

OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, August 11, 2020

7:00 p.m.

Call to Order

Those members present: William Snively, Richard Keebler, Carla Blackmar, Jason Bracken, Corey Watt, Steve Dana, and Shana Rosenberg.

Those members excused: None.

Staff members present: Sam Perry, Zachary Moore, and Christopher Conard.

Staff members excused: None.

Mr. Snively welcomed Mr. Steve Dana back to the Planning Commission.

Voice Roll Call took place.

Approval of Agenda

Mr. Dana made motion to approve the agenda. Mr. Watt seconded the motion. All were in favor.

Approval of the Minutes of June 9, 2020

Mr. Keebler made motion to approve the minutes as written. Ms. Rosenberg seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

There was none.

Mr. Snively inquired if Mr. Perry sees anyone having a motion to speak. Mr. Perry responded not at this time.

Reports from Commissions, Boards, Committees & Staff

Ms. Blackmar provided an update on the Oxford Parking and Transportation Advisory Board. Ms. Blackmar reported on the paving of Chestnut Street to include bike lanes, and excited of the support in the community to remove three blocks of on-street parking to make way for bike lanes as part of the restriping plan. Ms. Blackmar reported the Board was working well and were excited about the community and Council support. The Board will continue looking ahead at opportunities for street improvements for all modes of travel.

Mr. Watt provided an update that HAPC did not meet in August. Mr. Snively announced there was a CIC vacancy, and inquired of any interest? Ms. Rosenberg volunteered to be Planning's representative. Ms. Rosenberg spoke regarding HAC and their work session with City Council regarding the composition of the Commission. Ms. Rosenberg noted a lot of things were accomplished in the conversation. Mr. Bracken reported on the Environmental Commission and discussion regarding greenhouse gas inventory for the City and a Tree Fund fee.

New Business

PC-2020-08, ZONING CODE TEXT AMENDMENT, to amend multiple chapters of the Zoning Code, Bed & Breakfasts, Transient Guest Lodging, City of Oxford, Applicant

Mr. Dana made motion to enter into public hearing PC-2020-08. Ms. Blackmar seconded the motion. All were in favor.

Mr. Moore provided a staff report. Mr. Perry noted that Dr. Tremblay and Mr. Jordan McMaster who

were on the research team for the Oxford-Miami Short Term Rental Partnership, were present for this meeting.

Mr. Moore reported that this proposal was similar to the one presented on June 9, 2020. Mr. Moore shared that he would like to go through the key points again. Mr. Perry shared that three people were watching on YouTube. Mr. Moore shared the goal was to strike a balance between the community and the economic interests in town (hosts). Mr. Moore referred to the Economic Development Director comments in the report. Mr. Moore reported that this legislation would affect the zoning, business, and property maintenance codes, particularly affecting four different sections of the zoning code. Mr. Moore reviewed the current Bed & Breakfast and Short Term Rental definitions and the proposed definition of Bed & Breakfast and Transient Guest Lodging. Both of these Staff would like to have appear in the zoning code. Both are fairly similar to each other. Mr. Moore explained that the difference between the two is that a Bed & Breakfast is a principal use of the property and transient lodging is an accessory use for a principal use as a dwelling.

Mr. Watt and Mr. Bracken expressed concern about understanding the difference between the two. Discussion followed and Staff agreed to make a simple adjustment to the definitions' wording. Mr. Moore reviewed the definition of transients and having increased the number of days from 14 to 30. Mr. Moore reviewed staff proposals: Bed & Breakfasts would continue to be permitted on a conditional basis, (of course subject to review/approval by Planning Commission and City Council) in residentially zoned areas, with the exception that they would be prohibited in Neighborhood Conservation Overlay Districts. Transient Guest Lodging would be permitted inside any single-family, two-family, or three-family dwelling in the City, in compliance with certain standards. Mr. Moore reviewed standards proposed for B&B's: that new B&B's continue requiring conditional use approval in all residential zoning districts; maximums for number of days booked annually and total guest occupancy would be set by Council; each B&B would require an annual rental permit and registration, plus safety inspections once every two years; all previously approved B&B's would continue to be valid so long as permits are kept in good standing.

Mr. Moore reviewed the Transient Guest Lodging Standards: no more than one TGL unit in a single-family, two family or three-family structure; no more than one TGL booking at a time; TGLs are permitted administratively when booked no more than 90 cumulative days per year; TGLs booked more than 90 cumulative days per year require conditional use approval by City Council; each TGL would require an annual rental permit and registration, plus safety inspections once every two years. Mr. Snavelly asked Mr. Moore to explain what it meant by no more than one TGL booking at a time. Mr. Moore responded that no more than one guest contract at a time and it wouldn't mean people couldn't book in advance, just not overlap bookings. Ms. Blackmar inquired about renting multiple rooms in a large house. Mr. Moore responded that would be more like a Bed & Breakfast. Mr. Watt inquired if the primary purpose isn't a B&B but the structure had multiple rooms, would it be fair to say that it was not allowed (overlapping bookings)? Mr. Moore responded that we want to have reasonable restrictions. Discussion followed. Mr. Moore reviewed occupancy restrictions for TGLs and B&B's. Mr. Moore noted that again, Neighborhood Conservation Overlay Districts were restricted. Mr. Bracken inquired what may discourage someone from switching from a TGLs to a B&B. Mr. Moore responded time and money upfront to try for an approval so that may dissuade some. Ms. Blackmar inquired about TGL occupancy taxes. Mr. Moore responded that they do not currently have. Ms. Rosenberg noted that hospitality taxes applied to 5 beds or more.

