

Planning and Zoning Commission Work Session Minutes
January 20, 2022
Conference Room 1A & 1B - 1st 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, Kelley, Zenner

II. Introductions

III. Approval of Agenda

Meeting Agenda adopted unanimously.

IV. Approval of Minutes

January 6, 2022 work session minutes adopted as presented.

V. New Business

A. Short-term Rental Regulations – Draft Ordinance Outline, Tier One, and Geuea-Jones proposals

Mr. Zenner provided an introduction and described a slightly different approach to crafting regulations for pursuing the creation of a simplified STR ordinance. He described three general sections of information that the new regulation would potentially include and sought the Commission feedback on the elements within each section. Mr. Zenner noted that the sections were at a “broad” level and the “devil” would be in the details as how each element within the sections would be flushed out.

He described Section 1 and noted that definitions for many of the terms proposed may already exist in the UDC or other related codes. He stressed that the terms proposed were necessary give they would be used in the context of zoning/land-use matters. Mr. Zenner further described the relationship the zoning/land-use regulations would have to the proposed registration process previously prepared for STRs that would reside in the rental compliance code section of the municipal code. He noted that once the zoning/land use standards were completed the Commission could review the registration standards and offer recommendations for minor changes similar to what was discussed with the building code at the last meeting.

Mr. Zenner further described Section 2 and noted that it was proposed to contain information on the zones that would permit STRs as well as other use-specific standards. He noted that the use could be potentially considered as a principal permitted, accessory, or conditional accessory use in different zoning districts. Mr. Zenner described the differences between the different categories noting that a conditional accessory use would require a Council approval for a dwelling to be used as an STR if the Commission saw that option as appropriate.

Mr. Zenner completed his overview of the staff memo and proposed STR outline by describing the contents of Section 3. He described possible use-specific standards for design or dimensional requirements, occupancy based on bedrooms and specialized parking standards. He made reference to pulling other conditions from the original STR ordinance addressing topics such as non-event usage and

other specific standards that appeared to be common in reviewed ordinances to limit the possible negative impact of STRs on the surrounding environment. He suggested that to limit the impact of investor operated STRs on affordable housing loss there could be use-specific provisions establishing a maximum number or percentage of the City's overall housing stock that would be permitted to operate as an STR. He noted that such a provision was very similar to how the City was currently handling medical marijuana dispensaries.

Mr. Zenner also noted that the last element of Section 3 was critical and would address how existing STRs would be handled. He noted that in his review of ordinances this topic was handled in several ways, but in no instance was registration or compliance with the adopted zoning or registration requirements waived. The majority of ordinances reviewed required annual registration and often include an "amnesty" period for previously operated STRs to become compliant within 6-12 months.

Mr. Zenner noted that the section layout and format was prepared as a means of focusing the Commission and staff's efforts at preparing what was believed to be the minimally essential contents of a successful ordinance. He requested Commissioner comments on what was presented.

There was general discussion on the proposed outline. Most Commissioners were supportive of the elements and sections; however, there was discussion on shifting sections around. Several Commissioners expressed a desire to discuss and resolve the matter relating to what zoning districts and in what manner STRs should be permitted/allowed. There was discussion that once that matter was resolved tailored use-specific standards could be written and from that undefined terms would be made clear and could be defined. There was a desire to try to avoid creating new definitions for terms wherever possible to reduce confusion.

In the course of discussing the outline offered by Mr. Zenner the Commissioners agreed that defining where STRs should be permitted needed to be addressed first. The Commissioners discussed comments offered by Commissioner Rushing at the prior work session comparing STRs to home-based daycares. What resonated with several Commissioner was the concept that a home-based daycare was only permitted when the operator was living within the dwelling. In a similar fashion, many Commissioners believed that if an STR was to be permitted within a residential zoning district it needed to be occupied by the operator. Commissioners saw the use of a dwelling unit occupied by the operator when guests were present as a "accessory use" similar to how home-based daycares were within the R-1 and R-2 zoning districts.

On the other end of the spectrum, the Commissioners believed that when an STR was not occupied by the operator while guest were present it functioned more similarly to a "guest accommodation" as defined within the code. The Commissioners discussed how these types of uses were more commercial in nature and may require greater scrutiny in where they would be permitted and under what conditions.

There was significant additional discussion amongst the Commissioners regarding the detailed use-specific conditions that would need to be created to address the differences between the two types of uses. However, Commissioners Loe, Geuea-Jones, and Carroll sought to have the Commission make progress in resolving where the use "STR" should appear within the Permitted Use Table as a first step in moving the regulatory process forward.

To that end a motion was made to add "STR" as a use within the "Accessory Use" section of the Land Use Table. There was further discussion, debate, and clarification of what the motion, if approved would do. Following discussion, the Commissioners approved adding "STR" as a permitted accessory

use to the table. There was a desire to move forward with determining in what zoning districts the use should be added; however, due to time constraints additional discussion was suspended.

Mr. Zenner recommended that he prepare a modified Permitted Use Table for the next work session so the Commissioners could graphically see what was being proposed. The Commissioners agreed that this was likely a good idea. Chairman Loe also requested that feedback from the Building Regulation Supervisor be obtained to determine if his interpretation of the Building Code would be different if an “accessory STR” was not always occupied by its operator, for any period of time, when guests were present.

Mr. Zenner thanked the Commission for their input at the meeting and noted he would discuss the proposed use distinctions with the Building Department and would prepare the updated Permitted Use Table for the next meeting.

VI. Old Business

A. Short-term Rental Regulations – Proposed Definitions

Discussion of definitions was incorporated “broadly” in the new business item discussion.

VII. ADJOURNMENT

Meeting adjourned approximately 7:00 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner Kimball, to approve the agenda as presented. Motion passed unanimously. Made motion by Commissioner Geuea-Jones, seconded by Commissioner MacMann, to approve the January 6, 2022 work session minutes as presented. Motion passed unanimously.