

210 East Ridgeley Road  
Columbia, MO 65203

January 12, 2019

Dear Mr. Zenner and Ms. Bacon,

Short-term rentals should not be allowed in R-1 neighborhoods. Even one short-term rental can change the character of a neighborhood. Just ask my neighbors who have seen firsthand how their quiet, residential street has been significantly changed for the worse with short-term rentals. B&B's are not allowed in R-1 – for many good reasons – and Airbnb should not be allowed, either!

Commercial ventures have no place in Columbia's R-1 zoned areas and I urge the city staff and elected officials to stand strong to preserve the quality of life in our residential neighborhoods.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Beverley".

Andrew Beverley



Rachel Bacon &lt;rachel.bacon@como.gov&gt;

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**Case # 31-2019, Short Term Rentals**1 message

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**brian page** <briancpage@hotmail.com>

Mon, Jan 14, 2019 at 5:55 PM

To: Rachel Bacon &lt;rachel.bacon@como.gov&gt;, Pat Zenner &lt;patrick.zenner@como.gov&gt;, fowler pat &lt;fowler.pat.j@gmail.com&gt;, Clyde Ruffin &lt;ward1@como.gov&gt;

Dear Rachel and Pat,

We are asking you to consider our concerns about unhosted short term rentals (STR's). Neighborhoods zoned R-2 and R-MF need protections like R-1. There shouldn't be a difference in how the ordinance rules apply. We want all neighborhoods treated the same, hosted STR's only. Opening the doors to allow limited liability corporations to purchase affordable housing to be turned into single use STR's will prevent low and moderate income families from living in our Central city neighborhoods in those houses. As homeowners concerned about our neighborhood, we will have limited recourse when the transient renters misbehave (loud and late night parties) and use up our on-street parking. The police don't want to deal with these disturbances and without a host to hear our concerns and complaints we will lose quality of life and our peaceful neighborhood.

We prefer, instead, hosted STR's and recommend using the home based business ordinance to guide this case.

Hosted STR's with the owner occupying the home a minimum of 300 days per year works for us.

Thank you both for your work,  
Brian Page & Gail Plemmons  
[17 Aldeah Ave.](#)



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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## STRs

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**Dave Baugher** <davebaugher@hotmail.com>  
To: Patrick Zenner <Patrick.Zenner@como.gov>  
Cc: Matt Pitzer <ward5@como.gov>

Mon, Jan 14, 2019 at 6:25 PM

Attn: Mr Patrick Zenner

Our family has resided in the same Columbia neighborhood for over 20 years. We know each and every one of our immediate neighbors and most of the rest. We love them and trust them. That's why we chose to raise our children here.

The people of Columbia have invested in their homes and neighborhoods under the belief that our City Government would value the benefits that these stable neighborhoods create for their residents and the city as a whole. And that the City would protect them from the disruption and danger that commercial activities can cause. That's why our City wisely banned commercial uses of residential property to begin with. Clearly, non-hosted STRs are a commercial use. Hosted STRs are essentially a Bed and Breakfast, another commercial use. Neither have ever been allowed in residential zoning. What the heck has changed? Is the City really willing to risk the health of our neighborhoods for a few measly bed-tax dollars?

Not all Airbnb/VRBO users are a problem, but some are. Some are a big problem.

Think about the parents of young children who don't know from night to night who is living next door. Think of an elderly couple tormented late at night by a loud party next door but afraid to try and stop it. Think of the traffic, parking, and litter problems generated by short-term visitors who are unfamiliar with local rules, or who really don't care because they're SHORT-TERM.

Please don't allow Short Term Rentals in our neighborhoods.

David Baugher  
211 Bingham Road



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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## Short term rental draft

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**Richard Burns** <chardw62@yahoo.com>

Sun, Dec 30, 2018 at 5:36 PM

To: Patrick Zenner &lt;patrick.zenner@como.gov&gt;, "rachel.bacon@como.gov" &lt;rachel.bacon@como.gov&gt;

Hello Mr. Zenner and Ms. Bacon,

Thanks again for the Public Hearing on short term rentals (STR) Thursday December 18<sup>th</sup>. Many appreciated the changes made to the original draft, specifically with respect to the number of transient guests (3) that either an owner or non-owner hosted rental property could accommodate. However, I stand by the following statements:

1. The original intent of R-1 zoned homes was never STR use, and the majority of homeowners that currently live in R-1 homes (in my neighborhood or any other in Columbia) do not want to live next to an Airbnb property. I believe this basic premise is exceedingly important and during the next public hearing I very much would like to hear whether staff agrees or not.
2. Absentee owners or groups that are not directly impacted by living next door to a STR have provided much of the testimony supporting this type of use.
3. Any proposed regulation should have a neutral impact on the permanent R-1 homeowner. The City should strive to satisfy this group first and foremost. Allowing STRs in R-1 zoned property is not a neutral use to adjacent homeowners.
4. Residential neighborhoods without existing protective covenants should not be asked to solve this problem.

