



**Ordinance Review Committee Meeting**  
**February 23, 2026; 4:00 PM**  
**City Hall Room 101**

**Committee Chair:** Council Member Berna

**Committee Members:** Council Member Jones, Council Member Wiederkehr, Council Member Turk

**Staff:** City Attorney Kit Williams, Senior Assistant City Attorney Blake Pennington,  
Assistant City Attorney Hannah Hungate, Development Director Jonathan Curth

- 1. Call to Order**
- 2. Approval of Minutes from August 28, 2025; September 23, 2025; and November 20, 2025**
- 3. Unfinished Business**
  - None
- 4. New Business**
  - Elect new chairperson for 2026
  - Short Term Rental discussion:
    - i. Committee intentions on STR ordinance
    - ii. Interpretation of 475 cap
- 5. Announcements**
- 6. Adjourn**



**MINUTES**  
**Ordinance Review Committee Meeting**  
**Thursday, August 28, 2025**  
**City Hall Room 101**

1. The Ordinance Review Committee met in person in City Hall Room 101. Council Members Berna, Wiederkehr, and Turk were present in person.
2. New Business:

Short Term Rental Regulations and Sunset Clause

Committee Chair Scott Berna opened the discussion and suggested dealing with the occupancy issue first.

Jonathan Curth presented a proposed amendment to modify the occupancy allowance for short term rentals. Both Development Services and the City Attorney recommend removing the “plus two” provision so the occupancy limit would be two per bedroom.

The City Attorney agreed with the change. He stated concerns about treating short term rentals differently from the single and multi-family occupancy limits. He also stated a concern about treating long-term and short-term rentals differently. We can justify a higher occupancy limit because we treat it as a commercial use subject to conditional use permit approval. The “plus two” is unnecessary and could create safety issues. The ordinance he has drafted has a phase-in period so we don’t STR operators to breach their contracts with their tenants. The proposed ordinance is also tied to state law in that if the state legislature or courts declare short term rentals to be residential in nature then their occupancy limit would revert to the same as long-term rentals.

Council Member Turk suggested adding language about the business license requirement in the City Attorney’s proposed ordinance amendment.

Council Member Berna asked about notifying STR operators. City Attorney Williams said that we have their addresses and the administration can notify them.

Council Member Turk and City Attorney Williams discussed the enforceability of STR contracts and cancellation provisions. She suggested that Development Services send clear and understandable information to STR operators about the change.

Council Member Wiederkehr asked about the last attempt to change state law about STRs on zoning and the potential impact of the trigger mentioned earlier. The City Attorney advised that the City could be more lenient than the strict definition of family.

**Turk moved to forward the City Attorney’s proposed ordinance to the full City Council with a recommendation of approval and Wiederkehr seconded. The motion passed unanimously.**

The committee then discussed a proposal by Development Services Director Jonathan Curth to provide for increasing penalties for STRs operating without licenses. Multiple violations will be subject to the City withholding services for up to six months. Three violations in 12 months would remove the property from eligibility for STR licensing.

The committee discussed how long that eligibility should be removed. What happens when the property is transferred? The Development Services Director could reinstate that eligibility if it was established that the same bad operator is no longer involved. Wiederkehr suggests leaving the violations associated with the property but giving staff some discretion.

The committee members stated their support for the services cutoff with the escalating penalty. They also stated their support for the removal of licensing eligibility without a specific lookback period and for changing the period of ineligibility to two years.

Chairman Berna asked Jonathan Curth to provide an STR update before making a decision. As of last month, we found 973 listings and 581 units. Many units are listed on multiple platforms. Most units are properly licensed. The host compliance software does not distinguish between Type 1 and Type 2. The City sent 7 shutoff notices in 2024 and 10 through mid-July 2025 but we only had to shut off services at one property.

When Host Compliance began on August 28, 2023, there were 709 units identified and that has declined to 566 as of August 18, 2025. This is a drop of 20%. Curth said that the measures approved by the City Council like Host Compliance software and the short term rental clerk, have helped the issue.

Turk raised some additional issues for discussion including the language about exemption from licensing for long-term landlords with fewer than 2 residential units, the information provided to guests by the business licensee, and the complaint process.