Mr. Watt inquired if there was anyone already participating who were located in an overlay if they were grandfathered in. Mr. Snavelly inquired if they technically were illegal? Mr. Perry noted that City Council has directed Staff to not enforce the zoning code (to not enforce the conditional use). Discussion took place. Mr. Perry continued that should the code be adopted, current participants would be expected to get

a permit and be inspected in order to be legal. Mr. Watt inquired if this was only a privilege of the owner and not the tenant. Mr. Moore responded that the rental permits would have to specify unit(s) to be considered only as transient lodging. Mr. Perry responded that condominiums were called out in the zoning code, and that there were quite a few here in Oxford, and we do treat them differently. Discussion followed. Mr. Snively responded that this would be held for discussion later in this meeting, because yes potentially it could be a problem.

Mr. Moore reported that there was language included for an additional protective provision in the business code, giving the ability of the City to revoke a registration for B&B or TGL if deemed necessary.

Mr. Moore referred to having provided stakeholders the opportunity for comments on the City website in regards to the new code. Mr. Moore referred to those comments received and their concerns expressed. Some objections were to the 90 day maximum number for a permitted TGL as being too low. Mr. Moore reviewed possible alternatives to this number. Also received were objections to the one booking at a time restriction. Mr. Moore shared staff rationale and possible alternatives. Another objection was to the number of unrelated occupant restrictions. Concern was raised regarding the permit fee could be cost prohibitive for those who rent only a few days per year.

Mr. Moore found considerable variations between cities in how they chose to handle Airbnb's. Staff tried to find the simplest way to implement and enforce. Mr. Moore stated that Staff decided not to draw a distinction between a single-room rental or entire-house rental, or whether the owner was present during rental. Discussion followed. No public comments were received. Ms. Blackmar inquired about charitable organizations and hosting 5 days or less, requiring them to register. Ms. Blackmar asked that there be something available to simplify their process especially those in a charitable mode. Mr. Bracken asked Dr. Tremblay if he supported Staff's proposal. Dr. Tremblay responded that it was not for him to decide, stating he felt staff did a good job and that the Planning Commission has asked good questions and we don't know the perfect solution. Mr. Conard spoke and stated that he has been involved with other cities many times, and that there is no easy answer and there are variations to all of it. Mr. Conard encouraged the Planning Commission to recognize that and try not to get hung up on it. Staff will continue to monitor and if it doesn't work we can go back. Mr. Keebler spoke recalling an architect from long ago who said you can always improve the plan, but sooner or later you got to build the house. Mr. Keebler thinks the language is a good balance.

Mr. Dana made a motion to close the public hearing. Mr. Watt seconded the motion. All were in favor.

Mr. Watt responded that he felt this to be a really good plan; his only thing was to think about unintended consequences, specifically multiple owners within a structure (duplex, condo). Mr. Snively shared concern too of duplexes with two different owners, and they each wanting to rent out a room, and they should be able to do so. Mr. Keebler referred to those getting around the rules. Mr. Perry stated staff would look into condominium/duplex and their impact on short term rentals. Mr. Dana and Ms. Rosenberg spoke about the quality of the short term rental discussion since 2017. Ms. Rosenberg stated she liked the 90-day threshold.

Mr. Keebler made motion to approve PC-2020-08. Ms. Rosenberg seconded the motion. Mr. Bracken asked that an amendment be made that clarifies the definitions of Bed & Breakfast and Transient Guest Lodging to clarify the former as a principal use and the latter as an accessory use.

Decision Standards were reviewed.

A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
YES

B. The proposed amendment will improve the public health, safety and general welfare of Oxford. YES

- C. The proposed amendment will clarify the intent of the Code. YES
- D. The proposed amendment will better implement the intent of the Code. YES
- E. The proposed amendment will improve enforcement of the Code. YES

Mr. Snavelly thanked Staff, Mr. McMaster and Dr. Tremblay for all their work.

AYE: Mr. Keebler, Mr. Bracken, Mr. Dana, Ms. Rosenberg, Ms. Blackmar, Mr. Watt, Mr. Snavelly (7)

NAY: None

ABS: None

Adjournment

Mr. made motion to adjourn the meeting. Mr. seconded the motion. All were in favor. The meeting was adjourned at 8:27 p.m.