind. The rule and definition may be intended to apply just to short-term rental situations, but the way it is written, it would appear to apply to all forms of housing, including single-family residences who simply have guests or relatives over for the weekend. That would appear to be an unintended consequence, but it seems to be one that exists. Furthermore, the property would retain such a designation into the future since the rule would require compliance upon the first instance that transient guests stay at any property since registration would be required, with further notification of neighbors and GIS mapping of the property identifying the property as such. We oppose this rule.
2. We believe that the owner-hosted vs non-owner-hosted labels are confusing. If the city were to pursue this type of rule change, the more appropriate designation should be host-occupied or non-host occupied. The intent is to have responsible people available to address any problems that might arise at any property. That can be handled through a process similar to the one that is currently used for long-term rental properties in Columbia and does not require a new set of rules or designations.
3. The occupancy limits described in the new STR proposal do not match the occupancy limits established for various residential dwelling units under the existing UDC. This is confusing at best, and is probably a fundamental flaw in this proposal. It may be difficult to enforce occupancy limits under the current system, but creating a new set of rules with a separate set of limits only adds confusion to the existing system and does nothing to promote enforceability. It may time for us to re-examine occupancy limits and rules under the existing code to avoid conflicts based on issues relating to familial status and Fair Housing laws. That is a different discussion for a different time, and we would be willing to engage in such talks. This unilateral change in rules, however, is confusing, arbitrary as to how the numbers of occupants were determined, unfair in some instances and unnecessary.
4. Limits on sleeping rooms that may be used per structure, limits on utilization of parts of multi-unit structures as short-term rentals and the limitation on the use of a home regardless of the number of bedrooms or bathrooms that a structure offers are arbitrary and artificially restrict the fair use of residential property that is part of the fundamental set of rights enjoyed by property owners.
5. The introduction of a Conditional Use Permit as a requirement for short-term rental utilization creates an artificial barrier to the short-term rental process and seems designed to punish local property owners for alleged transgressions that might happen in the future and that have been documented in the past only rarely. Most AirBnB properties run under the radar and have for years because they pose no risk to our population and have not resulted in nuisance complaints or other related problems. This aspect of the new proposal is overreaching and should be strongly opposed.
6. Restrictions on social events should not be any different for STR, traditional rentals or owner-occupied homes. Once registered as an STR, any property would be limited from hosting a family birthday party, a family reunion or even a book club meeting if it involved more than 10 guests – even if the party is not a “paid” event. Such a rule would limit the

free use of individual properties in a responsible manner and should not be imposed on home-owners in any category as a part of our zoning code.

These are many of the problems we have been able to identify within the framework that has been proposed. We are opposed to these changes and believe that there is a better way to achieve the goals of public safety and property protection. We would suggest that the perceived problem of short-term rentals, which has not been extensively documented, would be to include such rentals under the scope of the Rental Conservation rules that already exist and apply rules relating to nuisances, parking, etc. to the offending properties.

We understand that the major complaint lodged against the current system is that enforcement is lax. Maybe that is the real fundamental underlying problem and one that can be dealt with without rewriting the Unified Development Code again and establishing some dangerous precedents relating to fair land use.

Maybe the approach should be to develop a better method for enforcement of current rules and laws. That may require additional funding for enforcement, or perhaps, it may simply be a question of reprioritizing such complaints if those types of complaints truly rise to the level of persistent problems. The vehicle to regulate rentals is the Rental Conservation program, not the zoning code. If the zoning code route IS selected, please take our comments into consideration as you venture down that path.

Thank you for your consideration of these comments.

Sincerely,

Shawna Neuner, President  
Columbia Apartment Association

January 14, 2019

Dear Mr. Zenner,

I am a senior citizen, widowed, living on Burnam Rd. in the Grasslands. As a resident since 1974, my late husband and I built our home in Grasslands in 1987. My four children were raised here, all having moved to big cities following college graduations. Now, my son, his wife and their two young children have moved back to Columbia, knowing what a wonderful place this is to raise a family.

My concerns of allowing STR in residential neighborhoods are troubling. I am an avid dog walker and have always felt safe and secure in our neighborhood. Now, I never know who is going in and out of the STR in our neighborhood nor the multiple cars and trucks cruising around, not necessarily obeying safety rules.

Now that I have two young grandchildren living here, am I as comfortable strolling the neighborhood as I used to? Allowing them to play outside, although supervised, not being aware who these random individuals are? NO. The bottom line is I no longer know who my neighbors are as the one unhosted STR changes its occupants regularly. If one is allowed, how many more will follow?

I am stunned that the city simply does not seem to care.

