



MEMORANDUM

TO: Mayor and Aldermen
FROM: Bridget Lidy, Director of Planning and Urban Design
DATE: January 15, 2019
SUBJECT: Additional Information for the January 17, 2019 City Council Meeting

RE: City Council Agenda Item #7 - Motion to Amend the Zoning Ordinance Regarding Inns

In 2017, the City adopted Article P of the zoning ordinance referred to as the Hotel Development Overlay District that revised several definitions for lodging accommodations including hotels, motels and inns. Some property owners are beginning to circumvent the short-term vacation rental certificate process by designating the use of their property as an inn.

1. To address this concern, the current proposal is to amend the zoning ordinance to clarify that inns need to be owner-occupied or have 24/7 onsite staff. The definition listed below incorporates this change as well as a scrivener's error (as indicated in blue):

Sec. 8-3002. Definitions

Inn. A lodging establishment for transient guests with no more than 15 guest rooms. Must be owner-occupied or provide 24-hour / 7 day a week onsite staff. Any on-premises use that is accessible by the general public, such as a restaurant, bar or event/assembly space, is a separate principal use and must be an allowed use in the base zoning district. Any on-premises use that is accessible only by ~~hotel~~ inn guests is an accessory use.

2. During the zoning hearing, Alderman Durrence proposed additional language to prevent inns from being located in close proximity to one another within the residential areas of the Hotel Overlay District. This concern stemmed from an application presented to the Zoning Board of Appeals (ZBA) in November where the petitioner was requesting a parking variance for two parcels adjacent to each other that would be used as inns. The request was denied. However, if the request was approved, it could have created two inns with up to 30 rooms or the perception of a small hotel defined as a lodging accommodation of 16-75 rooms. The petition was in a location that prohibited small hotels based on the Hotel Overlay. The language below was crafted by staff to address Alderman Durrence's concern:

An inn proposed for use or approval in the Hotel Development Overlay District where no new hotels are allowed shall not be permitted within 1,000 feet of another inn permitted by the City as measured by a straight line from the nearest point on the property line of such proposed use to the nearest point on the property line of another inn.

At this time, approximately 19 inns—those defined as having no more than 15 guest rooms—are located in the area designated as no new hotel are within the Hotel Overlay District.

Further analysis revealed two clusters of inns where the distance between the uses is less than 500 feet. Additionally, there are two inns located to the west of Forsyth Park that are less than 150 feet way from each other. If the distance language was included as part of the proposed definition, 16 inns would become nonconforming.

Staff recommends Council proceed with the definition as presented without a distance restriction.

Once the definition of inns is revised, staff will address Alderman Durrence’s concerns through the business location approval process by requiring an affidavit stating the property is owner-occupied or the property owner has 24-hour/7 day a week onsite staff. If there is a situation where an inn is located adjacent to another inn, the affidavit will need to state the properties are owner occupied or that they each have their own onsite staff for each of the properties.

The definition change will only impact new inns—any existing inn will be grandfathered under the existing zoning code.

