

SHORT TERM RENTALS

Guiding Philosophy, Intent, and Considerations

[PREFACE: The Mayor has created a *Short-Term Rental Task Force* comprised of two City Councilman, two Planning Commission members and three citizens at-large to address the matter of short-term rentals (e.g., Airbnb, among others). The below was culled from a review of Auburn's Zoning Ordinance and from a national review of existing ordinance and articles on the subject.

Guiding philosophy: Short-Term Rental (the "STR") shall not adversely affect the residential character of the neighborhood nor shall the use generate negative externalities that unreasonably interfere with any person's *quiet* enjoyment of his or her residence or environs (New Orleans).

Scoring the Ordinance: Task Forces across the United States stress that any solution involving STR concerns must contain four (4) basic components: They are: 1). **Enforceability**; 2). **Inclusion** of affected neighborhood citizenry, investors, and web-based platforms; 3). **Communication**: open, unbiased exchange of ideas; and 4). **Staged Implementation** (e.g., pilot programs to include more stringent provisions at the outset with metrics and sunset provisions to effectively evaluate successes in a reasonable timeframe).

Legislative Intent (Auburn Zoning Ordinance, Article 1, Section 101):

1. Give every possible consideration to the public interest, individual rights, and externalities;
2. Distribute the benefits and burdens [costs] rationally and fairly among all its citizens;
3. Insure that neighbors are protected from adverse impacts [negative externalities]; and
4. Protect the community's general welfare.

Purpose (Auburn Zoning Ordinance, Article 1, Section 102):

1. Promote the health, safety, and general welfare of the present and future inhabitants of Auburn by:
 - a. Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations (102.02);
 - b. Conserving property values throughout Auburn (102.10); and
 - c. Protecting landowners from adverse impacts of adjoining developments (102.11).

Primary Considerations:

1. Separating into three (3) distinct provisions for clarity:
 - a. Home Occupations Businesses (Leave existing regulations as is; defer to later date for separate, distinct discussion);
 - b. Homestays; and
 - c. Non-Primary (Investor-Owned).

(See, for example, 408.02: D.3 – B&B. Homestays (408.02, D. 6.) and Non-Primary (408.02.D.7).

2. Make Homestays a Conditional Use throughout Auburn. Currently, proposed as Home Occupation (with 3 +/- day review for approval by Planning staff only). Conditional Use requires Planning staff review and recommendation, Planning Commission approval, and, thereafter, City Council Approval, with the latter two requiring public hearings (Approximately, 60 +/- day process).
3. RE: NC, DDH, NRD, LDD, and RDD provisions with respect to STRs. See Section 304.06 for provision that limits occupancy as follows: *“Occupancy in [these] zones limited to the “Family” as per Section 203”* that defines Family. Apparent conflict needs reconciliation.
4. Establish guidelines regarding externalities; e.g., noise (level and timing); deliveries, etc.; provide hours of operation.
5. Establish allowable days of occupancy. What to do with dwelling after allowable days.
6. Establish allowable number of occupants; e.g., limit by number of occupants per bedroom; daytime vs. overnight.
7. Densities/Separation requirements; e.g., minimum distance between STRs.
8. Parking requirements; including per occupant and by type (e.g., RVs, buses, trailers, etc.)
9. Application process, including notifications to affected parties and posting notices; HOA/Association override; fees; renewals; applicant in good standing; Certificate of Occupancy for Investor-owned or Zoning Certificate for Homestays.
10. Life Safety Considerations; e.g., City inspection (see C.O. requirements); emergency exit route mapping; property and liability insurance. Home improvements vs STR treatment.
11. Transient Occupancy Tax (“TOT”) rates and compliance requirements;
12. Prosecution process and penalties; failure to register; deadlines for compliance; fines (static or incremental increases with multiple violations); violations within calendar year, 365 consecutive calendar days, or based on allowable days. Three strike rules. Appeals.
13. Owner to provide complete rental packet information; posting placard at entry, including 24/7 owner/manager contact information.
14. Expand the City of Auburn’s website <https://webgis.auburnalabama.org/COAMap/> to include STRs (both Homestays and Non-primary rentals).

END OF SECTION

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