



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: An Ordinance Extending an Administrative Delay in Enforcement Related to Short-term Rentals

Executive Summary

On July 6, 2020, Council approved an administrative delay that would stay enforcement against short term rentals as an unauthorized land use in residential districts, provided they comply with other applicable laws, while several tabled ordinances were pending. The short-term rental ordinances were withdrawn from Council's agenda on December 7, 2020 with tentative plans to revisit the topic with a new approach in May 2021. Staff has prepared a further extension of the administrative delay from its expiration date of January 31, 2021 until July 31, 2021.

Discussion

As discussed during Council's consideration of several proposed regulatory ordinances, short-term rentals (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 Council had approved an ordinance that authorizes the City Manager to stay enforcement of zoning use regulations against short-term rentals until January 31, 2021. Attached for Council consideration is an ordinance extending the administrative delay from its scheduled expiration until July 31, 2021. The extension allows for development of a new process for short-term rental regulations during the intervening months. 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 also does not create any vested right for short-term rentals to continue indefinitely should the Council adopt restrictive regulations in the future.

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 12/02/2019	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 01/21/2020	Amending Chapter 13 and Chapter 26 – introduced January 21, 2020; tabled with B348-19 – tabled to December 7, 2020
B23-20 Introduced 01/21/2020	Amending Chapter 22- introduced January 21, 2020; tabled with B348-19 – tabled to December 7, 2020
B46-20 Introduced 01/21/2020	Establishing an Administrative Delay in Enforcement – defeated June 1, 2020
Ord. #024284 Passed 07/07/2020	An ordinance establishing an administrative delay in the enforcement of land use and business regulations related to short-term rentals.

Suggested Council Action

Approval of the ordinance.