THANK YOU for addressing this situation.

Sally Silvers

A handwritten signature in cursive script that reads "Sally Silvers". The signature is written in dark ink and is positioned below the printed name.

310 W. Burnam Rd.



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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## STR please forward to P&Z

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**Richard Shanker** <RichardShanker1@aol.com>

Mon, Jan 14, 2019 at 4:59 PM

To: patrick.zenner@como.gov

Hello Mr P,

First let me preface these statements with the fact that.... I don't think that I have any dogs in this fight. But it is an interesting community discussion.....also from the embryonic thoughts of this STR regulation thing, from the visitors board, it has developed into a monstrous task for you and your staff.

Having said that, I don't think there has been any reported cattle rustling, horse thefts, or O.K. Corral type shootings, therefore I don't think it is "the Wild West" as you have stated in a couple of your presentations.

From what I've gleaned from various people involved in this discussion, here's what I've come up with:

With ~4000 hotel rooms, how can ~ 400 STR be doing so much economic harm to the hotel industry in Columbia. The Convention board membership is heavy with Hoteliers ( is that a word?)

Our city has ordinances for the problem STR children. I've been told they are not enforced.

I am oppose to inspections by the city for STR. If inspections are required, they need to be spelled out. Within the last couple of years there have been a problem with a particular inspector. If inspections are required, then all, I repeat all, hotel rooms should be inspected.

If more inspectors are needed, who will pay for them?

I don't think non owner occupied STR should be allowed in R 1, perhaps ok in R2 if one side is owner occupied.

I regret that you and your staff has had to put so much time and effort in to crafting a fair policy. It seems like an impossible task.. having said that thank you for the effort you guys made.

Sent from my iPad



3901 S. Providence Rd., Suite D, Columbia, MO 65203

Please reply to:

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January 14, 2019

Pat Zenner

RE:

Dear Mr. Zenner:

Please let this letter be on behalf of the Grasslands Neighborhood Association. My name is Jared Vessell. I live at 211 East Ridgeley Road. I am on the neighborhood association board as well as the chairman of the ad hoc subcommittee on short-term rentals.

I wanted to reach out to you in regard to the current definition of hotel in Chapter 29 of the Columbia City Ordinances. I understand from your own comments at the previous planning and zoning meeting that the City of Columbia is not taking the position that the current definition of hotel satisfies the requirements of the short-term rental situation. I wanted it on the record that I disagree with this assessment. The definitions that have been drafted and adopted by the planning and zoning commission and are codified as ordinances for the City of Columbia clearly anticipate situations in which the definition should apply. If something applies within the parameters of a definition it should be covered by said definition unless there is a more constrictive definition that would apply.

The city ordinances for the City of Columbia have Section 1-2 which is titled Definitions and Rules of Construction. The very first paragraph of Section 1-2 states the following:

"In the construction of this code and of all ordinances, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section of ordinance or unless inconsistent with the manifest intent of counsel or unless the context clearly requires otherwise".

Following these rules of construction, the definitions to be applied to all ordinances follow. Included in those definitions is the definition of shall, may. This is important in the interpretation of the ordinances in that it prescribes the manner in which the ordinances are required to be construed.

The definition of **shall** according to Section 1-2 is "mandatory". The definition of **may** is "permissive" (emphasis added). With this prescribed rules of construction and the mandatory component of the definition of shall, it indicates that any ordinance that includes the term shall is mandatorily required to be enforced and/or interpreted as

written. There is no permissive state intended or room for further interpretation especially if previously defined.

If we take the position that any ordinance that includes the term shall is a mandatory ordinance that requires enforcement as the rules of construction indicate, the definitions in question in regard to Chapter 29 are required to be interpreted and enforced accordingly.

Attached as **Exhibit A** is a memorandum to the city council from the city manager & staff of May 7, 2018. This is in regard to short-term rental public information meetings. In that statement, it discusses Chapter 29 of the Unified Development Code. It purports that it does not recognize short-term rentals as a distinctive use of residential property. It also points out that some cities have begun to distinguish short-term rentals from traditional residential occupancy. The legislative history indicates an emphasis has been placed on changing Chapter 26 which is the taxing chapter in the code of ordinances.

The strategic and comprehensive plan action indicates the primary impact is to the economy and the comprehensive plan impacts economic development. The secondary impact is public safety. The suggested council action from said memorandum is to direct staff to prepare an ordinance to change **Chapter 26** defining a hotel/motel by lowering the number of bedrooms, and to include short-term rentals, and bed and breakfast, and to solicit additional public feedback on rental conservation and zoning-related issues to define this use, where it will be permitted, and any additional standards or considerations related to health and safety concerns. A registry, permanent process or business licensure may also be explored if directed by council. This is the suggested council action that has been relied upon by council staff in regards to the definition of hotel. The glaring omission from this suggested council action is in the requirement to make any changes to the current definition of hotel under Chapter 29. There is clear council indication that the definition of hotel under Chapter 26 is required to be changed. In fact, it is specifically noted.

