



DATE: December 18, 2019
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Zoning Ordinance Amendment
Articles 3, 4, 9 & 10 – Related to the short-term rentals.

SUGGESTED ACTION

Planning staff to conduct additional research and public involvement. Bring back updated policy recommendations to Planning Commission in January.

ISSUE

Planning staff was tasked with researching policy implications and trends for regulating the emerging short-term rental market in our community. While we are not ready to proceed with an amended zoning policy, planning staff would like to present the attached working draft and facilitate a discussion about our preliminary findings.

Attachments:

Ordinance markup. (Deletions shown in ~~stricken text~~. Additions indicated by double underline.)

ARTICLE 6.

GENERAL PROVISIONS

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Section 607. Requirements for Customary Home Occupations.

In addition to the limitations imposed on "Customary Home Occupation" under "Article 3, Definitions", the following requirements shall be met:

Commented [KA1]: What is the administrative burden for collecting occupation tax, process for collecting for hotel / motel tax?

1. The home occupation shall be carried on only by a member or members of the family residing in the residence.
2. To the extent that there is any sale of any item or service related to the home occupation, no sale of that item **or service may occur on or adjacent to the premises unless this use has been granted a Special Use Permit** by the City Council after receiving recommendations from Planning Commission and following a public hearing.
3. The home occupation shall not involve group instruction or group assembly of people on the premises.
4. There shall be no exterior evidence of the conduct of a home occupation and shall be conducted only within the enclosed living area of the home (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
5. **The conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase either on-street or off-street parking.**
6. No equipment may be utilized or stored in the conduct of the home occupation except that which is normally used for purely domestic or household purposes. Said items may only be those produced on the premises or incidental supplies necessary for and consumed in the conduct of the home occupation. Samples, however, may be kept on the premises but neither sold nor distributed from the residence.
7. **There shall be no signs advertising the home occupation.**
8. ~~With the exception of~~**Except short-term rentals, n**No more than 25 percent of the dwelling unit may be used for conducting the home occupation.
9. One business vehicle used exclusively by the resident is permissible. This vehicle must be parked in a carport, garage, side yard, or rear yard. This vehicle shall be no larger in size than a pick-up truck, panel truck, or van, nor have a carrying capacity of more than one and one-half tons.
10. The home occupation shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio, or television interference, voltage fluctuations or unhealthy or unsightly conditions; (Whether the disturbance is sufficient to invoke the prohibition of this section shall be determined by comparing the occupation caused disturbance to noises, smoke, odors, etc., that are commonly found in a residential neighborhood, such as children playing, yard maintenance, tools, etc.)
11. Accessory home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;
12. All home occupations shall be subject to the periodic inspections by the Department of Planning and Development or its designee;

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- 13. The Department of Planning and Development must approve all businesses/occupational/home occupational licenses which shall be recertified annually;
- 14. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express, etc.) and must not restrict traffic circulations;
- 15. Deliveries to the home occupation through tractor-trailers or vehicles with over six wheels shall be prohibited;
- 16. The following uses shall be permitted provided they meet the above standards.
 - i. Instructional, dance, or tutoring services within an enclosed building, but limited to four pupils at one time.
 - ii. Arts and crafts, artistic studios, including painting, sculpture, composing, writing, and related crafts such as weaving, rug work, dressmaking, canning, baking, and lapidary.
 - iii. Office service, including word processing, book keeping, transcribing, data entry, and telephone answering services.
 - iv. Barber and beauty shops. Said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. All local and state licenses as well as any other necessary permits must be obtained prior to the business being open. The business shall consist of no more than one beauty/barber chair, and no more than two customers shall be permitted at one time.

v. **The accommodation of no more than two (2) boarders or roomers.**

vi. The care of not more than six (6) children for compensation.

17. Short-Term Rentals must meet the following above guidelines as well as those outlined below to be considered for a Customary Home Occupation.

i. Shall be equipped with combination smoke/carbon monoxide detectors

ii. Shall pass a safety inspection

17-18. A customary home occupation specifically does not include the following:

i. Florist or flower shop

ii. Tearooms and restaurants

~~iii. Tourist homes, boarding houses, or rooming houses~~

~~iv-iii. Fish hatcheries, worm farms, or bait houses~~

~~v-iv. Convalescent and nursing homes~~

~~vi-v. Kennels and animal hospitals~~

~~vii-vi. Clinics and hospitals~~

~~viii-vii. Retail Sales~~

~~ix-viii. Firewood sales.~~

18-19. Other similar uses as approved by the Director, Planning and Development.

Commented [KA2]: Conflict? Occupancy restrictions covered in International Residential Code or International Property Maintenance Code

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Commented [KA3]: Licensing requirements (in city code?)
 1. Proof of insurance, certify statement that homeowners insurance does not prohibit
 2. Certify statement that deed restrictions/covenants don't prohibit
 3. Background check
 4. Register local contact
 5. Certificate of occupancy approved by the building department

Commented [KA4]: Use international residential code or international property maintenance code,

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Commented [KA5]: Seems original intent of the home occupation requirements was to disallow short term rentals?