

PUBLIC HEARING/BILL SUMMARY

BILL NO: 2019-068

SPONSOR: Councilman Graham

SUBJECT: Amendment to Chapter 35, The Zoning Code, pertaining to Short Term Rentals

DATE INTRODUCED: November 4, 2019

PUBLIC HEARING: November 18, 2019

DEPARTMENT DIRECTOR(S): 

CITY ADMINISTRATOR: 

Staff Recommendation: Approve.

Summary: Standard ordinance amending the Zoning Code

Origin of Request: Planning Division, through the Planning and Zoning Commission

Department Responsible: Department of Planning and Protective Services

Person Responsible: SONNY SANDERS/ Eric Barron

Background Information: Current zoning regulations allow for short term rentals within residential and industrial zoning districts with a Special Exception Permit (which requires Planning and Zoning Commission review and City Council approval), while permitting the use outright in commercial and mixed use zoning districts. There are also Specific Use Standards for Short Term Rental uses, which apply a number of specific requirements for the use such as minimum parking, maximum number of guests, and ensuring the residence maintains a residential appearance.

The proposed bill would remove the Special Exception Permit requirement in residential and industrial districts and establish Short Term Rentals as a permitted use in all zoning districts. The Specific Use standards for Short Term Rentals would remain in place, with the exception of removal of one standard that deals only with Special Exception Permit requirements. Please see the attached staff report for more information.

Planning and Zoning Commission Review: The Planning and Zoning Commission reviewed the proposed Zoning Code text amendment at their meeting on October 10, 2019. The Planning and Zoning Commission voted to approve the proposed text amendment. The motion to approve the Zoning Code text amendment PASSED on vote of 8 in favor and 0 against.

Public Notice: Standard public notice procedures were followed in advance of the Planning and Zoning and City Council Meetings including publication of the public notice agenda in the Jefferson City News Tribune 15 days in advance of the hearing on the case.

Fiscal Information: No fiscal impact associated with this Zoning Code amendment.

Planning & Zoning Commission Recommendation: Approve.

BILL NO. 2019-068

SPONSORED BY Councilman Graham

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 35, THE ZONING CODE, TO ESTABLISH SHORT TERM RENTAL OF A RESIDENCE AND SHORT TERM RENTAL OF A LODGING ROOM AS A PERMITTED USE IN THE RESIDENTIAL AND INDUSTRIAL ZONING DISTRICTS.

WHEREAS, It appears that the procedures set forth in the zoning code relating to zoning code text amendments have in all matters been complied with.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Sec. 35-28 (Matrices of permitted, conditional and special exception use land uses and classification of uses not listed) Exhibit 35-28 (Land Uses Authorized in Zoning Districts), is amended as follows:

See Attachment A

Section 2. Sec. 35-41 (Specific Use Standards) is hereby amended pertaining to Short Term Rentals as follows:

35. Short Term Rental of a Residence or Lodging Room
- a. Location. Short Term Rental of a Residence or Lodging Room may be authorized in the districts specified by Exhibit 35-28 Land Use Matrix.
 - b. Specific Provisions. Short Term Rental of a Residence or Lodging Room shall adhere to the following:
 - (1) ~~Special Exception Use Permit. Where use of a property as a Short Term Rental is authorized by Special Exception Use Permit the Special Exception Use Permit shall be issued in the name of the owner of the property, and is non transferable.~~
 - (2)(1) The short term rental shall be located within an existing primary structure residence. Accessory structures shall not be used for sleeping or accommodation purposes.
 - (3)(2) Number of Guests and Rooms. The following shall be applicable for Short Term Rental of a Residence or Lodging Room, as indicated.
 - (a) Short Term Rental of a Residence. A maximum of five unrelated persons or any number of persons related by blood, marriage or adoption shall be permitted as lodging guests.

- (b) Short Term Rental of a Lodging Room. A maximum of one rental space may be rented to guests, multiple rentals within the same residence is not permitted. A maximum of four people shall be permitted as guests.
- (4)(3) Signage. Exterior signage shall be limited to one sign of a maximum size of one square foot, which must be attached to the structure and shall not be lighted. No other exterior signage, display, or other indication of the variation from the residential character of the building shall be permitted.
- (5)(4) The property shall not be rented or used for receptions, parties, weddings or similar activities.
- (6)(5) Parking. The property shall have sufficient parking spaces to accommodate both residents and guests. Where on-site parking is provided, the minimum parking requirement for a Short Term Rental of a Lodging Room shall be two on-site parking spaces on streets where on-street parking is permitted, or three on-site parking spaces on streets where on street parking is not permitted.
- (7)(6) The residence shall maintain a residential appearance and adhere to all applicable codes of the City of Jefferson. Trash receptacles shall be placed at the curb only during trash service days. Noise emanating from the residence shall be at a level typical for a residential home. Visitors of guests shall not be excessive in number or out of character with the residential nature of the property.
- c. The advertisement or offering for rent of a Short Term Rental without approval or in conflict with the specific provisions of this section or the other provisions of this chapter shall be considered a violation.
- d. The Short Term Rental of a residence or lodging room shall be subject to all applicable taxes including lodging taxes, sales taxes, and business licensing regulations.
- e. The Short Term Rental of a residence or lodging room shall be subject to Fire Code and Building Code inspection requirements.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Passed: _____