The current definition of hotel can be found in Section 29-1.11 titled Definitions and Rules of Construction. Section 29 is devoted to planning and zoning ordinances. It is noted that definitions in general for Chapter 29 the following words and terms are defined to mean the following. Included in those definitions is the definition of hotel. The Uniform Development Code which has been adopted by the planning and zoning commission and the city council defines hotel to mean the following:

**Hotel.** A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between 1 and thirty (30) days. Accessory uses may include restaurants, cafes, swimming pools, meeting rooms, or sports/health facilities. The definition of hotel shall exclude bed and breakfast establishments.

We point out the current definition of hotel to contrast it with the proposed definition of hotel on the proposed text changes provided by the commission. The proposed change of hotel makes two specific changes to the current definition. First of all it changes the number of days for the typical stay from 30 to 31 days. The other change and the only other change in this definition of hotel is that it notes that the definition of hotel shall exclude bed and breakfast establishments and short-term rentals. Obviously this is an attempt to make the current definition of hotels not applicable to short-term. In addition a new definition for short-term rentals is proposed.

It would be our position at this current time and prior to any changes being made that the current hotel definition would apply to any short-term rental arrangement. When you look at the plain meaning of that definition it clearly anticipates "any building occupied or used as a temporary abiding place for individuals ... in which the typical stay is between 1 and 30 days". The only way a typical short-term rental situation would not fit within the definition of hotel is if it extended beyond 30 days (at least with the current definition). To interpret it any other way would be a gross deviation from the rules of construction and requirements of Chapter 29 and Section 1-2 applicable to all regulations.

In addition to the definition of hotel, I would like to point the commission and all reviewers of this report to Section 29-3.2 which is the permitted use table that is provided by the city in the city ordinances. This is a very helpful table that shows the permitted uses for each of the planning and zoning categories. In regards to R-1 which is primarily residential and single-family homes, there is a separate commercial uses section. Within that commercial uses section there are three separate categories for guest accommodations. As you will see in the R-1 column, none of these accommodations are allowed in R-1 which includes bed and breakfast, hotel and travel trailer park. In regard to guest accommodations, only a bed and breakfast would be allowed as a conditional use under most of the other categories in which residential and family homes would be taken into consideration.

The position that the current definition isn't specific to a short-term rental situation is clearly a deviation from the current definitions and construction requirements. Our argument is that it makes more sense for the current definitions to be applicable until such time that new definitions that are more constrictive are made by the City Council. This is important for multiple reasons including rights and remedies of the homeowners. If the city is going to put out a permitted uses chart and if a homeowner has a residence within R-1, there is no reasonable expectation for that homeowner to believe any guest accommodations will be at issue for their residence in the City of Columbia. The residents have certain rights and remedies. Of those rights and remedies include the City of Columbia enforcing their current ordinances. To enforce the current ordinance would be to simply enforce the current definition of hotel in regard to planning and zoning for R-1 and other residential categories in the City of Columbia.



It is also important to point out that the ordinances also provide a purpose statement for the R-1 district. The purpose statement can be found in Section 29-2.2(a)(1)(i). The purpose statement of the R-1 district is "This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. The principal land use is a one-family dwelling unit per lot. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included, as shown in Table 29-3.1 (permitted use table). Clearly the purpose statement is referencing the permitted use table in their definition of a one-family dwelling district. On that permitted use table is noted there are no guest accommodations for R-1.

In regard to enforcement of current zoning regulations, city staff have explained some of the difficulties they have had with enforcement. The specific neighborhood in question, the Grasslands has had a specific issue with one of the properties in said neighborhood. Attached as **Exhibit B** is a copy of the Airbnb web site listing for said property. As you will see it is an eight-page document that goes through the actual listing. It was printed on 1/14/19 from the Air B&B web site. As you will see, it advertises a perfect central location, half a mile from everything. As noted there are 5 beds and 3 ½ baths with over 3,600 square feet. It is noted that it can sleep up to 23 people. In the comments section which are clearly seen beginning on Page 4 of Exhibit B, up to 25 people have stayed at this house at one point late last year.

