

TMP-9941 - Draft Text Change (11-12-18)

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. The rental of a residential dwelling unit, portion of a dwelling unit or room within a residential dwelling unit, by a transient guest for lodging purposes for a period of thirty-one (31) consecutive days or less.

The following existing definition 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 ~~(30)~~ (31) 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.

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: A short-term rentals shall be classified as one of the following types:
 - i. Type I – An “owner hosted” dwelling unit in the R-1, R-2, or R-MF zone district in which the owner of record occupies the dwelling unit at the same time a renter is present.
 - ii. Type II – A “non-owner hosted” dwelling unit in the R-1, R-2, or R-MF zone district in which the owner of record or duly authorized operator does not occupy the dwelling unit at the same time as a renter is present.
 - iii. Type III – A “owner or non-owner hosted” dwelling unit in the M-OF, M-N, M-C, or M-DT zone district in which the owner of record or duly authorized operator does not occupy the dwelling unit at the same time as a renter is present.
- B. Authorization to operate: A short-term rental may be approved to operate either following an administrative approval by the Director or their designee or issuance of a conditional use permit by City Council subject to following:
 - i. Administrative Approval
 - a. Type I, Type II, and Type III short-term rental may be administratively authorized by the Director or their designee to operate upon demonstrating

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compliance with the application requirements enumerated in subsection C, below.

ii. Conditional Use Permit Approval

- a. In addition to demonstrating compliance with the application requirements enumerated in subsection C, below, a conditional use permit shall be required to operate a Type II short-term rental within 250-feet of a Type I, Type II, or Type III short-term rental. The application procedure and evaluation criteria for conditional use permits are enumerated in Section 29-6.4(m) of this code.

Measurement of the 250-foot distance shall be determined by drawing lines parallel to and two hundred fifty (250) feet from the boundary of the parcel upon which the short-term rental is located. Right-of-way (streets or alleys) abutting the subject parcel upon which the short-term rental is located shall not be counted as part of the 250-foot separation.

C. Use-specific Standards based on short-term rental type.

i. The following standards shall apply to Type I short-term rentals:

- a. The property owner shall provide an affidavit indicating that the proposed dwelling unit is under their fee-simple ownership and occupied as their principal residence. Such affidavit is available at www.como.gov/community-development/neighborhoods under the link entitled “Short-term Rental”.
- b. The property owner shall, by certified mail, notify all abutting property owners of record and/or occupants of their intention to use their dwelling unit as an “owner hosted” short-term rental. The form to be used for certified mail notification is available at www.como.gov/community-development/neighborhoods under the link entitled “Short-term Rental”.
- c. The property owner shall register the dwelling unit with the City and obtain a Certificate of Rental Compliance as enumerated in Chapter 22, Article 5 of the City of Columbia Code of Ordinances (Rental Unit Conservation Law). Proof of abutting property owner and/or occupant notification shall be required at the time of rental registration.
- d. A maximum of two sleeping rooms or spaces, in addition to the host, may be offered for rental purposes. A sleeping room or space shall meet the definition as provided for in the adopted International Property Maintenance Code.
- e. In no instances shall a sleeping room or space be permitted to accommodate more than 2 individuals, regardless of the square footage provisions as defined within the adopted International Property Maintenance Code.
- f. A maximum of one-quarter (0.25) of the total number of dwelling units within a multi-family building, in which each dwelling is under “fee-simple” ownership, may be permitted to be registered as a Type I short-term rental.

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- g. A Type I short-term rental shall not be used for activities such as receptions, parties, weddings or similar activities.
 - h. No structural modifications shall be performed upon the dwelling unit to accommodate the short-term rental. The dwelling unit shall maintain a residential appearance and adhere to all applicable codes of the City of Columbia. Routine maintenance and repairs shall be permitted and do not constitute a structural modification.
 - i. No signage identifying the dwelling unit as a short-term rental shall be permitted.
 - j. Operation of a Type I dwelling unit in violation of any of the foregoing provisions shall constitute a violation of this Code. The property owner shall be subject to any and all remedies provided for in Section 29-6.6 of this Code including, but not limited, revocation of any issued Certificate of Rental Compliance. Reissuance of a revoked Certificate of Rental Compliance, regardless of a change in ownership of the dwelling unit, shall require the approval of a conditional use permit.
 - k. A Certificate of Rental Compliance for a short-term rental is non-transferrable and shall only be valid for the property owner to whom it was originally issued.
- ii. The following standards shall apply to Type II short-term rentals:
- a. The property owner or duly authorized operator shall provide an affidavit indicating their interest in the property and their intention to utilize the dwelling unit as a short-term rental. Such affidavit is available at www.como.gov/community-development/neighborhoods under the link entitled "Short-term Rental".
 - b. The property owner or duly authorized operator shall, by certified mail, notify all abutting property owners of record and/or occupants of their intention to use their dwelling unit as a "non-owner hosted" short-term rental. The form to be used for certified mail notification is available at www.como.gov/community-development/neighborhoods under the link entitled "Short-term Rental".
 - c. The property owner or duly authorized operator shall register the dwelling unit with the City and obtain a Certificate of Rental Compliance as enumerated in Chapter 22, Article 5 of the City of Columbia Code of Ordinances (Rental Unit Conservation Law). Proof of abutting property owner and/or occupant notification shall be required at the time of rental registration.
 - d. A dwelling unit shall be rented in its entirety and shall not be partitioned and made available to multiple renters.
 - e. The maximum number of guests within a dwelling unit shall be calculated based upon the number of sleeping rooms and one additional sleeping space as defined within the adopted International Property Maintenance Code. In no instances shall a sleeping room or sleeping space be permitted to accommodate more than 2 individuals, regardless of the square footage