**Turk moved to forward the revised proposed ordinance to the full City Council with a recommendation of approval. Seconded by Wiederkehr. The motion passed unanimously.**

The committee then moved on to a discussion on density limitations. Jonathan Curth had sent a memo May 22, 2024 discussing various ways to provide for those limitations. The committee had held off on making a decision while there was litigation pending but the City Attorney recommended moving forward since the case has not progressed.

The City Attorney advised that properties with valid CUPs will not be impacted by adopting density limitations. It would only impact future applicants.

The memo looked at 250 foot and 500 foot radius limits and also looked at percentage of STRs at 2.5%, 5%, 10%, and 20%. The committee decided to study the density issue further.

The other two items will be held pending a decision on density limitations. Berna asked that the final language of those other two items be updated and provided to the committee.

3. There being no other business for the Committee to consider, Chair Berna adjourned the meeting at 5:58 p.m.



**MINUTES**  
**Ordinance Review Committee Meeting**  
**Tuesday, September 23, 2025**  
**Hybrid – Rock Street Meeting Room 246 and Zoom**

1. The Ordinance Review Committee met in person and by Zoom in Rock Street Meeting Room 246. For the Committee, Council Members Berna, Turk and Wiederkehr were present.
2. Old Business:

STR Density

Jonathan Curth presented information on possible short-term rental (“STR”) density measurements to be incorporated into the Fayetteville Code. Jonathan considered 250-foot and 500-foot radii to evaluate density and noted that the 250-foot radius did not adequately capture the neighborhood. Assuming that the City Council determines the existing allowable Type 2 STRs are in the public interest and Council adopts a 500-foot radius distance, a 4% concentration within that radius would keep to the current plans.

Council Member Turk asked whether there should be different density in historic districts and if there was concern about Type 2 STRs being in side-by-side properties. Council Member Wiederkehr added that citizens have expressed concern about more intense concentration of STRs in smaller areas. Council Member Wiederkehr suggested that a prohibition against STRs within a number of feet from another might address the concern. Council Member Turk noted that the test could be two-part where there is a bar against adding another within so many feet and from there a consideration of concentration within a 500-foot radius.

Council Member Wiederkehr wondered if multi-family dwellings should be handled differently from single-family because units may be close together. Jonathan Curth explained that one of the first amendments to the STR ordinance was to account for condominiums because they have a different level of interest in their property when renting as an STR.

The Committee agreed that the amendment should include a 500-foot radius and 4% concentration within that radius. Council Member Turk asked if there was any consideration for having a lower allowance for STRs in historic districts. She indicated she would like to look, in the future, at an overlap map to determine how many STRs are currently operating in historic districts in the City.

Chair Berna asked how many feet apart should STRs be required to be one from another. Council Member Wiederkehr asked if it should be from property line to property line for

the ease of administration, which Jonathan Curth confirmed was preferable. Jonathan Curth showed maps of the City to demonstrate how many STRs were within 50 feet and 100 feet of a given address. Chair Berna noted that a 100-foot distance seemed to match their goal.

Jonathan Curth asked if this metric would be intended to supplant the current standard of “frequency of concentration of licensed Type 2 short-term rentals nearby.” City Attorney Kit Williams suggested that it should be supplementary to explain what “frequency or concentration means.” Chair Berna asked why they would not want to take discretion out of the mix for properties within 100 feet of an STR and only allow discretion outside of 100 feet. Kit Williams indicated the Planning Commission should still have discretion, such that the applicant could be disqualified if they are within 100 feet of another STR but allowed to go to the Planning Commission if within more than 100 feet.

Jonathan Curth indicated that the one outstanding question was how to handle different types of housing. Senior Assistant City Attorney Blake Pennington noted that no caps are currently allowed for condominiums. Council Members Turk and Wiederkehr responded that they are not currently receiving many complaints about multi-family housing. Council Member Wiederkehr added that multi-family could remain as is, and the 100-foot prohibition could be applied to single-family or other non-multi-family dwellings.

Chair Berna summarized that the Committee agreed implementing a 500-foot circle-and-radius approach, a 4% concentration within that circle, and a prohibition of additional STRs within 100 feet of an existing STR. He asked for clarification on how the number of units are counted. Jonathan Curth stated he would send clarifying emails, and the Committee could then determine whether to meet again or bring the amendment to City Council.

