



City of New Buffalo
224 W. Buffalo Street
New Buffalo, MI 49117
SPECIAL COUNCIL MEETING AGENDA
October 4, 2021 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda
City Council Minutes: September 20, 2021 (Regular Meeting)
6. City Manager Presentation
7. Public Comment
8. Old Business
 - a. Review and discussion of proposed Zoning Amendment Ordinances
9. New Business
 - a. Retaining of Special Counsel (Straub, Seaman & Allen)
 - b. City of New Buffalo Proposed Zoning Ordinance Amendment (Proposals A and B) – First Reading
10. Council Comments
11. Adjournment

Call to Order at 6:30 p.m.

Pledge of Allegiance

Roll Call: Council member Flanagan, O'Donnell, Robertson, Lijewski, Mayor Humphrey

Staff Present: City Manager, Darwin Watson; City Clerk, Amy Fidler; Deputy Clerk, Nancy Griffin

Approval of Agenda: Motion by Robertson, seconded by Flanagan to approve the agenda:

Voice Vote. Motion Carried.

Approval of Consent Agenda: Motion by O'Donnell, seconded by Humphrey to approve the consent agenda with removing the special City Council meeting minutes on August 31, 2021:

Roll Call Vote:

AYES: O'Donnell, Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

Approval of Special City Council Meeting Minutes August 31, 2021: Motion by Flanagan, seconded by Lijewski to approve the August 31, 2021 special city council meeting minutes.

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED: O'Donnell

Motion Carried, 4-0.

Public Comment:

Mary Rose Denton

Deb Kennedy

Diane Pyshos

Bart Goldberg

John Bricker

Julie Barr

Donna Messinger

James Kramer

Adam Tynowski

Bill Conway

Ryan Nofziger

New Business

Jess Bryar

Sharon Kelly

Steve Jones

Pete Weber

- a. **New Buffalo Recreational Authority Appointees:** Motion by Flanagan, seconded by Lijewski to approve the recommended appointments of Jack Kennedy and City Manager, Darwin Watson to represent the City of New Buffalo on the New Buffalo Area Recreation Authority for terms of three (3) years each:

Roll Call Vote:

AYES: Flanagan, O'Donnell, Lijewski, Robertson, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

- b. **Water Plant Intake Cleaning:** Motion by Flanagan, seconded by O'Donnell to approve payment to L&M Fab Tech for inspection and cleaning of water plant intake in the amount of \$17,400:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, O'Donnell, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

- c. **Zoning Ordinance Review and Update – Community Engagement Services:** Motion by Flanagan, seconded by Lijewski to approve the zoning ordinance review and update - community engagement services from Houseal Lavigne in the amount of \$5,150:

Roll Call Vote:

AYES: Robertson, O'Donnell, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

- d. **Planning Commission Request Resolution:** Motion by O'Donnell, seconded by Robertson to **deny** the resolution going to the Planning Commission and cancel the Special Planning Commission Meeting September 21, 2021:

Roll Call Vote:

AYES: O'Donnell

NAYES: Robertson, Lijewski, Flanagan, Humphrey

ABSENT:

ABSTAINED:

Motion Failed, 4-1.

Planning Commission Request Resolution: Motion by Humphrey, seconded by Flanagan to **approve** resolution to refer a proposed zoning ordinance amendment addressing short-term rentals to the Planning Commission for consideration and comment at its meeting on September 21, 2021:

Roll Call Vote:

AYES: Flanagan, Robertson, Lijewski, Humphrey

NAYES: O'Donnell

ABSENT:

ABSTAINED:

Motion Carried, 4-1.

e. City of New Buffalo Code of Ordinances Amendment – Chapter 16 (First Reading): Motion by Humphrey, seconded by Robertson to approve the first reading of amendment to Chapter 16; Section 16-1 of the City of New Buffalo Code of Ordinances - Sewers and Sewage Disposal:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, O'Donnell, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

f. City of New Buffalo Code of Ordinances Amendment – Chapter 23 (First Reading): Motion by Robertson, seconded by Lijewski to approve the first reading of amendment to the City of New Buffalo Code of Ordinances – Addition of Chapter 23 (Rental Housing):

Roll Call Vote:

AYES: Lijewski, Robertson, O'Donnell, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

Dan Peterson gave a Pokagon Fund update.

