

Introduced by Buffaloe

First Reading 1-16-24

Second Reading 2-5-24

Ordinance No. 025562

Council Bill No. B 2-24 A

AN ORDINANCE

amending Chapter 29 of the City Code to establish use-specific standards governing the operation of short-term rentals; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 29-1.11. Definitions and rules of construction.

(a) Definitions—General. For the purpose of this chapter 29, the following words and terms are defined to mean the following:

...

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 hotels and short-term rentals.

...

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 (30) days. 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.

...

(g) Short-term rentals. For the purpose of chapter 29, article 3, section 29-3.3(vv) the following words and terms as used are defined to mean the following:

Designated agent. An individual or management company located within the County of Boone that is available twenty-four (24) hours per day who accepts full responsibility for addressing matters arising with the operation or use of a dwelling unit licensed as a short-term rental in the absence of the owner/authorized tenant of the property upon which such dwelling is located. The individual or management company is not required to be on-site in the absence of the owner/authorized tenant of the property.

Long-term resident. The owner, or a tenant under a signed lease greater than thirty (30) days that's authorized by the owner to conduct a short-term rental within the dwelling unit ("authorized tenant"), that maintains their principal residence on the parcel where the dwelling unit that is the subject of the short-term rental registration is located.

Owner. Any person, corporation, limited liability company, partnership, limited partnership, trust, real estate investment trust or any other legal entity who has legal interest in a property as shown within the records of the Boone County Assessor's Office.

Principal residence. The one (1) dwelling unit in which a long-term resident resides that, whenever absent, is the dwelling to which they return until a new principal residence is established. A person can have only one (1) principal residence. A principal residence shall be documented by providing at least one (1) of the following documents demonstrating the dwelling unit is the long-term resident's principal residence: valid motor vehicle or voter registration; federal or state tax returns or other financial documentation; a utility bill; a valid driver's license; or other legal documentation deemed sufficient by the director of the community development department.

Registrant. The natural person who has:

- (1) Identified themselves as the registrant in the registration information and documentation submitted pursuant to the provisions of chapter 22 (Rental Conversation Law) of the City Code;
- (2) Either owns the dwelling unit, or is a long-term resident who has a documented right to possess and conduct a short-term rental within the dwelling unit; and
- (3) Has complied with all registration requirements for such dwelling unit in the City Code.

Short-term rental. A residential dwelling unit, portion of a dwelling unit or room within a residential dwelling unit rented by a transient guest.

Short-term rental (Tier 1). An accessory use of a long-term resident's principal residence that is rented, on occasion, in whole or in part, for not more than a total of thirty (30) nights in a calendar year as a short-term rental.

Short-term rental (Tier 2). An accessory use of a residential dwelling unit that is rented, on occasion, in whole or in part, as set forth in Section 29-3.3(vv)(1)(ii).

Short-term rental (Tier 3). A residential dwelling unit that is rented, in whole or in part, as a short-term rental for greater than one-hundred twenty (120) nights in a calendar year.

Short-term rental intermediary. A marketplace or network that facilitates the listing, marketing, or rental of a short-term rental on a site, also referred to as a platform.

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 less than thirty-one (31) consecutive days.

(g-h) Rules of construction. This chapter shall be construed and interpreted as stated in the rules below:

...

Sec. 29-3.2. Permitted use table.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE																
P=Permitted use C=Conditional use A=Accessory use																
CA=Conditional Accessory use T=Temporary use																
Zoning District	Residential				Mixed Use					Special Purpose				Use-Specific Standards, in Section 29-3.3		
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD			
LAND USE CATEGORY																
...																
COMMERCIAL USES																
...																
Guest Accommodations																
Bed and Breakfast		C	C		C	P	P	P						Per PD Approval	(s)	
Hotel							P	P	P	P						
Travel Trailer Park								C				C				
<u>Short-term Rental (Tier 1)</u>	A	A	A		A	A	A	A				A				(vv)
<u>Short-term Rental (Tier 2)</u>	A/CA	A/CA	A/CA		A	A	A	A				A/CA				
<u>Short-term Rental (Tier 3)</u>					C	P	P	P								
...																

