

RESOLUTION No 3607

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA DECLARING ITS INTENTION TO CREATE THE "SHORT TERM RENTAL ADVISORY COMMITTEE", DISALLOWING OPERATION OF NON-COMPLIANT SHORT TERM RENTALS AND DIRECTING THE PLANNING BOARD & ZONING COMMISSION TO CONDUCT A PUBLIC HEARING TO AMEND SHORT TERM RENTAL ZONING REGULATIONS BY A DATE CERTAIN

WHEREAS, it is the duty and responsibility of the City to ensure public health, safety and welfare of all its residents in all its districts by enforcement of its zoning regulations; and

WHEREAS, in 2018, the Red Lodge City Council passed Ordinance No. 948, to approve the amended City Zoning Code Title 12 Section 4.4.22 (Specific Uses) to allow for and include regulation of Short Term Rentals (STRs) as registered businesses; and

WHEREAS, as the number of STRs has increased since 2018, some HOAs have begun to prohibit or place restrictions on STRs; residents living within non-HOA residential districts look to the City to create similar protections and preservation of the residential character of their neighborhoods; and

WHEREAS, in May of 2022, Red Lodge City Council approved Ordinance No. 957 as recommended by the City's Planning Board & Zoning Commission (Planning Board) with minor adjustments only to Zoning Code Title 12 Section 4.4.22 Use Specific Standards for Short Term Rentals without any conditional use and minimal zoning district limitations; and

WHEREAS, the City has recently purchased and implemented software to enable improved processes that ensure compliance of STR businesses with the laws and regulations of the City of Red Lodge and the State of Montana; and

WHEREAS, using the STR compliance software, the City has determined there are an inordinate number of unregistered and/or non-compliant STR businesses within the City that, if left unchecked, increase the risk of liability to the City; may increase nuisance and public health and safety incidents; and

WHEREAS, the City Council desires the City to immediately address STR zoning regulations and application procedures as City Staff continue to act on the number of non-compliant STR businesses identified. Backlogs of non-compliant registrations, non-registered STRs and current findings lend incentive to the Planning Board to reconsider recommendations to the City Council for amendment. The immediate nature of this resolution is necessary in order to preserve the status quo during the period of this undertaking; and

WHEREAS, the Mayor may create any advisory committee viewed as necessary or convenient to promote the public health, safety and welfare and to appoint citizens to serve on these committees; and

NOW THEREFORE, the City Council of the City of Red Lodge, Montana, does ordain as follows:

Section 1. The City hereby notifies non-registered and/or non-compliant STR Businesses that they may not operate until such time as all inspections and certifications are reported to the City according to the City's Business Registration Procedures for Short Term Rentals.

Section 2. The Short Term Rental Advisory Committee, hereinafter referred to as the "Committee," shall be established and maintained to advise and give insight to the Planning Board on the efforts to evaluate STR regulations, and assist and advise the City on any recommendations to improve upon existing STR regulations.

Section 3. Notice of Committee positions will be advertised and posted immediately following approval of this resolution and letters of interest will be accepted until September 9, 2022.

Section 4. Hearing – The Planning Board is hereby authorized and directed to schedule a public hearing on the recommendations of the STR Committee made to the Planning Board within 30 days of receiving the Committees' draft ordinance, and to provide notice of said hearing in accordance with applicable standards and procedures.

Section 5. Declaration of Immediate Effective Date; Sunset – The findings and conclusions above are adopted by the City Council in support of the designation of this resolution as a measure necessary for the protection of the public health, public safety, public property and public welfare. This resolution shall take effect immediately upon adoption by the Council, unless terminated by the City Council.

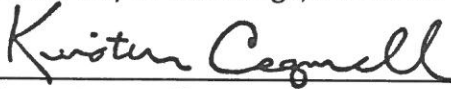
Section 6. Immediate Action and Approach

1. Formation of a Short Term Rental Advisory Committee as appointed by Mayor shall comprise a minimum of 5 members and no more than 7 with: (Sept 13)
 - 1 City Council Member
 - 1 Planning Board and Zoning Commission Members
 - 1 Workforce or Short Term Rental Housing Committee MembersAnd preference given to City residents for additional memberships.
City Planning Director (non-voting member)
2. The Advisory Committee will research, discuss and draft recommendations for STR zoning regulation amendments to the Land Use and Planning Standing Committee, within the first 90 days of its initial meeting (presented as a draft ordinance).
3. The Land Use and Planning Standing Committee will present the draft ordinance to the Planning Board for action.
4. Within 30 days of receiving recommendations from the Standing Committee, the Planning Board will conduct a public hearing to share and review recommended amendments for Short Term Rental regulations and send a finalized ordinance to the City Council.

5. City Council will conduct 2 public hearings and 2 readings of the ordinance to determine approval, approval with amendment or rejection.
6. The role of the Advisory Committee completes by December 13, 2022.
7. The task of the Planning Board to finalize and forward an ordinance for amendment of Short Term Rental Zoning Regulations to City Council ends on a date certain of January 25, 2023.

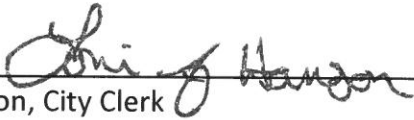
PASSED and APPROVED by the Red Lodge City Council the 23rd day of August 2022.

For the City of Red Lodge, Montana:



Kristen Cogswell, Mayor

Attest:



Loni Hanson, City Clerk