

**ITEM NO. 4 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 1321 NEW HAMPSHIRE ST (KEW)**

**SUP-18-00611:** Consider a Special Use Permit for a non-owner occupied short-term rental, located at 1321 New Hampshire St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Kern Inc on behalf of Rayna Burkhart, property owner of record.

**STAFF PRESENTATION**

Katherine Weik presented the item.

**APPLICANT PRESENTATION**

Rayna Burkhart said she inherited the property and was working to restore the home. She said she appreciated having the rental income to work on repairing it. She said she was currently living with her mother and she intended to move into 1321 New Hampshire after her mother passes away. She said Airbnb has a badge called a "super host" and a rating system. She said she had a 4.9 rating and was a "super host" on the Airbnb site. She said her neighbors supported her using the house as a short-term rental.

**PUBLIC HEARING**

Courtney Shipley said she had no concerns with 1321 New Hampshire but wondered how the number of unrelated people would be enforced.

**COMMISSION DISCUSSION**

McCullough said it was a challenge. He said staff had some abilities through comments, testimonies, and evidence from neighbors, as well as website information. He said it starts with a complaint, then grows into an evidence gathering phase, then contact with the Special Use Permit holder, and then pursuing compliance. He said occupancy limits were in place today.

Commissioner Willey wondered if it was possible to require as a condition for applicants to list on the advertising site, such as Airbnb, the occupancy level.

McCullough said it may be a technical challenge to include that on all platform websites. He said it was not currently required but it could be explored.

Commissioner Sands said he liked the idea of occupancy level requirements being listed as part of platform website advertisements.

McCullough said the applicant is required to sign off on the rental license that they understand the City Code related to occupancy.

Commissioner Sands said it would be valuable to have one combined map with non-owner occupied and owner occupied short-term rentals.

Crick said staff was working on a map.

**ACTION TAKEN**

Motioned by Commissioner Sinclair, seconded by Commissioner Paden, to approve the Special Use Permit, SUP-18-00611, for a non-owner occupied *Short Term Rental* use located at 1321 New Hampshire Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RS5 (Single-Dwelling Residential) District. The zoning district in this area is single-family residential; therefore, a maximum of 3 unrelated occupants are permitted per dwelling unit.
2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is four spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to four.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
4. Per Section 6-1304(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use application.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.