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

...

(v) Accessory and temporary uses of land and buildings: Short-term rental.

(1) Short-term rental types. Short-term rentals shall be classified as either a Tier 1, Tier 2, or Tier 3 dwelling unit subject to the following provisions:

(i) "Tier 1" short-term rental. Shall be an accessory use in zoning districts A, R-1, R-2, R-MF, M-OF, M-N, M-C, and M-DT provided the following criteria are met:

(A) The dwelling unit is a long-term resident's principal residence; and

(B) The dwelling unit or portion of the dwelling unit is rented by transient guests no greater than a total of thirty (30) nights in a calendar year.

(ii) "Tier 2" short-term rental.

(A) If the dwelling unit is a long-term resident's principal residence, a Tier 2 short-term rental shall be an accessory use in zoning districts A, R-1, R-2, R-MF, M-OF, and M-N, M-C, and M-DT provided the following criteria are met:

1. The dwelling unit or portion of the dwelling unit is rented by transient guests for no greater than one-hundred twenty (120) nights in a calendar year; and

2. Except as set forth in section 29-3.3(vv)(2)(v) below, one (1) off-street parking space for every two (2) occupants of the dwelling unit shall be provided. Such parking shall be provided off-street on the site of the short-term rental on a parking surface compliant with the provisions of this Code and shall not result in the displacement of required parking.

(B) If the dwelling unit is not a long-term resident's principal residence, a Tier 2 short-term rental shall be an accessory use in zoning districts M-OF, M-N, M-C, and M-DT and shall be a conditional accessory use in zoning districts A, R-1, R-2, and R-MF provided the following criteria are met:

1. The dwelling unit or portion of the dwelling unit is rented by transient guests for no greater than two hundred ten (210) nights in a calendar year; and

2. Except as set forth in section 29-3.3(vv)(2)(v) below, one (1) off-street parking space for every two (2) occupants of the dwelling unit shall be provided. Such parking shall be provided off-street on the site of the short-term rental on a parking surface compliant with the provisions of this Code and shall not result in the displacement of required parking; and

3. A conditional use permit, where required, is approved by the city council in accordance with section 29-6.4 (conditional use permit).

(iii) “Tier 3” short-term rental. Shall be a permitted use in zoning districts M-N, M-C, and MDT and shall be a conditional use in zoning district M-OF provided the following criteria are met:

(A) The dwelling unit is rented by transient guests for a period greater than one hundred twenty (120) nights in a calendar year; and

(B) Except as set forth in section 29-3.3(vv)(2)(v) below, one (1) off-street parking space for every two (2) occupants of the dwelling unit shall be provided. Such parking shall be provided off-street on the site of the short-term rental on a parking surface compliant with the provisions of this Code and shall not result in the displacement of required parking; and

(C) A conditional use permit, where required, is approved by the city council in accordance with section 29-6.4 (conditional use permit).

(2) Supplemental use-specific standards. The following standards shall be applicable to all short-term rentals regardless of their “tier” of designation.

(i) Compliance. It shall be unlawful to operate within the city any short-term rental without complying with the provision of this subsection (vv) and having obtained a business license and a short-term rental certificate of compliance pursuant to the provisions of chapter 13 (Business License) and chapter 22, article V (Rental Conservation Law) of this Code within three hundred sixty-five (365) days of the effective date of this ordinance on forms provided by the city.

(ii) Limits on licensure. A maximum of one (1) short-term rental certificate of compliance may be issued per owner or authorized tenant.

(iii) *Registration.* Registration for a short-term rental certificate of compliance shall follow the provisions of chapter 22 (Rental Conversation Law) of the City Code. Concurrent with submission of registration forms provided by the City, the registrant shall submit:

(A) *Registrant.* Identification of the registrant by full name, Social Security Number or Federal Tax Identification Number, telephone number, mailing address, email address and date of birth.

