

**Planning and Zoning Commission Work Session Minutes**  
**January 6, 2022**  
**Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**I. Call to Order**

Commissioners Present – Kimbell, Carroll, Stanton, Geuea-Jones, Loe, Rushing, Placier, Burns, and MacMann

Commissioners Absent – None

Staff Present – Thompson, C. Smith, Zenner, Teddy

**II. Introductions**

**III. Approval of Agenda**

Meeting Agenda adopted unanimously.

**IV. Approval of Minutes**

December 9, 2021 work session minutes adopted as presented.

**V. Old Business**

**A. Building Code and Short-term Rentals – Legal Opinion**

Mr. Zenner provided an overview of the correspondence prepared by Mrs. Thompson on behalf of the Law Department. He explained that the correspondence was prompted by research conducted by Chairman Loe related to the applicability of the City's adopted Building Codes (IRC and IBC) with respect to short-term rentals. The intent of the correspondence was to offer guidance as to the appropriateness, at this time, of tying Building Code requirements (i.e. use group classifications) to the land use regulatory discussion that the Commission was engaged in as they sought to develop standards to regulate short-term rentals in general.

Mr. Zenner noted that the Building Regulation Supervisor reviewed the materials submitted by the Chairman and provided his findings to the Law Department as well had discussed those findings with Community Development Director who is, by City Code, the "Building Official". Based on staff's analysis and the opinion rendered by the Law Department it was concluded attempting to tie the Building Code provisions cited by Chairman Loe to current regulatory discussion was premature. This conclusion was based on the fact that "short-term rental" was not yet defined within the City's regulatory structure, the Building Construction Codes Commission was engaged in a comprehensive review of the 2021 Building Code and would ultimately make a recommendation to City Council on what if any possible local amendments would be recommended, and that an enforcement abeyance was in place suspending enforcement of the use which is currently considered illegal given it is not defined within UDC. Mr. Zenner noted that the Law Department suggested if the Commission had an opinion or recommendation on what "use group" should be considered for classifying short-term rentals that could become part of its recommendation on the land use controls.

Following this overview there was significant discussion among the Commissioners relating to these findings and the opinion rendered. Concern was expressed that the analysis failed to look at all the information provided by Chairman Loe. It was further noted that given the assessment provided by the Building Regulation Supervisor that owner-occupied housing was the only permissible type of STR that

would be considered to fall into the R1 or R2 use groups. Based on this statement, the Commission began to discuss at great length the need to consider STRs equivalent to what was defined in the Building Code as a “lodging house”.

Mr. Zenner stated that “lodging house” was a defined use within the UDC and that an STR was generally considered a completely independent use that needed a unique definition and assignment within the land use table as to where it would be permitted. He noted that the Commission and staff could create specific requirements that would apply to STRs to ensure their compatibility within the current built environment. There was discussion as to why this was necessary if the Building Code appeared to already provide guidance as to what use group an STR would fall into and under what general limitations.

There was discussion on possibly just creating a registration process and allowing the Building Code provisions identified by the Building Regulation Supervisor to govern the use. Mr. Zenner pointed out that the focus of the Building Code and that of the UDC were different. The purpose of creating standards within the UDC was to authorize the land use “short-term rental” and provide parameters by which that use could be allowed within the community. The Building Code does not authorize land uses, but rather provides guidance on how the structures built to accommodate such a land use are evaluated for compliance with life-safety considerations or building construction requirements.

There was additional discussion on the necessity for having adequate staff in place to enforce any proposed regulations, the desire to restrict occupancy, and need to propose regulations that were not complex. In light of these general desires and to provide guidance with respect to the regulatory development process, it was recommended that a tier of regulation on STR be prepared that utilized the parameters of what the Building Code established for an owner-occupied lodging house.

The Commission requested that staff prepare a regulatory tier that would permit an STR within any residential zoning district (R-1, R-2, or R-MF) provided it was owner occupied and had no more than 5 bedrooms or a total of 10 guests. Mr. Zenner noted that this could be done and was more permissive than what was contemplated by staff; however, was consistent with regulatory standards from other municipalities that had been evaluated.

Mr. Zenner noted that the developing the tiers without first defining key terms may create issues as the definitions for “owner” and “STR” were believed to be essential first steps to ensure everyone was on the same page when referring to those terms and how they would influence the operational characteristics of an STR locally. He noted that the second item on this evening’s agenda was prepared to allow the Commissioners to select from several definitions viewed as best capturing aspects of prior conversation.

There was discussion that it would be appropriate to consider the work prepared for the second agenda item at the next work session. It was suggested that the Commission vote up or down the definitions and associated items in efforts to provide guidance to staff as to how it should proceed with the preparation of additional regulatory standards. It was further stated that proceeding in such a manner similar to what was performed during the last STR regulatory process and would afford Commission the opportunity to express their opinions in a more focused fashion for staff.

Mr. Zenner noted he would prepare the first tier of STR standards as proposed by the Commission for review at the next work session. Additionally, he would further map out potential options for definitions and look for strategies relating to either “grandfathering” or bringing existing STRs into regulatory compliance.

B. Short-term Rental Regulations – Proposed Definitions

Due to time limitations this item was not discussed. Topic to be carried forward to January 20, 2022 work session agenda.

**VI. ADJOURNMENT**

Meeting adjourned approximately 7:00 pm

**ACTION(S) TAKEN:**

Motion made by Commissioner Geuea-Jones, seconded by Commissioner MacMann, to approve the agenda as presented. Motion passed unanimously. Made motion by Commissioner MacMann, seconded by Commissioner Geuea-Jones, to approve the December 9, 2021 work session minutes as presented. Motion passed unanimously.