This has been complained of not only to the City of Columbia, the Columbia Police Department, but also the Neighborhood Services Department. I am attaching **Exhibit C** which is a letter dated December 7, 2018 addressed to the attorney for the Grasslands Neighborhood Association from the neighborhood services manager, Leigh Kottwitz. As you will see, it was in response to a letter on behalf of the neighborhood in regard to planning and zoning violations of this property. The letter acknowledges that they do not believe there is enough evidence to support claims that there are violations of zoning and occupancy ordinances at this residence. Clearly if the definition of hotel applied that would not be the case in that the listing clearly indicates that it is a building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between 1 and 30 days. In addition to the definition of hotel, it clearly violates the permitted uses table in the sense that any guest accommodations are not permitted in R-1 and most residential areas. This zoning category for this property is R-1.

The reason this example is brought to your attention is due to the fact that enforcement is not occurring at the current time. If residents are not able to turn to the city to enforce their current ordinances and definitions, what remedies do they have available to them in this type of situation if a neighbor is advertising on a national web site that they have guest accommodations for up to 23 individuals in an R-1 property?

It essentially purports to put the burden on the neighborhoods and neighborhood associations to compile all of the evidence of violations before they will be taken into



consideration. In addition, Paragraph 2 of the letter from the neighborhood services manager indicates that the Airbnb guests by nature are not permanent residents for over-occupancy purposes. By acknowledging that they are not permanent residents, it is essentially an acknowledgement that they are transient guests and therefore meet the definition of an individual staying between 1 and 30 days.

The issue with the enforcement angle is that it is currently not being enforced and there is some interpretation being made by the city staff in regard to the current definition of hotel and its applicability to this current situation. There is nothing indicated in the memorandum of May 7, 2018 or any subsequent memorandums that have been provided that would indicate that the city council has directed the planning and zoning commission and/or the city staff to take the position that the current definition of hotel does not apply to short-term rental situations at this point.

Because enforcement is one of the issues that had been raised in the meetings we have had with the city staff, it is my position as a board member of the neighborhood association that adding additional regulations and requirements that will further be required to be enforced by the same individuals and organizations will not provide any additional relief for the neighbors of these short-term rental operators. I would also point the readers of this report to Section 29-6.6 which is the violations, enforcement and penalties provision of Chapter 29 of the planning and zoning ordinances. It is noted at the very top in the very first sentence that

"The provisions of this chapter shall be administered and enforced by the director".

As noted previously, shall is a mandatory requirement on the ordinances based on Section 1-2 and its definitions. Amongst the violations was a violation to use any land or structure for a purpose in a manner not permitted by this chapter (this would be Chapter 29 which includes the permitted use table and the definition of hotel). It also prevents a violation for anyone that operates any business or land use for which the city or the state or federal government requires a license, permit or approval, without first obtaining those permits and approvals. It also allows for enforcement by the director to take action to prevent or stop any use of land or structures, construction or repair of structures, or any division of land that constitutes a violation of this chapter, and/or to prevent the occupancy of the land or structure or in which the violation has occurred. This is an important provision in that the director has been given the authority to enforce these rules appropriately. Nowhere in Chapter 29 is there any indication that the director or any commission has the ability to interpret the definitions in a way that differs from the current definitions adopted by the city council in Chapter 29.

To summarize this matter, the neighborhood associations are pigeonholed into some type of new definition of short-term rentals. The current permitted uses preventing any guest accommodations clearly indicates that there were not even conditional uses anticipated by the city council or previous planning and zoning commissions for certain

residential categories including R-1. This would also apply to R-2 and other areas as well based on the type of use requested and whether or not it is conditional. (Please see permitted uses table). The fact that the city does not have the ability to enforce these rules and/or is merely refusing to follow their mandate and enforce them is disheartening in the sense that the purported remedy to this situation is to enact new regulations for them to enforce. Obviously as a board member for a neighborhood association this is troubling based upon their history of inability to enforce this ordinance based on clear and present violations.

In addition to the previous violations noted, the Airbnb in question in the neighborhood of the Grasslands is advertising over five beds available. This would categorize it as a lodging establishment under the Missouri Revised Statutes for Public Safety and Morals. It is noted that public safety is one of the secondary concerns of the city council regarding the short-term rental situation (see Exhibit A).

Chapter 315 of the Missouri Revised Statutes requires licenses in Chapter 315-011. It requires a license for any lodging establishment. The definition of lodging establishment is defined as for Chapter 315 to be:

... any building, group of buildings, structure, facility, places of business where five or more guestrooms are provided, which is owned, maintained, or operated by any person in which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests or for both transient and permanent guests. (RSMO 315.005(4)(2016).

If this property requires licensure under Chapter 315 of the Missouri Revised Statutes, it clearly is a lodging establishment by state statute and should therefore be interpreted as same in regard to the city ordinances and enforcement.

