

TMP-10242 - Proposed Text Change (revised 12-13-18)

The following text is proposed to be added to Section 29-1.11(a) of the Unified Development Code to define a short-term rental as land use. All text is new.

Short-term rental. A residential dwelling unit, portion of a dwelling unit or room within a residential dwelling unit rented by a transient guest for a period less than thirty-one (31) days.

Transient Guest. A person who occupies a room in a hotel, motel or tourist court as well as a bed and breakfast or short term rental for a period less than thirty-one (31) days.

The following existing definitions within Section 29-1.11(a) of the Unified Development Code shall be amended as follows. ~~Strikethrough~~ text to be deleted and underlined text to be added.

Hotel. A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one and thirty-one (31) days (~~30~~). Accessory uses may include restaurants, cafes, swimming pools, meeting rooms, or sports/health facilities. The definition of *hotel* shall exclude bed and breakfast establishments and short-term rentals.

Bed and breakfast. A residential building containing not more than five (5) guest rooms that provides sleeping units and meals for transient guests, and that is managed and occupied by the owner of the property. The definition of bed and breakfast shall exclude a hotel and a short-term rental.

The following text is proposed to be added to Section 29-3.3 of the Unified Development Code as “use-specific standard” (pp). All text is new.

(pp) Primary use of land and buildings: Short-Term Rental. This use is subject to the following additional standards:

- A. Short-term rental types. Short-term rentals shall be classified as either “**owner hosted**” or “**non-owner hosted**” dwelling unit meeting the following provisions:
 1. An **owner hosted** short-term rental shall is a dwelling unit occupied by the owner of record for a period of three hundred thirty (330) calendar days per year or more;
 2. A **non-owner hosted** short-term rental shall be a dwelling unit occupied by the owner of record for a period three hundred thirty (330) calendar days per year or less.

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- B. Authorization to Operate. Authorization to operate a short-term rental shall be based upon its classification under 29-3.3 (pp)(A) and may be granted administratively by the Director or their designee or by following the approval of a conditional use permit by City Council pursuant to the requirements of 29-6.4(m) of this Code.
1. Administrative Approval - An **owner hosted** short-term rental may be authorized by the Director or their designee pursuant to the following conditions:
 - i. In the R-1 zone district, a short-term rental shall:
 - a. Not exceed a maximum of three (3) transient guests not including minor children.
 - b. Not offer more than two (2) sleeping rooms that meet the requirements of the adopted International Property Maintenance Code for rental regardless of the total number of sleeping rooms within the dwelling.
 - c. Demonstrate compliance with the provisions of 29-3.3(pp)(C).
 - ii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts a short-term rental shall:
 - a. Not exceed a maximum of four (4) transient guests not including minor children.
 - b. Not offer more than four (4) sleeping rooms for rental that meet the requirements of the adopted International Property Maintenance Code regardless of the total number of sleeping rooms within the dwelling.
 - c. Not have more than one (1) registered short-term rental dwelling unit when a lot is improved with a two-family dwelling unit, multi-family dwelling unit, or on a lot containing multiple detached dwelling units.
 - d. Demonstrate compliance with the provisions of 29-3.3(pp)(C).
 2. Conditional Use Permit –Any “**non-owner hosted**” short-term rental or short-term rental not meeting the classification of “**owner hosted**” shall obtain conditional use permit approval from the City Council prior to its operation. Approval of a conditional use permit shall be in accordance with 29-6.4(m) of this Code and shall be subject to the following additional standards:
 - i. In the R-1 zone district:
 - a. Not exceed a maximum of three (3) transient guests not including minor children.
 - b. Not offer more than two (2) sleeping rooms that meet the requirements of the adopted International Property Maintenance Code for rental regardless of the total number of sleeping rooms within the dwelling.
 - c. Demonstrate compliance with the provisions of 29-3.3(pp)(C).