Council Comments:

Mayor Humphrey and Councilman O'Donnell made comments expressing their views on short-term rentals.

Mayor Humphrey then addressed misinformation on social media.

Adjournment:

Motion by Humphrey, seconded by Flanagan to adjourn the meeting at 8:07 p.m.

Roll Call Vote:

AYES: Flanagan, O'Donnell, Robertson, Lijewski, Humphrey

NAYES:

ABSENT:

ABSTAIN:

Motion Carried, 5-0.

af

John Humphrey, Mayor

Ann M. Fidler, City Clerk

DRAFT

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 2-3, 6-2, 7-2, AND 8-2, AND ADD A NEW SECTION 20-8 TO THE NEW BUFFALO ZONING ORDINANCE TO PROHIBIT NEW SHORT-TERM RENTALS IN THE R-1, R-2, AND R-3 ZONING DISTRICTS

WHEREAS, in April 2019, the City Council adopted an ordinance requiring the registration and inspection short-term rental units within the City; and

WHEREAS, since enacting the ordinance, City staff has studied the registration statistics and the density of short-term rentals; and

WHEREAS, after extensive study of the proliferation and effects of short-term rental uses, the City Council has determined that if current trends were allowed to continue, short-term rental uses could undermine the character and stability of neighborhoods in certain districts by, among other things:

1. Decreasing the number of long-term residents;
2. Decreasing enrollment in local schools;
3. Decreasing the availability of long-term housing stock, thereby driving up prices and making long-term residency less affordable;
4. Creating significant numbers of vacant homes in the winter months; and
5. Increasing levels of noise, traffic, and on-street parking during the summer tourist season.

WHEREAS, in a series of recent cases, Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the zoning ordinance to curb the proliferation of short-term rental uses in certain zoning districts characterized by single-family residential neighborhoods, and to otherwise mitigate potential adverse effects of new short-term rentals.

The City of New Buffalo ordains:

Section 1. Amendment. Section 2-3 of the New Buffalo Zoning Ordinance is amended to add the following definitions of “Short-Term Rental Activity” and “Short-Term Rental Unit,” which shall appear between the definitions of “Shopping Center” and “Sign,” and to amend the definition of “Dwelling Unit” so that it reads in its entirety as indicated below. Except as expressly modified herein, the remainder of Section 2-3 is reenacted in full:

Short-Term Rental Activity. The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health care related clinic, or dwelling units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

Short-Term Rental Unit. A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this ordinance and Chapter 11 of the City Code.

Dwelling Unit. A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit may be used as a short-term rental unit

when licensed pursuant to Chapter 11 of the City Code and when either: (1) short-term rentals are not prohibited in the zoning district where the property is located; or (2) the short-term rental unit is established as nonconforming and operating in compliance with the regulations in Section 20-8.

Section 2. Amendment. Sections 6-2, 7-2, and 8-2 of the New Buffalo Zoning Ordinance are amended to read as follows:

Sec. 6-2. Uses permitted by right.

A. Land and/or buildings in the R-1 District may be used for the following purposes by right:

1. Single-family detached dwelling units.
2. Accessory uses pursuant to Section 3-2.
3. Home occupations pursuant to Section 3-26.
4. State-licensed residential care family facilities.
5. State-licensed family day-care centers.
6. Municipal parks.

B. Short-term rental units are prohibited in the R-1 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Sec. 7-2. Uses permitted by right.

A. Land and/or buildings in the R-2 District may be used for the following purposes by right:

1. Single-family detached dwelling units.
2. Two-family dwelling units.
3. Accessory uses pursuant to Section 3-2.
4. Home occupations pursuant to Section 3-26.
5. State-licensed residential care family facilities.
6. State-licensed family day-care centers.
7. Municipal parks.

B. Short-term rental units are prohibited in the R-2 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Sec. 8-2. Uses permitted by right.

A. Land and/or buildings in the R-3 District may be used for the following purposes by right:

1. Multiple-family dwelling units, including single-family attached dwelling units, and apartment buildings.
2. Single-family detached dwelling units.
3. Accessory buildings and uses associated with the above permitted uses, including:
 - a. Automobile garages.
 - b. Health club facilities intended primarily for residents of the residential complex.
 - c. Recreational facilities intended exclusively for residents of the residential complex such as pools and tennis courts and other similar uses.
 - d. Community center building.