At this time, we would request that the commission and all readers of this report take into consideration the struggle that neighborhood associations regarding this type of arrangement. The majority of people that move into residential areas do not anticipate having to fight one of their neighbors from turning their residential property into a commercial property.

We would respectfully request that the decision makers in this case take this into account when making their decisions regarding the current enforcement of the definition of hotel and any and all changes that are proposed.

January 14, 2019  
Page 7

Sincerely yours,

*Jared P. Vessell*

JARED P. VESSELL  
Jared@VBMLaw.com

JPV/st

## EXHIBIT: A



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Convention and Visitors Bureau

To: City Council

From: City Manager & Staff

Council Meeting Date: May 7, 2018

Re: Short-Term Rental Public Information Meetings

## Executive Summary

This report is follow-up to the November 20, 2017 City Council report regarding changing the definition of a hotel and motel in Chapter 26, Article IV of the Code of Ordinances. Currently, the lodging tax only applies to hotels, motels, or tourist courts with twelve or more bedrooms and does not address short-term home or vacation rentals and bed & breakfast establishments. Council requested more information from the Convention & Visitors Bureau (CVB) before making a decision because of the potential impact to other city departments. This report addresses public information meetings held regarding short-term rentals, including public comments, and provides recommendations for City Council consideration.

## Discussion

Because of the increase in alternative lodging opportunities and of the benefits the CVB provides to bring visitors to our community, the CVB sent a report to council on this issue on November 20, 2017. Subsequently, the CVB, in partnership with the Community Development Department, conducted a series of four public meetings and solicited public comment on taxation and other issues related to short-term or home rentals and other alternative short-term lodging establishments. The public meetings had two distinct audiences, owners/operators of short-term rentals and neighborhoods where short-term rentals are located. Questions from the community also had two distinct paths – taxation and zoning/inspections. Comments and presentations from the meetings are attached.

There has been an increase in the short-term rental market. In March 2017 there were 545 listing nights booked at 64 properties on Air BnB, just one of the on-line platforms. A search of Air BnB in March 2018 showed 1464 listing nights booked at 133 properties. However, short-term rentals are not a defined term in the City's regulatory ordinances. Chapter 22, Article V (Rental Conservation Law) requires a certificate of compliance for the operation "of any apartment house, rooming house, two-family dwelling, or single rental unit." It is the leasing or subleasing of residential property that defines rental; no distinction is made between short-term and traditional rental.

The Community Development Department has requested that operators of short-term rentals register their properties as rentals if they have not done so already. A number of vacant rental properties that are already in compliance with the Rental Conservation Law have been converted to short-term use. Currently the staff does not track the numbers of short-term rentals that have a certificate of compliance; this will be done in conjunction with the new EnerGov software launch that is planned in the last quarter of fiscal year 2018.



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Chapter 29, the Unified Development Code, also does not recognize short-term rentals as a distinctive use of residential property. Some cities have begun to distinguish short-term rental from traditional residential occupancy. Staff reviewed and presented summaries of selected ordinances from other cities where short-term rentals are subject to some degree of local regulations. Zoning-related considerations in the sampled ordinances include restriction by zone, owner-occupancy/hosting requirements, spacing between units or restricted numbers per area, occupancy limits on numbers of persons (per zone, number of bedrooms, square footage, etc.), parking requirements, conduct standards (e.g. trash, noise), and site plan requirements (generally addressing entrance locations, signage and assigned parking).

Public input on the prospect of land use regulation was mixed. Some participants described short-term rentals as detrimental to their enjoyment or expectation of use in single family neighborhoods while others expressed strong support for short-term rentals as a neighborhood-based business opportunity. Safety concerns regarding transient/unknown persons and over-occupancy issues (parking, noise, trash, vandalism, etc.) were voiced throughout the public input process. However, other members of the public voiced concerns against zoning-related restrictions or advocated for different considerations for owner-hosted and smaller-scale operations.

Public input on taxation was also mixed. While some participants felt taxation should be paid as it is part of conducting business, others felt there should be a tiered taxation based upon number of rooms rented. Others felt there should be a fee structure based on type of rental unit. Some smaller property owners voiced a concern that taxation may hinder their ability to stay competitive with like rentals.

## Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Economy, Secondary Impact: Public Safety, Tertiary Impact: Tertiary

### Comprehensive Plan Impacts:

Primary Impact: Economic Development, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Tertiary

## Legislative History

Date	Action
November 20, 2017	Council Report regarding changing the definition of a hotel and motel in Chapter 26 of the Code of Ordinances.



