

Code Interpretation

Subject: Short-Term Rentals in Solms Landing PD

Date: July 17, 2023

Code Sections Impacted: Solms Landing PD and 144-5.17 Short-Term Rental or Occupancy

Purpose: To provide consistency in the allowance of Short Term Rental or occupancy in planned development districts that are identified as non-residential or mixed-use.

Proposal: To allow for Short Term Rentals within Unit 1A of the Solms Landing Planned Development District (PD), also known as Solms Landing Farmhaus.

Analysis:

- No language in the Solms Landing PD explicitly prevents Short Term Rentals (STR).
- The Solms Landing HOA has written in its closing documents that Short Term Rentals may be utilized in Unit 1A, Solms Landing Farmhaus.
- The STR section of the zoning ordinance (144-5.17) states that short-term rentals within residential districts are not allowed.
- The zoning ordinance, 144-1.4 defines residential districts. This definition includes Planned Development Districts that are identified as residential.
- The STR section of the zoning ordinance, 144-5.17.2 defines non-residential districts. This definition includes all districts that were not included in the residential district definition, with the sole exception of Planned Development Districts that are identified as non-residential unless otherwise specified within the planned development district.
- The Planned Development district, 144-3.5-1 is termed a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. Allowed uses within this district are listed within each Planned Development District's ordinances and may include multiple residential and non-residential uses. However, such a district intends to ensure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

Interpretation:

Due to:

- The broad variety and number of non-residential uses that may be allowed in Planned Development Districts, and
- The Solms Landing PD is a mixed-use planned development district that allows a wide variety of non-residential uses within the district, and
- The Solms Landing PD does not explicitly prevent short-term rentals in Unit 1A (single-family residential) and the Solms Landing HOA has Short-Term Rentals as a permitted use in its closing documents.

Determination:

The Solms Landing PD intended for Short-Term Rentals to be an allowed use throughout the district when the development standards were originally written and shall be allowed as a use by right.

Recommended Code Amendment:

Revise the definition of non-residential districts included in section 144-5.17-2 to include Planned Development Districts identified as non-residential or mixed-use. This will provide clarity and consistency of application of the Zoning Ordinance and will allow short-term rentals in Planned Development Districts that are identified as non-residential or mixed-use unless otherwise specified.

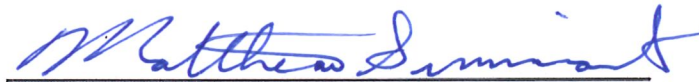
Sec. 144-5.17. – Short-term rental or occupancy.

5.17-2. Definitions.

Non-residential district means the following zoning districts: APD, R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-O, M-1, M-1A, and M-2A. This includes all subsequently approved special districts and planned development districts identified as non-residential or mixed - use unless otherwise specified within the special district or planned development district.

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James E Mahan III, Manager, Solms Landing Development, LLC

A handwritten signature in blue ink, appearing to read "Matthew Simmont", written over a horizontal line.

Matthew Simmont, Planning Manager, Planning and Development Services