



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: June 16, 2021

SUBJECT: Petition of Rebecca Waggoner for a Special Use to allow a short-term rental on property located at 701 Mariners Way (Dock F).

BACKGROUND:

The petition is for a short-term rental at this location. Since we last month, staff has met with the harbor master and followed-up with the petitioner. In consultation with the City Attorney's Office, the following conditions are being recommended to allow this petitioner to move forward.

- The Special Use cease upon sale of the boat – it will not continue with the property. Any new owners will need to reapply for the Special Use should they wish to offer a short-term rental.
- The pool is to only be used when guests are accompanied by the petitioner. Otherwise, the pool is not available to unaccompanied guests unless the pool rules change. One exception to this requirement is the pool can be used through the end of the current pool season by unaccompanied guests.
- The City Attorney will be updating the slip rental agreement for this boat to include an indemnification agreement and liability waiver to address any potential liability issues.

At their June meeting, the ZBA voted 4-0 to recommend the proposed Special Use with the conditions as presented.

RECOMMENDATION: Approval, with conditions as presented.

ORDINANCE NO. 4579

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR A HOUSEBOAT LOCATED AT EASTPORT MARINA
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Rebecca Waggoner (the "Petitioner") has petitioned for a special use for a short-term rental use for her houseboat located at Dock F in the Eastport Marina harbor located at 701 Mariners Way in East Peoria and zoned "C, Conservation and Residential Estate District", as shown and described at "Exhibit A", attached hereto and incorporated herein by reference (which houseboat and location as so described hereinafter is referred to as the "Property"); and

WHEREAS, pursuant to Chapter 38 of Title 3 of the East Peoria City Code, a houseboat is a permitted short-term rental in the City of East Peoria upon the approval of a Special Use for the proposed short-term rental; and

WHEREAS, after a hearing held pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow for a short-term rental for the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. The Special Use granted by this Ordinance shall only remain in place for the Property while owned by Petitioner. Should the houseboat be sold to any party, the Special Use granted by this Ordinance shall immediately cease upon such transfer of title of the houseboat. As provided herein, the Petitioner's ownership of the houseboat shall include maintaining title of the houseboat in any legal entity in which Petitioner holds the majority ownership and controlling interest.

2. Before permitting any short-term rentals on the Property pursuant to the special use granted by this Ordinance, the Petitioner shall

enter into an updated Eastport Marina slip rental agreement for the Property as prepared by the City.

3. The use of the Eastport Marina pool by short-term rental guests on the Property shall be restricted as provided herein. The pool shall not be used by unaccompanied guests at the short-term rental on the Property, except when such guests of the short-term rental are accompanied by the Petitioner or another permitted member of the Eastport Marina. This restriction on access to the pool shall not be implemented for the remainder of the current 2021 pool season, but will be in place at all times thereafter.

4. The Property shall not be moved from its current location in the Eastport Marina as set forth herein without prior approval of both the Harbor Master and the City's Director of Planning and Community Development.

Upon the violation of or failure to comply with the foregoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Map of Location of Special Use (Eastport Marina – 701 Mariners Way)

Rebecca Waggoner
701 Mariners Way (Dock F)
Case 21-SU-17

Exhibit "A"

Legal Description: 01-01-22-400-053