# City of Columbia

701 East Broadway, Columbia, Missouri 65201


## Suggested Council Action


Direct staff to prepare an ordinance to change Chapter 26 defining a hotel/motel, by lowering the number of bedrooms, and to include short- term rentals, and bed & breakfasts, and to solicit additional public feedback on rental conservation and zoning-related issues to define this use, where it will be permitted, and any additional standards or considerations related to health and safety concerns. A registry, permit process or business licensure may also be explored if directed by Council.

## EXHIBIT: B





 Share

 Save

[View Photos](#)


ENTIRE HOUSE

# Heart of Columbia - Walk to Stadium - Sleeps 23

Columbia




Paige


 16+ guests  5 bedrooms  10 beds  3.5 baths

#### HOME HIGHLIGHTS


**Great location** · 100% of recent guests gave the location a 5-star rating.

Helpful  · Not helpful

**Great check-in experience** · 100% of recent guests gave the check-in process a 5-star rating.

Helpful  · Not helpful

**Sparkling clean** · 11 recent guests said this place was sparkling clean.

Helpful  · Not helpful

Perfect central location, 1/2 a mile from everything! Walking distance to stadium, downtown, and campus. 5 Bed / 3.5 Bath with over 3600 Square Ft. This space has the best location in town, and can sleep up to 23 people. Enjoy all this home has to offer including a multi-level deck, screened in porch, upper and lower living areas, updated kitchen, and roomy dining area. Due to being located in a such a beautiful, classic, Columbia subdivision no outdoor noise or partying will be allowed.

#### Contact host

#### Amenities

 Kitchen

 Free parking on premises

 Wifi

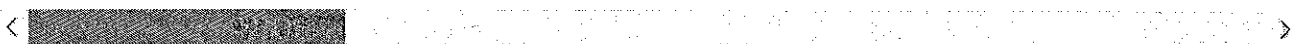
 TV

 Carbon monoxide detector

The host hasn't reported a carbon monoxide detector on the property.

Show all 23 amenities

#### Sleeping arrangements





**Bedroom 1**  
1 king bed



**Bedroom 2**  
1 king bed



## Availability

Updated today

←

January 2019

February 2019

→

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

## 13 Reviews ★★★★★

Accuracy	★★★★★
Communication	★★★★★
Cleanliness	★★★★★
Location	★★★★★
Check-in	★★★★★

Value



Search reviews

Most relevant



**Keith**

December 2018



Good communication with host prior to visit to confirm accommodations as it was for a holiday reunion with many people coming from different parts of the country. Easy keypad entry. Two garage spaces and four driveway spaces. (We had 8 cars at one point with local friends v...Read more

**Chrisy**

November 2018



This was a great Airbnb, very close to everything. Appreciated the Military discount, snacks and drinks ready for the 25 young men coming from USAFA in Colorado Springs for a Ultimate Frisbee tourney. Very comfortable and more spacious than pictures show. We never felt over crowd...Read more

**Anna**

October 2018



I would highly recommend staying in this house when in Columbia, MO. It is beautiful, accommodating, and you can't get a better location. You won't be disappointed. The property manager is great as well with excellent communication. 5 Stars!!

**Aaron**

October 2018



A great place for large groups of people, very spacious interior with plenty of beds, a lot of really cool Chiefs memorabilia, and balconies overlooking the backyard. We had an amazing time during our stay

**Chad**



September 2018

Excellent house. communication/helpfulness of the hosts were second to none. Plenty of thoughtful touches throughout the house made everyone comfortable

Ellen

August 2018



Great location and space! We had a girls' reunion and it was the perfect space. Hosts were very accommodating!

Graham

June 2018



The house was very clean and had everything we needed. The location is awesome. The host was very responsive and helpful. Thanks, we'll be back!

1

2



## Hosted by Paige

Columbia, Missouri, United States · Joined in February 2017

★ 19 Reviews   ✨ Verified



**Paige is a Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



25

### Paige supports the Living Wage Pledge

People who clean this host's listing are paid a living wage. [Learn more](#)

Response rate: **100%**

Response time: **within an hour**

Contact host

**Always communicate through Airbnb** · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

## About the home

When you stay in an Airbnb, you're staying in someone's home.

This is Paige's place.