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- provisions as defined within the adopted International Property Maintenance Code.
- f. A maximum of one-quarter (0.25) of the total number of dwelling units within a multi-family building may be permitted to be registered as a Type II short-term rental.
 - g. A Type II short-term rental shall not be used for activities such as receptions, parties, weddings or similar activities.
 - h. No structural modifications shall be performed upon the dwelling unit to accommodate the short-term rental. The dwelling unit shall maintain a residential appearance and adhere to all applicable codes of the City of Columbia. Routine maintenance and repairs shall be permitted and do not constitute a structural modification.
 - i. No signage identifying the dwelling unit as a short-term rental shall be permitted.
 - j. Operation of a Type II dwelling unit in violation of any of the foregoing provisions shall constitute a violation of this Code and subject the property owner or duly authorized operator to any and all remedies provided for in Section 29-6.6 of this Code. Reissuance of a revoked Certificate of Rental Compliance, regardless of a change in property owner and/or duly authorized operator, shall require the approval of a conditional use permit.
 - k. A Certificate of Rental Compliance for a short-term rental is non-transferrable and shall only be valid for the property owner or duly authorized operator to whom it was originally issued.
- iii. The following standards shall apply to Type III short-term rentals:
- a. The property owner or duly authorized operator shall provide an affidavit indicating their interest in the property and their intention to utilize the dwelling unit as a short-term rental. Such affidavit is available at www.como.gov/community-development/neighborhoods under the link entitled "Short-term Rental".
 - b. The property owner or duly authorized operator shall, by certified mail, notify all abutting property owners of record and/or occupants of their intention to use their dwelling unit as a short-term rental. The form to be used for certified mail notification is available at www.como.gov/community-development/neighborhoods under the link entitled "Short-term Rental".
 - c. The property owner or duly authorized operator shall register the dwelling unit with the City and obtain a Certificate of Rental Compliance as enumerated in Chapter 22, Article 5 of the City of Columbia Code of Ordinances (Rental Unit Conservation Law). Proof of abutting property owner and/or occupant notification shall be required at the time of rental registration.
 - d. A dwelling unit shall be rented in its entirety and shall not be partitioned and made available to multiple renters.

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- e. The maximum number of guests within a dwelling unit shall be calculated based upon the number of sleeping rooms and one additional sleeping space as defined within the adopted International Property Maintenance Code. In no instances shall a sleeping room or sleeping space be permitted to accommodate more than 2 individuals, regardless of the square footage provisions as defined within the adopted International Property Maintenance Code.
- f. A maximum of one-quarter (0.25) of the total number of dwelling units within a multi-use building may be permitted to be registered as a Type III short-term rental.
- g. A Type III short-term rental shall not be used for activities such as receptions, parties, weddings or similar activities.
- h. No structural modifications shall be performed upon a single-family (attached or detached) or two-family dwelling unit classified as Type III to accommodate the short-term rental. The dwelling unit shall maintain a residential appearance and adhere to all applicable codes of the City of Columbia. Routine maintenance and repairs shall be permitted and do not constitute a structural modification.
- i. No signage identifying a Type III single-family (attached or detached) or two-family dwelling unit as a short-term rental shall be permitted.
- j. Operation of a Type III dwelling unit in violation of any of the foregoing provisions shall constitute a violation of this Code and subject the property owner or duly authorized operator to any and all remedies provided for in Section 29-6.6 of this Code. Reissuance of a revoked Certificate of Rental Compliance, regardless of a change in property owner and or duly authorized operator, shall require the approval of a conditional use permit.
- k. A Certificate of Rental Compliance for a short-term rental is non-transferrable and shall only be valid for the property owner or duly authorized operator to whom it was originally issued.