



Mayor Taylor and Manager Ward:

At the reconvened August 24 meeting where Short Term Rentals (STRs) were the topic of discussion, the Board reached a majority consensus to direct staff to enforce all its residential ordinances with the implementation to begin on January 3, 2022. Commissioner Calloway dissented. The discussion covered a lot more than that narrowly focused consensus stated just before adjournment, however. The full discussion should be taken into consideration because the clear implication is that STRs will not be allowed in the R-1 District beginning in January. To make that point clear is the purpose of this memorandum.

The Unified Development Ordinance (UDO) states at **§6.1.C** *“any use not specifically set forth in the use category is expressly prohibited.”* **§5.2.1 Residential District R-1** is a *“low-density residential district for single-family dwellings”* only. Since it does not permit STRs, they are prohibited. On the other hand, R-2, a medium-density district, allows “tourist homes” with a special use permit. A tourist home *“includes bed and breakfast homes or inns...where sleeping accommodations of not more than four (4) rooms are provided for occasional transient paying guests.”* R-3, a high-density district, does not allow overnight accommodations at all. It should be noted that tourist homes and bed and breakfasts, like hotels and motels, are overnight accommodations and are classified as “commercial uses” in **§6.5**, thus the requirement of a special use permit.

Therefore enforcement in January means issuing a notice of violation to all R-1 owners who use their homes as STRs. STRs are not defined in the UDO, and perhaps they should be. The Board expressed interest in reviewing STRs in light of the special use permit opportunity in R-2 (and maybe in R-3) because the use is so similar to a tourist home or bed and breakfast. It requested that I employ an expert to guide it in further discussions this fall. I have already taken steps to do that.

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