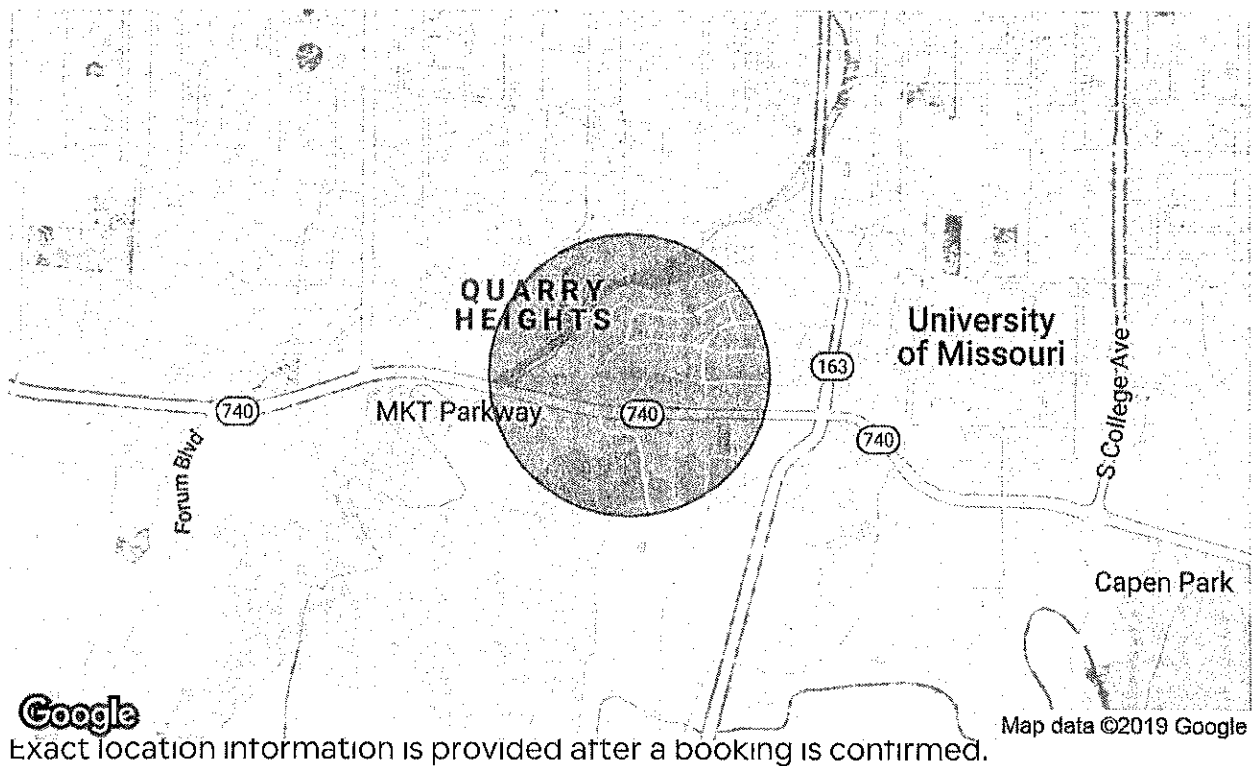
Ida helps host.



## The neighborhood

Paige's home is located in Columbia, Missouri, United States.

This secluded, established Columbia neighborhood has CLASS. It's surrounded by MIZZOU atmosphere, yet remains peaceful. The perfect environment for family gatherings!



## Policies

### House Rules

No pets

No smoking, parties, or events

Check-in is anytime after 4PM and check out by 11AM

Self check-in with keypad

### Cancellations

#### Moderate - Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Reservation  
confirmed

**48 hours** later

**5 days** before  
check-in

Check-In



Full refund

Full refund, minus the  
service fee

50% refund, minus  
the first night and  
service fee

[Get full details](#)

## Explore other options in and around Columbia

**\$399** per night  
★★★★★  
More places to stay in Columbia: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Truro Vacation Rentals

Geneva

Memphis

Omaha

Chicago

St Paul

Camarillo

Waitsfield

Aiken

Kansas City

Spokane

St Louis

Madison

Dallas

Pittsburgh

San Antonio

Houston

Minneapolis

Dates

Check in



Check out

Guests

9 guests



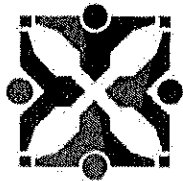
**Book**

You won't be charged yet

[Report this listing](#)



EXHIBIT: C




City of Columbia

Community Development Department

701 EAST BROADWAY • PO BOX 6015 • COLUMBIA, MO 65205-6015

December 7, 2018

TO: R. Caleb Colbert

FROM: Leigh Kottwitz, Neighborhood Services Manager 

RE: City response to November 5, 2018, letter re: 1005 LaGrange Court

Mr. Colbert:

Thank you for your letter dated November 5, 2018 on behalf of the Grasslands Neighborhood Association regarding 1005 LaGrange Court. The City has reviewed your concerns and members of the Law Department and Community Development have determined that at this time there is insufficient evidence to support claims that there are violations of zoning and occupancy ordinances at this address.

