



## **Special Planning and Public Safety Committee**

November 29, 2022

### **Summary and Motions**

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Chair J. Brown called the meeting to order at 5:06 p.m. Committee Members Ellinger, McCurn, Lamb, Kloiber, Worley, Baxter, Bledsoe, Reynolds, and Plomin were in attendance. Council Members LeGris and Sheehan were also present as non-voting members.

#### **I. Short-Term Rentals Presentation**

Kendra Thompson, Research Analyst in the Council Office, provided an overview of the Amendments to Section 13 in the Code of Ordinances (Code) as well as the Amendments to the Zoning Ordinance Text Amendment (ZOTA). She began with a timeline to illustrate the steps that have been taken to pass regulations since the item was placed in committee in 2019. She spoke about the LFUCG workgroup which consisted of Council Member J. Brown and Council Member Sheehan, representatives from the Law Department, Division of Revenue, Division of Planning, and Council Staff. The workgroup met with short-term rental operators as well as representatives from neighborhoods to discuss concerns on both sides. Thompson said the purpose of this regulation change is to establish short-term rentals as a legal use and define a process for approval and enforcement. She explained that the amendments to the Code includes a section to define the terms related to short-term rentals. The Code amendments also include sections on the licensing process, enforcement, penalties and appeals, taxes, duties of a licensee, and requirements for online advertising. The ZOTA includes definitions, an outline of allowable short-term rentals based on zoning category and the differentiation between hosted and un-hosted short-term rentals. The Zoning Ordinances also addresses maximum occupancy, requirements for a short-term rental in a detached structure, prohibited uses, and Board of Adjustments guidelines for the consideration of conditional use. Finally, J. Brown concluded the presentation with a review of next steps saying there is no timeline on passing this. They plan to listen to public comment and using that input to take another look at the ordinances to make revisions.

#### **II. Public Comment on Short-Term Rentals**

J. Brown opened the floor for public comment. Several members of the community were present to provide input on the issue. Short-term rental operators spoke about the strict regulations laid out in the ordinances which could have a devastating impact on their business. Neighborhood representatives and others spoke in favor of these ordinances and expressed the need for short-term rental regulations and enforcement.

#### **II. Council Discussion on Short-Term Rentals**

J. Brown spoke about steps moving forward. Upon listening to feedback received tonight, we can make revisions to the ordinances reviewed this evening. He feels putting this out front and allowing short-term rental operators, the public, and neighborhoods to share thoughts and concerns to get feedback on the first draft would be beneficial and it has been. The item will remain in committee and revised drafts will be presented early next year in the General Government and Planning Committee.

Reynolds spoke about permitting requirements for short-term rental as opposed to a Long Term Rental and asked what that difference is. Duncan said there is no permitting process for a Long Term Rental. Reynolds is concerned that we are asking so much of a short-term rental operator. She asked about limiting the number of short-term rentals in certain zones. Goderwis said the limits are based on *one* property. Reynolds expressed concern about the process for limiting with the conditional use permit. Goderwis clarified that un-hosted would be required to have a conditional use permit. She said they are site specific and there are guidelines in the Draft ZOTA. She clarified that the Board of Adjustment process is about four to six weeks. They meet once a month and typically a decision is made at that hearing. It could potentially be continued, but typically a decision is made at the first meeting. Reynolds is concerned that so many would go through conditional use process. She asked about the requirement to have a floor plan because it can be difficult to get these. Evan Thompson, Attorney in the Law Department, explained that this could be a simple drawing and that it does not have to be a formal architectural drawing. Reynolds asked about parking regulations and Goderwis said there is nothing in the ZOTA related to parking. Thompson said the Code mentions having the number of available spaces included in the application process, but it does not mention how many can be on a property at one time. Reynolds and Thompson confirmed this does not regulate on-street parking unless there are residential parking restrictions already in place. LeGris spoke about the maximum occupancy requirement for a short-term rental. She questioned what the enforcement process looks like. Duncan explained that this would be subject to zoning enforcement through Building Inspection. LeGris and Duncan confirmed that this could be done through a site visit and a conversation with the operator. Duncan added that streamlining enforcement is something that be considered as we revise the ordinance. Thompson said this is also within the Division of Revenue's purview to enforce this since this is in the Code. LeGris also feels that consideration of grandfathering should be included as these discussions continue. Lamb spoke about previous discussions on this item when it was tabled because there was not adequate time to hear all of the concerns. She appreciates all of the comments and concerns that have been expressed. Plomin thank the members of the community who came out to provide comments. J. Brown reiterated that the item will stay in committee. We will take the feedback received tonight and over the last weeks and return with a second draft of these ordinances and have a committee discussion at the first of the year. He said it would depend on the chair as to when this could be placed on the agenda. He closed by saying the intent is to have a policy in place so our operators can be successful and the community can protect what they value about their neighborhoods.

No action was taken on this item.

Motion by Baxter to adjourn at 7:34 p.m. Seconded by Lamb. Motion passed without dissent.