



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Alex Cameron, Planning Supervisor
Date: September 22, 2022
Subject: Proposed PDO Amendments to Address Short Term Rentals and Permit Revocation

This memo supplements the staff report prepared for the Planning and Zoning Board's 09/06/22 public hearing. Please see that report for a more detailed description of the proposed text amendments.

On 09/01/22 a public hearing was held by the Planning and Zoning Board to take comments on the proposed PDO text amendments related to establishing regulations for short term rentals and permit revocation. The public hearing was attended by approximately 329 persons. After several hours of comments involving 50 speakers, both in favor and opposed, the Board took up initial discussion on the proposed amendments. An initial motion was rejected (5-3) to not approve a recommendation of the proposed PDO amendments submitted for consideration. Also, for sake of time and being able to make a recommendation back to Council, the Planning and Zoning Board moved to not take action on the Homestay aspects of the proposed amendments. Due to the length of the meeting, the meeting was continued by the Board to 09/06/22. For more information, please see the meeting videos or the draft meeting minutes in Novus Agenda.

The sections below provide a brief description of the Planning and Zoning Board's action on the PDO amendments by section.

Section 4.2.12 Revocation of Development Permit

P&Z approved the proposed amendments to Section 4.2.12 and 10.2 as part of one motion.

During the discussion adding a "cease and desist order" and removal of incomplete construction elements was discussed. The Village's development codes do provide the ability to issue stop work orders so adding a cease and desist is not necessary. There is not however clear language in the PDO for site restoration or removal of incomplete building elements and this is situation that has occurred on a small number of properties and could potentially be addressed with a PDO amendment. Staff will have to continue to research ways to potentially address these situations.

Section 10.2 Definitions

Some concern was raised about the ability to enforce the proposed 14 day grace period and what type of tracking system might be established for such purposes. Staff would address the situation as a potential use violation and once made aware of the situation would open a compliance investigation similar to how other use violations are addressed.

Section 8.5 Table 8.51a Table of Permitted and Special Uses and Special Requirements

P&Z discussed various aspects of not including STRs in single family neighborhoods as proposed by Council. Also discussed was including STR's in other zoning districts that permitted mixed-use development and multiple family uses. Ultimately P&Z approved a motion (5-3) to add STRs as permitted uses in all the single family residential zoning districts as well as NC Neighborhood Commercial, OP Office and Professional, VCP Village Cottage Professional, and VR Village Residential. Staff's assessment of the P&Z recommendation is that a majority felt that the regulations proposed with SR-9 along with the recent Municipal Code changes could address many of the issues raised by the public and represented a compromise between prohibition and reasonable land use regulation.

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements – SR-9 Short Term Rental

P&Z unanimously approved creation of proposed SR-9 that creates special development requirements for short term rentals. During discussion P&Z proposed various minor edits to the SR as well as adding Item 16 requiring conspicuous posting within the STR of the contact information and rules. P&Z also recommended for Item 13 removing "large gatherings" and capitalizing Special Events to be consistent with PDO definition. Concern was raised that there was not a definition of what constitutes a large gathering and therefore issues with enforceability.

Comprehensive Plan Consistency

P&Z approved (6-2) that the proposed amendments are consistent with the 2019 Comprehensive Plan.

Conclusion

As there are some significant differences between the Council proposed text amendments forwarded to P&Z for review and what ultimately P&Z recommended to Council, staff has created and included in Novus Exhibit B. Exhibit B, incorporates the Planning and Zoning Boards recommendations to indicate how the proposed amendments would be structured should Council adopt the P&Z recommendation, which major changes are the permitted use table and minor edits to SR-9 Short Term Rental along with removal of "Homestays" at this time. P&Z would certainly be willing to take up further discussion Homestays and provide a recommendation to Council in that regard.