I am not advocating a complete ban on STRs and recognize this platform has been a popular innovation, especially in cities and communities that are tourist destinations. Although Columbia has spikes of visitors during the year, STRs are not something our City has to allow in order to comfortably accommodate out-of-town guests, at least not to the potential detriment of R-1 homeowners. I can't speak on behalf of those owning R-2 zoned or higher property, but if they have concerns about the impact of STRs I hope they make these known as well.

Thanks for your attention.

Sincerely,  
Richard Burns  
310 East Brandon Road

[Sent from Yahoo Mail for iPhone](#)



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**BW BROWN WILLBRAND. P.C.**  
*Attorneys at Law*

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January 14, 2019

Patrick Zenner  
Community Development Department  
City of Columbia  
PO Box 6015  
Columbia, MO 65205-6015

Re: Proposed Short-term Rental Regulations

Dear Mr. Zenner and Members of the Columbia Planning & Zoning Commission:

Thank you for the opportunity to submit written comments with respect to the City's proposed Short-Term Rental Regulations (the "STR Regulations"). Please consider this letter as the official position statement of the Grasslands Neighborhood Association (the "Grasslands") with respect to the STR Regulations. This letter has been reviewed and approved by, and is submitted on behalf of, the Grasslands Board of Directors.

**I. Background**

The Grasslands is one of Columbia's oldest subdivisions and is located in the heart of Columbia. It is adjacent to the University of Missouri campus and is within easy walking distance of many campus attractions. It consists primarily of single-family residential properties that are zoned R-1, although there are also some properties within the Grasslands that are zoned R-2 and R-MF.

Recently, one home in the Grasslands was sold to an institutional investor who operates a full-time commercial Airbnb establishment at the property. The property is owned by an LLC, is staffed by an employee of the LLC and advertises that it sleeps up to 23 people. The LLC promotes the property as a party property and characterizes the property as perfect for hosting large groups of people. In reality, the property at issue is being operated as a hotel – it is not occupied and used as a single-family residential property with permanent residents.

As a result of the operation of this commercial establishment in the Grasslands, the Grasslands formed a special committee to survey Grasslands' residents to determine whether the Grasslands supported or opposed allowing short-term rentals within the Grasslands. A clear

majority of those that responded opposed allowing non-owner hosted and owner hosted short-term rentals in the Grasslands.

Consistent with the results of that survey, the Grasslands requests that the City adopt the STR regulations enclosed as **Exhibit 1** to this letter.

## **II. Proposed Regulations and Analysis**

Attached is a redline draft of the language that the Grasslands recommends for City Council approval. Under the proposed language, short-term rentals are not permitted uses in the R-1 zoning district regardless of whether they are owner-hosted or are non-owner hosted. In addition, short-term rentals are conditional uses in the R-2 and R-MF zoning districts.

### **a. Short-term rentals should be subject to the same zoning regulations as traditional bed and breakfast establishments**

There is simply no land use justification for allowing non-owner hosted short-term rentals in the R-1 zoning district. Under the current zoning rules, neither hotels nor traditional bed-and-breakfasts are allowed in R-1 zoning districts. Even in R-2 and R-MF properties, bed and breakfast establishments are conditional uses only. This is recognition that hotels and traditional bed and breakfasts are commercial uses and are incompatible with single-family residential uses. For decades, this City has adopted zoning which recognized this incompatibility - and for good reason.

Consider the similarities between the non-owner hosted Airbnb currently operating illegally in the Grasslands and a traditional bed-and-breakfast or hotel:

#### Non-owner Hosted STR in the Grasslands

Owned by a real estate investment LLC  
Managed by an employee of the LLC  
Rooms rented by the night (rate of \$699/night)  
Renters identified as "guests"  
Typical stay is for a weekend  
Food and alcohol available for purchase  
Advertising posted online  
Photos of the property posted online  
Reservation confirmed online  
Payment made online  
Has reservation cancellation/refund policy  
Ownership is for business use

#### Traditional Hotel/Bed and Breakfast

Owned by an investor/company  
Managed by employees  
Rooms rented by the night  
Renters identified as "guests"  
Typical stay is for a weekend  
Food, alcohol avail. for purchase  
Advertising posted online  
Photos of the property online  
Reservations confirmed online  
Payment made online  
Reservation cancellation/refund avail  
Ownership is for business use

Now compare that same Airbnb property in the Grasslands to a residential property in the Grasslands occupied by a single-family:

Non-owner Hosted STR in the Grasslands

Owned by a real estate investment LLC  
Managed by an employee of the LLC  
Rooms rented by the night (rate of \$699/night)  
Renters identified as “guests”

Typical stay is for a weekend  
Food and alcohol available for purchase  
Advertising posted online  
Photos of the property posted online  
Reservation confirmed online  
Payment made online  
Has reservation cancellation/refund policy  
Ownership is for business use

Typical Single-family Residence

Owned by an individual or a family  
No employees  
If rented, rented on an annual basis  
Occupied by long-term owners or tenants  
Typical occupancy is for years  
Does not sell food or alcohol  
No advertising  
No photos of the property online  
No reservations confirmed online  
No payment made online  
No reservations  
Ownership is for personal use

Ask yourself – does this full-time Airbnb have more in common with a traditional bed and breakfast or does it have more in common with a single-family residential property? Respectfully, the full-time Airbnb in the Grasslands is a commercial enterprise that meets the definition of a hotel and for all practical purposes, it *is* a bed and breakfast.