Kit Williams suggested that the new amendment be separate from the provision placing the 475-limit on Type 2 STRs because the density limitations may be eliminated with state legislative changes.

3. There being no other business for the Committee to consider, Chair Berna adjourned the meeting at 5:20 p.m.



**MINUTES**  
**Ordinance Review Committee Meeting**  
**Wednesday, November 19, 2025**  
**Hybrid – Rock Street Meeting Room 246 and Zoom**

1. The Ordinance Review Committee met in person and by Zoom in Rock Street Meeting Room 246. For the Committee, Council Members Berna, Turk and Wiederkehr were present. Council Member Stafford was also present.

2. Old Business:

Jonathan Curth presented the attached Memo on changes to the short-term rental (STR) regulations discussed at previous Ordinance Review Committee meetings. The purposes of the updates include revising occupancy limits, addressing enforcement issues, and expanding upon density parameters.

Jonathan began by discussing Exhibit A: § 118.01 – *Applicability*. Jonathan noted that an addition has been made to § 118.01(E)(11) to make clear that the purpose for requesting guest records is for audits or tax collections and that the Committee’s proposed density limitations have been incorporated into 118.01(E)(16). Kit Williams added that this applies only to new STRs.

Jonathan then presented Exhibit B: 118.05 – Penalties. Proposed changes include escalated penalties and permitting utilities to be withheld for up to one month for an additional violation. Jonathan next presented Exhibit C: Chapter 151 – Definitions. Council Member Turk asked why the property owner, instead of the occupant or license holder, is not responsible for code violations? Jonathan Curth and Kit Williams explained that the landlord registry and insurance rider requirement guarantee the owner is aware of the violation, and either the owner or occupant could be responsible.

Jonathan noted that Exhibit D repeals the sunset clause and readopts the entire STR regulations. Kit Williams added that, because we’re repealing the ordinance, it goes away, and now an entirely new one must be enacted in its place.

Jonathan then presented Exhibit E: 162.01 – Establishment/Listing and Exhibit F: 163.18 – Type 2 Short-Term Rentals in Residential Zoning Districts. Exhibit F changes occupancy by now limiting to two per bedroom in an STR and now gives 7 factors to be considered in approving or denying a STR. Kit Williams explained that they wanted to make clear the original 4 factors were not the sole factors to be considered.

Jonathan then presented Exhibit G: 164.26 – Type 2 Short-Term Rentals in Non-Residential and Mixed Use Zoning Districts. He explained that this Code is a nod to pre-2021 when STRs were only legally allowed in hotel/motel zoning districts, so STRs in those zoning districts do not count toward the city-wide cap.

Kit Williams presented Exhibit H, which will not be codified. He explained that there may be contracts right now that have been approved to be rented under the previous occupancy standards. By giving a timeline for compliance, it avoids interfering with any existing contracts. Chair Berna asked how notice may be provided to STR operators for this. Kit answered that it is a public hearing, and there is a presumption that those operating this type of business will stay informed of the law.

Council Member Turk stated she would prefer the date by which operators provide the Development Services Director proof in writing of an existing contract to be March 15<sup>th</sup> and would like the administration to issue a press release to get the word out. Jonathan noted that they have the ability to email STR operators through the software they use. Council Member Stafford asked if the notice could also be sent by mail. Jonathan Curth explained that that would be anywhere from 500-700 letters to be sent. The Committee Agreed that March 1<sup>st</sup> was an appropriate deadline for operators to provide the proof of existing contracts.

Kit Williams discussed Section 9 of the ordinance, which holds that once it goes into effect, STR operators can no longer advertise or enter into contracts that violate Exhibit H.

Council Member Wiederkehr moved for the Ordinance Review Committee to send their proposed STR regulations to the City Council with a recommendation of approval. Council Member Turk seconded the Motion. The Motion passed 3-0.

Chair Berna asked if any member of the Committee had any reservations about the proposal being made to City Council. There were none.

#### Public Comment

Annette Mitchell with Parking Enforcement Solutions of NWA asked the Committee to look into the parking regulations. Chair Berna stated he would speak with parking staff and look into it.

3. There being no other business for the Committee to consider, Chair Berna adjourned the meeting at 5:12 p.m.