Approved: _____

Presiding Officer

Mayor Carrie Tergin

ATTEST: _____

APPROVED AS TO FORM: _____

City Clerk



City Counselor

Attachment A.

		Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts																	
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	MU-1	C-O	C-1	C-2	C-3	M-1	M-2	
3. Commercial																			
B. Lodging	6. Short Term Rental of a Residence	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	P	P	P	P	P	SE <u>P</u>	SE <u>P</u>
	7. Short Term Rental of a Lodging Room	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	P	P	P	P	P	SE <u>P</u>	SE <u>P</u>

Scriveners Note: Inserted text shown as **thus**. Deleted text shown as ~~thus~~.

NOTICE OF PUBLIC HEARING ON PLANNING AND ZONING MATTERS

The City Council of the City of Jefferson, Missouri, will hold public hearings on the following planning and zoning matters on Monday, November 18, 2019 at 6:00 p.m. in the Council Chamber of the John G. Christy Municipal Building, 320 East McCarty Street, Jefferson City, Missouri.

- 1. TEXT AMENDMENT PERTAINING TO SHORT TERM RENTALS.** Staff initiated request to amend the text of Chapter 35, Zoning, to establish short term rental of residence and a short term rental of a lodging room as a permitted use (Rather than a Special Exception Use) in the residential and industrial zoning districts.

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request. Please call (573) 634-6410 with questions regarding these matters.

Emily Donaldson, City Clerk, City of Jefferson, Missouri

P.T. - Friday, November 1, 2019

For contact information only.
Department of Planning and Protective Services/Planning Division
320 East McCarty Street, Room 120, Jefferson City, Missouri 65101
Contact: Beth Sweeten
Phone (573) 634-6475 Fax (573) 634-6457

MINUTES

JEFFERSON CITY PLANNING AND ZONING COMMISSION

October 10, 2019

5:15 p.m.

COMMISSION MEMBERS PRESENT

Chris Jordan, Chairman
Dean Dutoi
Michael Lester
Blake Markus
Chris Yarnell, Vice Chairman
Bunnie Trickey Cotten
Michelle Mahoney
Dale Vaughan
Hank Vogt, Alternate
Penny Quigg, Alternate
Emily Fretwell, Alternate

ATTENDANCE RECORD

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COMMISSION MEMBERS ABSENT

Jack Deeken

0 of 2

COUNCIL LIAISON ABSENT

Carlos Graham, Council Liaison

STAFF PRESENT

Sonny Sanders, Director of Planning & Protective Services
Bryan Wolford, Associate City Counselor
Eric Barron, Planning Manager
Ian Zollinger, Planner
Ahanna Nanoski, Planner
Beth Sweeten, Administrative Assistant

Case No. P19019 – Zoning Code Text Amendment Pertaining to Short Term Rentals.

Request filed by city staff to amend the text of Chapter 35, Zoning, To establish short term rental of residence and a short term rental of a lodging room as a permitted use (Rather than a Special Exception Use) in the residential and industrial zoning districts.

Mr. Barron described the proposed amendment stating that City staff is requesting to amend the text of Chapter 35, zoning to establish short term rental of a residence and short term rental of a lodging room as a permitted use, rather than a Special Exception Use, in the residential and industrial zoning districts, which would result in an elimination of the special exception permit process for short term rental uses. Mr. Barron explained that to date, 9 total Special Exception Permit requests have been processed and 8 have been approved by the City Council. Several of the cases had a high level of concern from neighboring residents, however, a large number of those concerns were items already addressed within the Specific Use Standards in place for the use. He stated that the Special Exception Use Permit process, which is effective in identifying and addressing potential negative impacts, is proving to be largely ineffective as the impacts are largely addressed through the specific use standards. When reviewing individual properties for a short term residential use, planning division staff is finding it difficult to identify negative externalities that have a higher impact on surrounding properties as compared to other permitted uses within residential districts. For example, daycare homes for up to ten children are a permitted use of single family districts, and would be expected to have a higher level of impact on the residential area than a short term rental use. He stated that it has been staffs observation that, while there is a general high level of concern brought forward by surrounding property owners when a short term rental is proposed, the actual impact of such a use is low. Mr. Barron explained that the specific use standards already established for short term rental uses would remain in place, although removal of standard #1, which specifically refers to the special exception process, should be included in the proposal as it would become an irrelevant section of the zoning code.