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- ii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts:
 - a. Request up to two (2) transient guests or less, not including minor children, per sleeping room as defined within the adopted International Property Maintenance Code. Actual maximum occupancy shall be established as part of the conditional use permit.
 - b. Request rental designation of both dwelling units when application has been made for a two-family dwelling unit provided the provisions of section B(2)(ii)(a) are met.
 - c. Request rental designation of a maximum of 25% of the dwelling units within a multi-family structure containing three (3) or more dwelling units or on a lot containing multiple detached dwelling units provided the provisions of B(2)(ii)(a) are met.
 - d. Demonstrate compliance with the provisions of 29-3.3(pp)(C).

C. Supplemental use-specific standards. The following standards shall be applicable to all short-term rentals regardless of classification under 29-3.3(pp)(A).

1. GIS Map Database. The City of Columbia shall utilize application data for the purposes of establishing a geographic information system mapping database accessible to the public for administration, enforcement, and notification purposes.
2. Adjacent Property Owner Notification. The City of Columbia shall, upon application to establish a short-term rental, provide mailed notice to all adjacent owners of record and occupants within 185-feet of subject property as well as recognized neighborhood associations within 1000-feet of the subject site. Such notice shall indicate if the application seeks administrative approval or a conditional use. For applications seeking conditional use approval public hearing information regarding the request will be provided within the notification letter.
3. Proof of ownership. The property owner shall provide an affidavit stating the proposed dwelling unit is under their fee-simple ownership and the length of time that such dwelling serves as their principal residence.
4. Property registration. The property owner shall register the dwelling unit with the City of Columbia prior to being granted a Certificate of Rental Compliance. Such registration shall grant the City of Columbia the right to inspect the dwelling unit for compliance and to determine maximum occupancy pursuant to the adopted International Property Maintenance Code.

A dwelling unit that has an active certificate of rental compliance may apply to become a short-term rental subject to the provisions of 29-3.3(pp)(B) without needing recertification.

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If approved to become a short-term rental, the dwelling unit may be offered for rental purposes as either a short-term rental subject to the provision of this subsection (pp) or as a traditional rental unit pursuant to the provisions of the Rental Unit Conservation Law of the City Code. This dual designation shall not relieve the property owner of remittance of any applicable lodging taxes or business licensing requirements as adopted by the City of Columbia.

5. Dwelling unit usage.
 - i. The dwelling unit shall not be rented on an individual sleeping room basis where multiple rental reservations occur simultaneously. The dwelling unit shall be rented in its entirety.
 - ii. The dwelling unit shall not be used for activities such as receptions, parties, weddings or similar social events in which 10 or more people participate or which constitute a Nuisance Party as defined within Chapter 16, Article IV of the City Code.
6. Accessory Dwelling Units (ADUs) as Short-term Rentals. When a property has been legally authorized to accommodate an ADU, the property owner, at the time of application, shall designate which dwelling shall become a short-term rental. In no instance shall both the ADU and the principal dwelling be permitted to be utilized for short-term rental purposes.
7. Signage. One (1) non-illuminated building-mounted sign no greater than one (1) square foot in area shall be permitted to identify the dwelling unit as a short-term rental. One (1) non-illuminated on-site directional signs no greater than one-half (1/2) square foot each shall be permitted for guest way-finding purposes.
8. Rental Certificate Transfer. An active Certificate of Rental Compliance for a short-term rental may be transferrable upon sale of the dwelling unit provided that:
 - i. Such transfer occurs in accordance with the provisions enumerated within Chapter 22, Article 5 (Rental Unit Conservation Law) of the City Code
 - ii. Submission of a new "Proof of Ownership" affidavit confirming that operation of the short-term rental will continue as previously authorized (owner hosted or non-owner hosted). If operation of the short-term rental is inconsistent with its prior approval, compliance with the provision of subsection B, above, shall be required.
9. Revocation of a Certificate of Rental Compliance. Operation of a short-term rental, regardless of classification, in violation of any of the foregoing provisions of subsection (pp) shall constitute a violation of the City Code. The property owner shall be subject to any and all remedies provided for within Chapter 16, Article IV (Nuisances) and Section 29-6.6 (Violations, Enforcement, and

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Penalties) of the City Code including, but not limited, revocation of any issued Certificate of Rental Compliance. Any property owner who has had their Certificate of Rental Compliance revoked shall only be permitted to seek a conditional permit to re-establish the short-term rental.