



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 15, 2020

Re: An Ordinance Establishing an Administrative Delay in Enforcement of Land Use and Business Regulations Related to Short-term Rentals

## Executive Summary

On June 1, 2020, Council tabled several ordinances pertaining to short-term rentals (STRs), and defeated an ordinance that would grant an administrative delay in enforcement of the proposed STR regulations if enacted. Staff has prepared a new administrative delay that would stay enforcement against STRs term rentals as an unauthorized land use and business in residential districts, provided they comply with other applicable laws, while the tabled ordinances are *pending*.

## Discussion

As discussed during Council's consideration of the several proposed regulatory ordinances, STRs (i.e., short-term home sharing using platforms such as Airbnb, VRBO, Flipkey, etc.) are not authorized business uses under the zoning regulations, particularly in residential districts and other districts that do not permit lodging, hotel, or bed-and-breakfast uses. The City acknowledges the existence of STRs within the community; however, while the City has been studying the regulation of STRs the enforcement of the City Code restrictions on their operation has been limited to complaint response. The impacts of the COVID-19 emergency, have delayed the ability of Council to obtain additional community feedback on the proposed regulations with further consideration of the draft regulations tabled until December 7, 2020.

Staff has prepared an ordinance that authorizes the City Manager to stay enforcement of zoning use regulations and business regulations against STRs until January 31, 2021. This stay in enforcement does not apply to nuisance laws, life-safety codes, or form and development controls in the Unified Development Code. Operators may be cited for overcrowding, peace disturbance, nuisance party, trash out early, parking violations, or other infractions, if applicable. The ordinance maintains the status quo, but does not confer any vested right for STRs to continue indefinitely should the Council determine to revoke the administrative delay or adopt regulations in the future to restrict operations.

## Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None



## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Economy, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
B348-19 Introduced December 2, 2019	Amending Chapter 29 – introduced December 2, 2019 – tabled to January 21, 2020; tabled to February 3, 2020; amended and tabled to March 16, 2020 – tabled to December 7, 2020
B22-20 Introduced January 21, 2020	Amending Chapter 13 and Chapter 26 – introduced January 21, 2020; tabled with B348-19 – tabled to December 7, 2020
B23-20 Introduced January 21, 2020	Amending Chapter 22- introduced January 21, 2020; tabled with B348-19 – tabled to December 7, 2020
B46-20 Introduced January 21, 2020	Establishing an Administrative Delay in Enforcement – defeated June 1, 2020

## Suggested Council Action

Approval of the ordinance.