



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, November 18, 2021
5:30 PM

Work Session
REVISED

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

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