(B) *Owner.* If registrant is not the owner of the dwelling unit, identification of each owner of the unit by full name, telephone number, social security number, federal tax identification number, mailing address, email address and date of birth. If the dwelling unit is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and address of the following shall be provided: for a corporation, a corporate officer and chief operating officer; for a partnership, the managing partner; for a limited liability company, the managing or administrative member; for a limited partnership, a general partner; for a trust, a trustee; or for a real estate investment trust, a general partner or officer.

(C) *Registrant's proof of possession.* Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the dwelling unit. If the proposed registrant does not own the dwelling unit, they must also provide a notarized affidavit from the property owner allowing the proposed registrant to conduct a short-term rental within the dwelling unit.

(D) *Maximum day.* The maximum number of nights annually that the dwelling is to be rented as a short-term rental, and

(E) *Designated agent.* The name, address, and contact number of a designated agent within the County of Boone and accessible twenty-four (24) hours per day, seven (7) days a week who shall accept full responsibility for addressing matters arising with the operation or use of the dwelling unit in the absence of the registrant.

(iv) *Conditional use permit.* When applicable, a short-term rental certificate of compliance shall be granted only after the issuance of a conditional use permit in accordance with the provisions of section 29-6.4 (conditional use permit).

(v) *Maximum occupancy.* The maximum number of occupants permitted in a dwelling unit offered and operated as a short-term rental shall be subject to the “occupancy limitations” of the most recently adopted edition of the International Property Maintenance Code (IPMC). In no instance, regardless of short-term rental tier designation, shall a dwelling unit be occupied by more than a total of eight (8) occupants.

(vi) *Parking.* In such instances where the parking requirements of an overlay zoning district or the mixed use – downtown (M-DT) district conflict with the parking requirements set forth in section 29-3.3(vv)(1) above, the parking requirements of the overlay zoning district or M-DT district shall control.

(vii) *Reservations.* Only one (1) rental reservation at a time shall be permissible for each short-term rental. If rented “in part” and additional occupancy is permitted, it shall be unlawful to have a second reservation for the same dwelling.

(viii) *Dwelling unit usage.* Dwellings licensed for short-term rental usage shall not be used for special events such as weddings, corporate events, commercial functions, large parties (greater than eight (8) persons), and other similar events or activities otherwise prohibited by this code.

(ix) *Certificate of compliance posting.* The short-term rental certificate of compliance issued by the city shall be conspicuously posted at the entry of the dwelling unit or in a readily available location onsite for review upon the request of a police officer or city inspector investigating a violation of this subsection (vv), chapter 16, article IV (Nuisances), or chapter 22, article V (Rental Conservation Law) of this Code.

(x) *Safety requirements.* Certification shall be required by the proposed registrant, and, if the proposed registrant is not the owner of the dwelling unit, by the owner, to each of the following requirements:

(A) *The dwelling unit complies with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits, and all property maintenance, building, electrical, mechanical, and plumbing codes.*

(B) *Posted within each dwelling unit rented as a short-term rental is:*

1. *The contact information for the registrant, owner, and that of the designated agent representing the dwelling unit in the absence of the registrant.*

2. The contact information for emergency services (police, fire, and ambulance), and the city's community development department.

3. The occupancy limitations as provided within the short-term rental certificate of compliance;

4. An emergency evacuation route map.

(C) Installed and maintained within the dwelling unit are smoke and carbon monoxide detectors in locations as specified for dwelling units by the building code.

(D) Proposed registrant and owner will allow inspection of the short-term rental dwelling unit by the city for fire, police, public safety, health/sanitation and other City Code compliance purposes upon reasonable prior notice (which may be oral or electronic) at times that such unit is not occupied by a short term-rental guest.

(xi) Rental platform identification. It shall be unlawful to list a short-term rental on any website or other media without first obtaining a short-term rental certificate of compliance from the city. Any website or media listing of the dwelling unit shall include the short-term rental certificate of compliance licensing number. Concurrent with the application to register a dwelling unit as a short-term rental and annually thereafter, the registrant shall provide the city with a list of all specific website or other media where the dwelling unit will be advertised for rental purposes.

