

VI. B) Lodging Houses by SUP in Various Zoning Districts

This issue is a popular one among many communities in the US, and especially those where adequate lodging types exist in insufficient quantities to meet demand.

Previously, the Council adopted an ordinance that allows Lodging Houses by-right in the B1 district. Lodging homes are essentially business operations in that an individual owner leases the entire house and property to one applicant or group for a period of less than thirty (30) days.

The definition of a lodging house is “any structure other than a hotel, motel, apartment house, townhouse, and bed and breakfast home that is routinely rented or otherwise made available for compensation for residential, leisure or vacation usage for periods of 30 days or less” (adopted May 8, 2017).

This issue, and a draft ordinance, has been before the Planning Commission and Council on two occasions before tonight. The staff recommendation at that time, and still today, is to allow lodging houses by Special Use Permit only in R3, R4, R5, M1 and PND zoning districts.

During the Planning Commission deliberations, they recommended a change to the draft ordinance to also allow lodging houses by Special Use Permit in the R2 zoning districts. This was a 3-2 vote, and a primary reason seemed to be because bed and breakfast facilities are allowed town-wide in R2 zoning.

As discussed previously, there are significant differences between bed and breakfast operations under our ordinances, and those of a lodging house. Primarily, there are three significant differences.

First, B & B's have specific and extensive criteria they must meet in order to operate. Lodging houses only have to obtain a business license and collect and pay lodging tax. Secondly, B&B's require that the owner, or their agent, live on the premises whereas lodging houses have no such requirement. Third, an applicant rents a single room in a B& B and the owner/agent controls the remainder of the dwelling and property. In a lodging house, an applicant rents the whole dwelling and property with usually no local oversight.

It can be argued that since this is a Special Use, both the Planning Commission and the Council can impose conditions of any type to the issuance of such a Permit. This is true, but both bodies must do so consistently on every application in order to avoid precedents and issues of non-conformity.

Additionally, the typical use in R2 districts has been single family dwellings of medium density. Placing business-style lodging operations which may contain applicant groups from 2-20 people or more for periods of up to 30 days in these residential neighborhood settings will likely not be conducive to the atmosphere adjacent owners anticipated when purchasing their homes.

The availability of lodging house rentals in any community is an important component for providing tourists and guest's reasonable accommodations. The R2 zoning district has always been the buffer between high-volume, high-density residential and business applications and low density residential neighborhoods. Issues such as noise, parking, and property rights should be considered carefully.