

**Planning and Zoning Commission Work Session Minutes**  
**August 24, 2023**  
**Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**Call to Order**

Commissioners Present – Carroll, Geuea Jones, MacMann, Placier, Stanton, Wilson  
Commissioners Absent –Dunn, Ford, Loe  
Staff Present –Palmer,  
Teddy, Thompson, and Zenner

**Introductions**

**Approval of Agenda**

Meeting agenda adopted unanimously.

**Approval of Minutes**

August 10, 2023 work session minutes adopted unanimously.

**New Business**

**A. Short-term Rental Regulation Follow-up & Amendments**

The work session start was delayed until 6:30 pm due to the lack of a quorum.

Upon a quorum being present, Mrs. Thompson provided an overview of the substantive change to the regulations which was to treat owners and tenants of a principal residence the same. She went on to explain that changes were required within the definitions as well to create clarity between the “principal resident” and “principal residence”. The revised definition and the corresponding changes throughout the regulations resulted in a “principal resident” now being referred to as a “**long-term resident**”.

Mrs. Thompson also explained that a new definition of “**registrant**” was added to provided clarity as to who was seeking the STR rental license which could be an owner or an authorized “long-term resident”. She also noted there were minor adjustment to the order of the definitions to keep them alphabetical.

There was clarification that a “long-term resident” (owner or tenant) would be capable of obtaining a STR license by-right for up to 120 days, subject to registration compliance, and that a “non-long-term resident” within the R-1, R-2, or R-MF districts would be required to seek a conditional use permit for the same ability. Mrs. Thompson also explained the exception to the proposed parking standards for STR licensures greater than 30 days noting that a new provision in the “Supplemental use-specific standards” section of the regulations was created whereby parking requirements applicable in the M-DT or an adopted overlay zone would prevail when a conflict arose between the general requirements.

Mrs. Thompson noted that several additional changes were made to the ordinance for the purposes of clarity relating to language used and that a new registration requirements section was created to consolidate several pre-existing requirements into a single location that shared the same topic. She noted that these registration standards could have also been shown only in the administrative provisions, but thought they would be useful in the zoning requirements as well.

Ms. Thompson concluded her overview of the revisions by noting that the conditional use provisions had been modified to ensure consistency with the updated terms used elsewhere in the regulations. Additionally, she noted the provisions contained in CUP criteria # 5 were modified to address the Commission’s desire to have “adjoining” replaced with “neighboring” as it dealt with any property owners supporting the establishment of an STR.

Upon completing the presentation of the changes, the Chair sought input from Commissioners as it related to any issues or additional changes that were believed necessary. None were offered by the members present; however, a question of clarity was asked relating to the current structure of the regulations of not violating the recent court decisions within the 5<sup>th</sup> and 9<sup>th</sup> Federal Districts. Mrs. Thompson noted that the current structure of the ordinance was not violation of those decisions.

There being no additional comments or recommendation for changes, the Chair asked for a vote on the regulations as presented. The six Commissioner's present voted unanimously to present the modified ordinance to the City Council for consideration. Following this motion and vote, the Chair sought clarification on the next steps forward. Mr. Zenner noted that the staff would prepare a report that would be presented to the Council on October 2 seeking direction to proceed forward with formal public comment and scheduling a public hearing. Mr. Zenner noted that a special public hearing on this matter would likely be most appropriate after which the Commission could choose to continue the hearing or take a vote on the regulations.

After a momentary pause in the discussion, Mr. Zenner indicated that the report to be prepared for Council's consideration would include several staff observations as it related to particular aspects of the proposed regulations where it was believed modifications could be considered that may enhance the overall acceptance and functionality of the standards. Mr. Zenner noted that staff had an obligation to point out possible issues with the ordinance and that informing the Commission of this in advance was seen as essential such that full transparency between the staff and the Commission existed. Mr. Zenner further noted that this action is not one that generally occurs given regulatory issues are often drafted collaboratively and have support from both the staff and the Commission.

Mr. Zenner referenced several areas of the proposed regulations where potential modifications could be made to ease the administrative burden upon the staff, Commission, and Council, as well as potentially enhance the effectiveness of several of the underlying objectives of the ordinance. Following such comments, several Commissioner's questioned how staff could write such a report given the Commission's unanimous approval and that the topics noted were considered "addressed" and no longer relevant. Mr. Zenner noted that he was capable of preparing a report that represented the Commission's vote to support the regulations as written while also providing staff's observations and again reiterated it is staff obligation to do so.

Commissioner Stanton asked if it would be possible to compromise on any of the concerns that were expressed. Mr. Zenner indicated that would be his preference. There was additional limited discussion in which it was noted having advanced notice of such topics would have been helpful such that Commissioners could have prepared themselves for this discussion. Having run out of work session time, given the late start of the meeting, a more thoughtful discussion of the concerns expressed by Mr. Zenner was not possible. It was further discussed that given Mrs. Thompson's absence from the October 7 work session that this matter would not be discussed again until the October 21 work session.

## **ADJOURNMENT**

Meeting adjourned at 7 pm.

## **ACTION(S) TAKEN:**

Motion made by Commissioner MacMann, seconded by Commissioner Stanton to approve the agenda as proposed.  
Motion made by Commissioner Stanton, seconded by Commissioner MacMann to approve the August 10, 2023 work session minutes.