(xii) Accessory dwelling unit (ADU) usage. An ADU may be permitted to be utilized as a short-term rental subject to compliance with the provisions of this subsection (vv) and all other applicable provisions of this Code, provided not more than one (1) dwelling unit upon the property is registered for use as a short-term rental.

(xiii) 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 onsite directional sign no greater than one-half (1/2) square foot in area shall be permitted for guest way-finding purposes.

(xiv) Accessibility requirements. Short-term rentals in dwelling units not identified as a principal residence shall comply with federal, state, and local accessibility requirements as applicable.

(xv) Short-term rental certificate of compliance non-transferable. An active short-term rental certificate of compliance authorizing the use of a dwelling unit as a short-term rental and, if applicable, any conditional use permit granted under the provisions of section 29-6.4 (conditional use permit), shall be void upon the sale of the property. Application to re-establish the dwelling unit as a short-term rental shall be subject to all requirements of this Code and shall be submitted in compliance with the provisions of chapter 13 (Business License) and chapter 22, article V (Rental Conservation Law).

(xvi) Revocation of a short-term rental certificate of compliance. Operation of a short-term rental, regardless of classification, in violation of any of the provisions of this subsection (vv) shall constitute a violation of this chapter and the violations and penalties provisions of section 29-6.6 of this Code shall apply. Any registrant who has had their short-term rental certificate of compliance revoked shall be required to seek a conditional use permit to re-establish the short-term rental.

...

Sec. 29-6.4. Specific regulatory procedures.

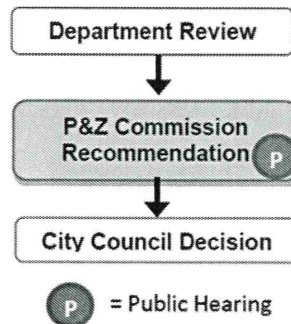
(a) Zoning compliance. Each application under this chapter that does not require one or more of the specific regulatory procedures in subsections (b) through (q) below shall be reviewed for zoning compliance. Zoning compliance checks shall be conducted by the department, and applications shall be approved if they comply with this chapter. The department's decision may be appealed to the board pursuant to section 29-6.3(f).

...

(m) *Conditional use permit.*

(1) *Procedure.*

Conditional Use Permit



(2) *Criteria for approval.* After giving due consideration to the following criteria, the commission may recommend and the council may grant a conditional

use permit which may include any conditions deemed necessary to carry out the provisions and intent of this chapter.

(i) *General criteria.*

(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;

(B) The proposed conditional use is consistent with the city's adopted comprehensive plan;

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and

(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

(ii) *Criteria for communication antennas and towers.* When considering a conditional use permit application for a communications antenna or tower, the application shall be submitted to the board and the board shall consider the following criteria in addition to those listed in subsection (i) above, and its decision shall be based on substantial evidence in the written record:

...
(iii) *Criteria for short-term rentals.* When considering a conditional use permit application for a short-term rental (STR), the commission and council shall consider the following criteria in addition to those listed in subsection (i) above:

(A) *Whether the proposed STR is used for any part of the year by the registrant as a residence. If so, for how long?*

(B) Whether or not there are established STRs within three hundred (300) feet of the proposed STR measured in all directions from property lines "as the crow flies."

(C) Whether the proposed registrant has previously operated an STR and if such operation has resulted in a history of complaints, a denied STR certificate of compliance, or revocation of an issued STR certificate of compliance.

(D) Whether the proposed STR will increase the intensity of the use of the property and cause increased traffic or noise coming from the property.


(E) Whether there is support for the establishment of the proposed STR from neighboring property owners.

...

SECTION 2. This ordinance shall be in full force and effect from and after June 1, 2024.

PASSED this 5th day of February, 2024.

ATTEST:

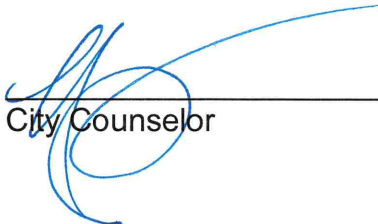


City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor