



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 16, 2020

Re: Amending Chapters 29, 22, 26, and 13 in relation to Short-term Rentals

Executive Summary

Staff has prepared for Council consideration a consolidated draft of the amendments to Chapters 29 (Unified Development Code), Chapter 22 (Rental Conservation Law), and Chapter 13 and 26 (Business Licenses and Taxation). The Planning & Zoning Commission made recommendations regarding the Unified Development Code amendments following the Commission's public hearing on March 5, 2020.

Discussion

On February 3, 2020 the City Council conducted a continued public hearing on Short-term Rentals and made several amendments to the ordinance that had been presented to the Council in November 2019. The Council referred the amended ordinance to the Planning & Zoning Commission for further proceedings. The Commission conducted a public hearing on the amended ordinance on March 5, 2020.

Summary of Commission hearing:

Staff provided a report on the ordinance amendments and responded to the questions of Commissioners.

Six members of the public provided comments to the Planning & Zoning Commission related to the proposed ordinance. Of those, five expressed objections to the Chapter 29 amendments. The comments offered expressed concern with the level of protection the ordinance provides to neighborhoods, belief that Chapter 22 has sufficient requirements to address the impacts of STR's, that the regulations are too complicated, and that the maximum 95 day provisions were not appropriate.

After lengthy discussion, the Commission voted one in favor, eight against a motion to approve the consolidated draft with respect to the Chapter 29 amendments. The Commission's recommendation; therefore, is that the ordinance should be denied by a vote of 8-1.

Commissioner objections to the ordinance were varied and principally focused on the belief the ordinance was too complicated, provided regulation without protection of neighborhoods, and included standards that were situation-specific and not generally applicable (i.e. 95-day limited on un-hosted STRs and un-hosted STRs adjacent to owner-hosted STR).



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Additional comments offered by Commissioners indicated a belief that current Chapter 22 regulations were sufficient to address STRs and other existing Code provisions could address enforcement/nuisance issues, a concern relating to omission of limits on the conversion of multi-family structures to STR status, a concern with the interpretation of maximum occupancy limits when a host is present, and a belief that too many “administrative approval” options were proposed in place of the Conditional Use Permit process intended to ensure neighborhood protections. A full transcript of the public’s and Commissioner’s comments has been captured in the attached meeting minutes.

Following the Commission’s recommendation on the consolidated ordinance, there was additional discussion on the potential of providing Council with possible recommended revisions to it. After significant debate, Commissioners were unable to arrive at consensus on making particular amendments to the ordinance or recommending approval subject to any stated modifications. Instead, the Commission voted 5-4 in favor of a motion requesting that the Council return the ordinance to the Commission for a more deliberate review of the revisions proposed by Council as shown in the February 3 consolidated ordinance.

The Planning and Zoning Commission staff report, February 3, 2020 Consolidated Ordinance, public correspondence, and meeting minutes excerpts are attached.

Fiscal Impact

Short-Term Impact: Administration and enforcement of the ordinances will demand staff time which will be offset by additional fees: Certificate of Compliance fees, an enforcement surcharge on the business licenses, and additional lodging taxes are projected.

Long-Term Impact: Potential increase in staffing for administration and enforcement. Costs may be off-set by fee collections.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Public Safety, Secondary Impact: Economy, Tertiary Impact: Social Equity

[Comprehensive Plan Impacts:](#)

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Economic Development



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Legislative History

Date	Action
2/3/20	B348-19 amended and remanded to Planning Commission for review
1/21/20	Tabled B348-19. Staff directed to prepare amendments sheets
1/6/20	Council Work Session
12/02/19	Tabled B348-19
11/18/19	Introduced Ordinance Amending Chapter 29 (B348-19)

Suggested Council Action

The Planning & Zoning Commission, by a vote of 8-1, recommends *denial* of the Short-term Rental amendments to Chapter 29. The Commission recommended by a vote of 5-4 returning the ordinance to the Commission for further proceedings.