Carla Kessell, 921 Fairmount Blvd, spoke in favor of the text amendment. She stated that she has family that utilizes short term rentals in cities around Jefferson City, because there are so few here, due to all the hoops that have to be jumped through. She has a couple of rentals that she would like to turn into short term rentals, but does not wish to go through the lengthy process. She stated that she does not believe that having a short term rental hurts the value of a neighborhood at all, if anything it improves it. She stated that people who have short term rentals are wanting to keep them clean and updated to attract renters.

No one spoke in opposition to this request.

Mr. Barron gave the staff report and staff recommendation.

Ms. Cotten moved and Mr. Dutoi seconded to approve the text of Chapter 35, Zoning, to establish short term rental of residence and a short term rental of a lodging room as a permitted use in the residential and industrial zoning districts, with the elimination of the specific use standard #1 in the short term rental specific use standards. The motion passed 8-0 with the following votes:
Aye: Cotton, Dutoi, Lester, Mahoney, Markus, Yarnell, Vaughan, and Vogt.

PLANNING STAFF REPORT
JEFFERSON CITY PLANNING AND ZONING COMMISSION
October 10, 2019

Case No. P19019 – Zoning Code Text Amendment Pertaining to Short Term Rentals. Request filed by city staff to amend the text of Chapter 35, Zoning, To establish short term rental of residence and a short term rental of a lodging room as a permitted use (Rather than a Special Exception Use) in the residential and industrial zoning districts. The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: www.jeffersoncitymo.gov.

Nature of Request

City staff is requesting to amend the text of Chapter 35, zoning to establish short term rental of a residence and short term rental of a lodging room as a permitted use, rather than a Special Exception Use, in the residential and industrial zoning districts.

History

The short term rental ordinance was adopted in 2017 in response to the growing trend of online listings of short term rentals in Jefferson City. A number of Specific Use Standards for the use were put in place at the same time, in an effort to address concerns and potential impacts associated with this new use.

Staff Analysis

To date 9 total Special Exception Permit requests have been processed and 8 have been approved by the City Council. Several of the cases had a high level of concern from neighboring residents, however, a large number of those concerns were items already addressed within the Specific Use Standards in place for the use. When reviewing individual propels for a short term residential use, planning division staff are finding it difficult to identify negative externalities that have a higher impact on surrounding properties as compared to other permitted uses within residential districts. For example, daycare homes for up to ten children are a permitted use of single family districts, and would be expected to have a higher level of impact on the residential area than a short term rental use.

It has been staffs observation that, while there is a general high level of concern brought forward by surrounding property owners when a short term rental is proposed, the actual impact of such a use is low. Traffic levels are typically one or two vehicle trips per nightly stay, below the typical traffic volume generated by a residence (especially one with multiple people of driving age). The establishment of a short term rental typically involves property upgrades, as the property owner wants to establish the use as a “good” and “attractive” place to stay for their potential customers. Common concerns associated with short term rental use, such as the number of people that are permitted, the availability of parking, fire/building safety concerns, and prohibition of parties or large gatherings, are addressed by the specific use standards.

The Special Exception Use Permit process, which is effective in identifying and addressing potential negative impacts, is proving to be largely ineffective as the impacts are largely addressed through the specific use standards. The Special Exception Permit process involves public hearings before the Planning and Zoning Commission and the City Council, with an approximate 3 month timeline between application submittal and final decision. Application costs associated with the Special Exception Permit for a short term rental are currently set at \$500 (which is lower than applications for commercial properties). Staff have received a number of comments from applicants that the costs associated with short term rental zoning approval are high.

Relation to Non-Residential Districts

Short term residential uses are, by definition, ancillary uses of residential uses. The establishment of these uses as “permitted” uses of the non-residential (commercial and industrial) districts merely recognizes that there are existing residential homes in these non-residential districts and that establishment of a short term residential use within these non-conforming homes is permitted.

Staff Recommendation:

Staff recommends approval of the zoning code amendment.

	Approve	Deny	Neutral
Staff Recommendation	X		

Form of Motion

Motion to approve the text of Chapter 35, Zoning, to establish short term rental of residence and a short term rental of a lodging room as a permitted use in the residential and industrial zoning districts.