Accessory buildings shall also comply with regulations contained in Section 3-2 of this ordinance. As provided in Section 8-3, carports are permitted in the R-3 District by special use permit only.

4. Home occupations pursuant to Section 3-26.
5. State-licensed residential care family facilities.
6. State-licensed family day-care centers.
7. Municipal parks.
8. Public utility or service buildings, not requiring the outdoor storage of materials.

- B. Short-term rental units are prohibited in the R-3 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Section 3. Addition. Section 20-8 of the New Buffalo Zoning Ordinance is added to read as follows:

Sec. 20-8. Nonconforming short-term rental units.

- A. *Nonconforming short-term rental units permitted*. Short-term rental units that existed and were registered under Chapter 11 of the Code of Ordinances as of October , 2021, the effective date of the amendment creating this section, may be continued as nonconforming uses so long as they conform to the regulations provided herein.

- B. *Regulations*. Notwithstanding any other provision of this ordinance:

1. The ability to operate a nonconforming short-term rental unit is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located.

However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in section 20-5.

The ability to operate a nonconforming short-term rental unit is not impaired by any transfer of ownership or control of the property, unless the right to continue operating a short-term rental unit is later deemed abandoned by the new owner subsection B.3 below. New owners are responsible for obtaining renewal permits in accordance with the processes provided in Chapter 11 of the Code of Ordinances.

3. A short-term rental unit shall be deemed abandoned if: (a) the short-term rental permit for the property expires, terminates, or becomes invalid, and (b) a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.
4. Notwithstanding subsection B.3, the ability to operate a nonconforming short-term rental unit is not impaired by the demolition of the structure in which the use is located, so long as:
 - a. There is a valid short-term rental permit in effect at the time of the demolition, and
 - b. A short-term rental permit is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section 4. Publication and Effective Date. The City Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the New Buffalo City Council held on _____, 2021.

John Humphrey, Mayor

Ann M. Fidler, City Clerk

DRAFT

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 2-3 AND 6-2, AND ADD A NEW SECTION 20-8 TO THE NEW BUFFALO ZONING ORDINANCE TO PROHIBIT NEW SHORT-TERM RENTALS IN THE R-1 ZONING DISTRICT

WHEREAS, in April 2019, the City Council adopted an ordinance requiring the registration and inspection short-term rental units within the City; and

WHEREAS, since enacting the ordinance, City staff has studied the registration statistics and the density of short-term rentals; and

WHEREAS, after extensive study of the proliferation and effects of short-term rental uses, the City Council has determined that if current trends were allowed to continue, short-term rental uses could undermine the character and stability of neighborhoods in certain districts by, among other things:

1. Decreasing the number of long-term residents;
2. Decreasing enrollment in local schools;
3. Decreasing the availability of long-term housing stock, thereby driving up prices and making long-term residency less affordable;
4. Creating significant numbers of vacant homes in the winter months; and
5. Increasing levels of noise, traffic, and on-street parking during the summer tourist season.

WHEREAS, in a series of recent cases, Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the zoning ordinance to curb the proliferation of short-term rental uses in the R-1 zoning district, which is characterized by single-family residential neighborhoods, and to otherwise mitigate potential adverse effects of new short-term rentals.

The City of New Buffalo ordains:

Section 1. Amendment. Section 2-3 of the New Buffalo Zoning Ordinance is amended to add the following definitions of “Short-Term Rental Activity” and “Short-Term Rental Unit,” which shall appear between the definitions of “Shopping Center” and “Sign,” and to amend the definition of “Dwelling Unit” so that it reads in its entirety as indicated below. Except as expressly modified herein, the remainder of Section 2-3 is reenacted in full:

Short-Term Rental Activity. The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health care related clinic, or dwelling units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

Short-Term Rental Unit. A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this ordinance and Chapter 11 of the City Code.

Dwelling Unit. A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit may be used as a short-term rental unit

when licensed pursuant to Chapter 11 of the City Code and when either: (1) short-term rentals are not prohibited in the zoning district where the property is located; or (2) the short-term rental unit is established as nonconforming and operating in compliance with the regulations in Section 20-8.

Section 2. Amendment. Section 6-2 of the New Buffalo Zoning Ordinance are amended to read as follows:

Sec. 6-2. Uses permitted by right.

A. Land and/or buildings in the R-1 District may be used for the following purposes by right:

1. Single-family detached dwelling units.
2. Accessory uses pursuant to Section 3-2.
3. Home occupations pursuant to Section 3-26.
4. State-licensed residential care family facilities.
5. State-licensed family day-care centers.
6. Municipal parks.

B. Short-term rental units are prohibited in the R-1 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8..

Section 3. Addition. Section 20-8 of the New Buffalo Zoning Ordinance is added to read as follows:

Sec. 20-8. Nonconforming short-term rental units.

A. *Nonconforming short-term rental units permitted*. Short-term rental units that existed and were registered under Chapter 11 of the Code of Ordinances as of October 1, 2021, the effective date of the amendment creating this section, may be continued as nonconforming uses so long as they conform to the regulations provided herein.

B. *Regulations*. Notwithstanding any other provision of this ordinance:

1. The ability to operate a nonconforming short-term rental unit is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located.
However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in section 20-5.
2. The ability to operate a nonconforming short-term rental unit is not impaired by any transfer of ownership or control of the property, unless the right to continue operating a short-term rental unit is later deemed abandoned by the new owner pursuant to subsection B.3 below. New owners are responsible for obtaining renewal permits in accordance with the processes provided in Chapter 11 of the Code of Ordinances.
3. A short-term rental unit shall be deemed abandoned if: (a) the short-term rental permit for the property expires, terminates, or becomes invalid, and (b) a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.
4. Notwithstanding subsection B.3, the ability to operate a nonconforming short-term rental unit is not impaired by the demolition of the structure in which the use is located, so long as:
 - a. There is a valid short-term rental permit in effect at the time of the demolition, and
 - b. A short-term rental permit is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section 4. Review after Implementation. Not later than November 1, 2023, City staff shall provide a report to the Planning Commission regarding the number of registered short-term rentals in each zoning district in the City. After receiving such report, the Planning Commission may evaluate whether the implementation of this ordinance has achieved its intent and what, if any, amendments should be made.

Section 5. Publication and Effective Date. The City Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

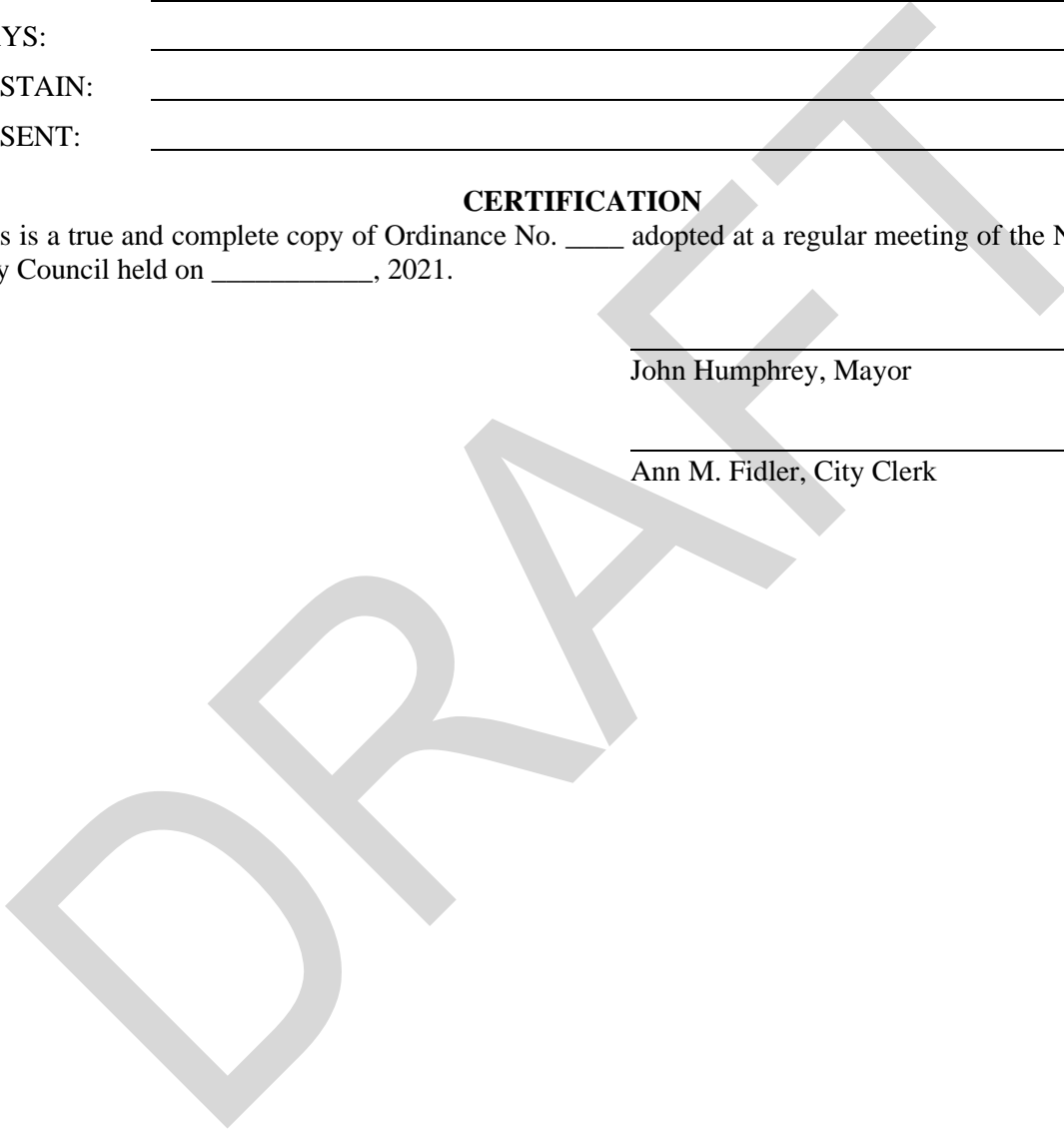
ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the New Buffalo City Council held on _____, 2021.

John Humphrey, Mayor

Ann M. Fidler, City Clerk





TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 4, 2021

RE: Retaining of Legal Services – Straub, Seaman & Allen

ITEM BEFORE THE COUNCIL:

Engagement of Straub, Seaman & Allen for special legal counsel for the City of New Buffalo

DISCUSSION:

The City of New Buffalo received correspondence from Goldstar Law firm representing the interests of a former employee. The information was submitted to Michigan Municipal Risk Management Authority (MMRMA), the city's General Liability and Worker's Compensation Insurance provider. MMRMA advised City Attorney Curcio that the potential claims would fall outside of the coverage of its policies. Attorney Curcio notified City Manager Watson that any resulting litigation would be outside his area of expertise. Attorney Curcio recommended and contacted the law firm of Straub, Seaman & Allen to inquire of their interest in representing the city. Attorney Straub has agreed to represent the city in the event of litigation. Due to the urgent nature of this matter, retention of outside legal counsel is necessary.

RECOMMENDATION:

That the New Buffalo City Council approves the engagement and retention of Straub, Seaman & Allen for special legal counsel for the City of New Buffalo.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 4, 2021

RE: City of New Buffalo Short-Term Rental (STR)
Zoning Ordinance Amendment - 1st Reading

ITEM BEFORE THE COUNCIL

Proposed first reading of two alternative proposals (Proposals A and B) to amend the New Buffalo Zoning Ordinance to prohibit new short-term rentals in designated residential districts, and to regulate existing residential uses in those districts as lawful nonconforming uses. Specifically, Proposal A would prohibit new short-term rentals in the R-1, R-2, and R-3 districts, and Proposal B would prohibit new short-term rentals only in the R-1 district.

DISCUSSION

In May 2020, the City of New Buffalo instituted a moratorium on new short-term rentals (“STRs”) within the City’s boundaries. The purpose of the moratorium was to allow the City to develop the necessary framework to allow for operation and regulation of STRs. Since the implementation of the moratorium, the City has made significant strides to that end. To date, the City has adopted revisions to its STR regulatory ordinance, created a department to handle the administration of STRs, and secured a consultant to review and updating its zoning ordinance.

Currently, the City is in the process of developing zoning regulations needed to define and establish STRs as an allowable land use. To that end, on September 15, the Planning Commission held a public hearing on two alternative proposals to control the saturation of STRS in the City. At a later meeting on September 21, at the request of the City Council, the Planning Commission took an up-or-down vote on the two proposals and recommended that the City Council decline to adopt either. As an advisory body, the Planning Commission’s action on the proposals is just a recommendation. The City Council now has the option of considering both proposals, and of potentially adopting one of the proposals pursuant to the two-step adoption process outlined in the City Charter. Council’s actions thus far suggest that Council may wish to do so despite the Planning Commission’s recommendation to the contrary. If so, the first step in that process is to “introduce” either Proposal A or Proposal B for a first reading, as required by the City Charter.

To further explain the details of the two proposals, Proposal A would:

1. Provide that short-term rental activity is generally allowed in single-family and other dwelling units, subject to the regulations contained in the City Code.
2. Prohibit new short-term rental units in the R-1, R-2, and R-3 districts.

3. Provide that new short-term rentals would continue to be allowed in all other zoning districts that contain dwelling units.
4. Regulate existing short-term rentals in the R-1, R-2, and R-3 districts as legally nonconforming uses.
5. Create a new nonconforming use section that would treat nonconforming STRs a bit differently than other nonconforming uses in the City, in that it would allow the making of modifications, improvements, or repairs to the structure or land where the use is located. This is based on language from other communities that have employed similar concepts. It is designed to mitigate any potential impacts of a home's nonconforming status with respect to issues such as resale and resale related financing.
6. Provide that if a property owner in the R-1, R-2, or R-3 districts fail to renew a rental permit within a year of expiration (or within 6 months after the end of a revocation period), the short-term rental use is deemed abandoned.

Proposal B is nearly identical to Proposal A, except that it:

1. Prohibits new STRs in the R-1 district only.
2. Requires staff to provide a report to the Planning Commission regarding the number of STRs in each zoning district, so that the City may evaluate whether the implementation of this ordinance has achieved its intent and what, if any, amendments should be made.

Both during and after the Planning Commission meeting on September 21, staff has received feedback on the proposals from Planning Commissioners, Council members, and others. **Based on that feedback, staff recommends that the Council strongly consider introducing Proposal A, as opposed to Proposal B.** The reason for this is that some have expressed concern that allowing unlimited numbers of new permits in the R-2 and R-3 districts may be too much too soon. Proposal A would continue to freeze the existing number of permits in those districts and would allow the City to continue to consider whether and how to issue additional permits in the future. In particular, the City could consider this issue in conjunction with the overall zoning ordinance review that was recently initiated. During that review, the zoning consultant, Planning Commission, and City Council could work together to identify locations in the R-1, R-2 and R-3 districts that are most appropriate for the addition of new STRs. For example, it could reasonably be concluded that properties located near the beach are better suited for new STRs than those that are more inland. After making such determinations, the City could rezone some properties that are currently in the R-1, R-2, or R-3 districts into different zoning classifications that allow new STRs. This would allow a gradual and measured increase in STRs and prevent the sudden rush for STR permits that might occur in the R-2 and R-3 districts if Proposal B is adopted.

If the Council is amenable to staff's recommendation of Proposal A, staff would also recommend the following additional modifications to that proposal, which have been suggested in various discussions over the past few weeks:

Proposed Modifications:

- A. Include a new Section 4 to the amendatory text, similar to that in Proposal B, that provides:
Review after Implementation. Not later than November 1, 2022, City staff shall provide a report to the Planning Commission and City Council regarding the number of registered STRs in each zoning district in the City. After receiving such report, the Planning Commission and

City Council may evaluate whether the implementation of this ordinance has achieved its intent and what, if any, amendments should be made.

- B. Modify Section 20-8(B)(3) of the proposed ordinance text to include language that deems an STR unit to be abandoned if no STR reservation summary is filed with the City for a period of one year or more, such that Section 20-8(B)(3) would read in its entirety:

A short-term rental unit shall be deemed abandoned if either of the following transpire:

- (a) The short-term rental unit is not rented for one or more short-term rental terms within a period of 12 months. The failure to submit a short-term rental reservation summary for the unit, as required by Section 11-4 of the City Code, for a period of one year or more shall constitute conclusive evidence of abandonment pursuant to this subsection.
- (b) The short-term rental permit for the property expires, terminates, or becomes invalid and a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; or (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.

RECOMMENDATION

In sum, if Council is interested in continuing to pursue an amendment to the zoning ordinance to curtail the proliferation of new short-term rentals, and is in agreement with the suggestions contained in this memo, Council should consider the following motion:

Motion to introduce STR Zoning Ordinance Proposal A for first reading, and to direct staff to make the 2 modifications outlined in the staff memo prior to the Council's consideration of the Proposal for final adoption.