In order to enforce the City's occupancy limitations, staff determines if a person is a permanent resident. Those who are visiting 1005 LaGrange as Airbnb guests are by nature not permanent residents at this address and therefore not in violation. Additionally, we have not seen any evidence supporting the claim that Mr. Travis Lee Robinson LLC does not reside at this address.

As you are aware, City staff are currently gathering feedback on regulations for short-term, vacation rentals which may provide some restrictions on this property. Residents of the Grasslands have been part of this process. Though we do not currently find there to be sufficient evidence to constitute violations under the zoning or occupancy codes, we do encourage your client to contact the police if they have a peace disturbance from this address as the nuisance ordinances apply.

Thanks again for contacting us and please stay in touch!

Building & Site Development  
(573) 874-7474  
Fax (573) 874-7283

Neighborhood Services  
(573) 817-5050  
Fax (573) 442-0022

Planning & Zoning  
(573) 874-7239  
Fax (573) 874-7546

TTY 1-800-676-3777 MO Relay

[www.gocolumbiamo.com/communitydevelopment](http://www.gocolumbiamo.com/communitydevelopment)



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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## Short term rentals

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Greg Zguta &lt;gzguta@yahoo.com&gt;

Mon, Jan 14, 2019 at 10:52 PM

To: "patrick.zenner@como.gov" &lt;patrick.zenner@como.gov&gt;

Mr. Zenner and the Planning and Zoning Commission,

I attended the public comments to the Planing and Zoning Commission on the proposed short term rental ordinance on December 20th and have been following the discussions on this topic. Several of my neighbors in the Grasslands neighborhood spoke about our concerns with short term rentals in R1 neighborhoods. I echo those sentiments and want to address a few particular concerns of mine:

- **Safety.** We have a non-owner hosted STR operating on our cul de sac. My 9 and 11 year old daughters walk by at least twice a day, and with the STR (in a home previously owned by a family we knew), we never know who will be around the house. While Airbnb and other platforms do some level of background checks, my understanding is operators can be more or less strict about this. These checks apply to an individual guest, but have no bearing on other individuals who will be in the rental. In a cul de sac with about 20 homes, we know all the cars and people who live on the block, making it pretty easy to see when strangers are around. A single Airbnb can bring dozens of new people in every week.
- **Over-occupany.** Our neighborhood has experienced repeated issues with over-occupancy of long term rentals, particularly in the homes located on Providence Road. Despite many efforts, it has been difficult to enforce. A huge concern with STRs is how the city can enforce the owner-occupied limit of 330 days as well as the number of guests in a property. The majority of R1 homes in our city have more than 2 bedrooms, making it very compelling for anyone operating an STR to want to rent more than 2 rooms. The parameters proposed for STRs are simply too difficult to enforce in order to ensure compliance.
- **STRs as a business.** We heard a gentleman speak at the hearing about his business of contracting long term rentals, and then renting them out as STRs. He specifically said his customers seek proximity to the University. Our neighborhood is among the closest to the University. He spoke about growing in his business, and it would be no surprise if this type of business model would seek to exploit the problem we have with long term rentals and turn them into STRs as well. This also further underscores the point that STRs are a commercial activity not suited for R1 neighborhoods.
- **Unintended consequences.** Because STRs are relatively new, I'm concerned rules put in place now must anticipate change. Things like an uptick in enrollment at the University or a top ranked football team may bring higher demand for STRs. Investors seeking profits from rentals may shift their business model, buy multiple properties, and find ways to exploit the rules at the expense of neighborhoods like ours. Once permitted, there is no limit to how many STRs may operate in our neighborhood. We have seen with long term rentals that once a property is no longer a single family home and used as a rental, it is rare for it to revert back to single family usage.
- **Covenants are inadequate for enforcement.** Newer neighborhoods are often partly protected by covenants restricting use. These covenants put enforcement burden on the neighborhoods and aren't an ideal method of enforcement. Older neighborhoods like ours often lack consistent covenants that can protect the character of a neighborhood. The proposed STR ordinance puts more burden on neighborhoods like ours which have desirable locations and inconsistent covenants because of the way property was developed over time.

I already observe over occupancy taking place in the STR operating on my street. By current definitions, the property is a hotel and is not lawful, but no enforcement action has been taken. I view this as an obvious sign that the issues STRs are real concern, and difficult to enforce. Therefore, I urge you to prohibit short term rentals in R1 zoning and enforce existing restrictions.

Sincerely,

-Greg Zguta  
1034 Lagrange Ct