If it looks like a duck, walks like a duck, quacks like a duck – it should be regulated like a duck. For decades, the City has completely banned bed and breakfast operations in the R-1 zoning district and limited them to being a conditional use in R-2 and R-MF. Non-owner hosted short-term rentals do not need to be treated any differently than traditional bed and breakfasts. If the right land use regulation was to prohibit bed and breakfasts in the R-1 zoning district and to limit them to conditional uses in the R-2 and R-MF zoning districts, then this is the right land use regulation for short-term rentals. Short-term rentals should be subject to the same regulation – they should be prohibited in the R-1 zoning district altogether and they should be subject to the conditional use process in the R-2 and R-MF zoning district.

**b. Prohibiting STRs in R-1 is the best policy decision**

The Grasslands would urge the Planning & Zoning Commission and the City Council to take a cautious approach on the STR regulations. If the Commission and the Council allow STRs as a permitted use in the R-1 zoning district, *there is no going back*.

If STRs are permitted, there will be a flood of institutional investors that purchase R-1 properties to operate as STRs. They will be buying those properties in reliance upon the City’s decision to allow STRs in the R-1 district. Those investors will acquire vested rights in the existing zoning. From that point forward, any change in the STR ordinance that either prohibits STRs in the R-1 district or which imposes greater restrictions on STRs is likely to be met with claims that the City is “taking” property rights without just compensation. There may even be merit to those claims – the test for a regulatory taking is whether the regulation denies all

reasonable economic use of a property (i.e. does the regulation defeat reasonable, investment-backed expectations of the property owner?). Ordinarily, takings claims based on a change in land use regulation are difficult to prove because there is usually some other commercial use that could be used to generate profit. It is unusual for a government regulation to deny all reasonable economic use of a property. However, here, *there is no other commercial use permitted in R-1*. Allowing STRs creates a new permitted commercial use – the only commercial use – in R-1. If investors purchase residential property to use for STRs and then make significant investments in that property, prohibiting or limiting STRs in the future will lead to takings claims, which may very well be successful. There is no other profitable, commercial use which the City could point to as an alternative use.

Respectfully, the most prudent course of action is to continue the existing prohibition on STRs in R-1 zoned property. The City can always permit them in the future. But if permitted now, there is no going back the other direction, except at great cost to the City.

### **III. Conclusion**

Thank you in advance for your time and thoughtful consideration of this submission on behalf of the Grasslands. If you have any questions or need any additional information, please don't hesitate to contact me.

Sincerely,



R. Caleb Colbert

RCC:lwg

**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 (~~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 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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## TMP-10242 - Proposed Text Change - Grasslands Revisions

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  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.

## TMP-10242 - Proposed Text Change - Grasslands Revisions

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. ~~Owner hosted~~Administrative Approval - ~~An owner hosted short-term rental is subject to the following regulations and limitations; 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).~~

i. No owner hosted short-term rental shall operate in the R-1 zoning district. Short-term rentals are not classified as a permitted use in the R-1 zoning district.

ii. In the R-2 and R-MF zoning districts, an owner hosted short term rental 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:

- 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).

iii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts a short-term rental may be authorized by the Director or their designee provided that the short-term rental meets the following conditions:

- 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).



d. \_\_\_\_\_  
\_\_\_\_\_

2. ~~Conditional Use Permit~~Non-owner hosted –Any **“non-owner hosted”** short-term rental or short-term rental not meeting the classification of **“owner hosted”** shall be subject to the following regulations:

i. No non-owner hosted short-term rental shall operate in the R-1 zoning district. Short-term rentals are not classified as a permitted use in the R-1 zoning district.

3. ~~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:~~In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts, non-owner hosted short-term rentals shall require 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:

\_\_\_\_\_:

- 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).

2.4.

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).~~



## TMP-10242 - Proposed Text Change - Grasslands Revisions

~~ii.i. 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.a. 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.a. 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.~~
- ~~Demonstrate compliance with the provisions of 29-3.3(pp)(C).~~

~~i. \_\_\_\_\_~~

~~d.~~

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.

## TMP-10242 - Proposed Text Change - Grasslands Revisions

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. A conditional use permit issued to an STR under this Section shall be personal to the property owner and shall not run with the property. A conditional use permit issued under this Section shall automatically terminate upon the sale or conveyance of the property for which the conditional use permit was issued. 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.~~

~~9.8. Revocation of a Certificate of Rental Compliance. Operation of a short-term rental, regardless of classification, in violation of any of the foregoing~~

## TMP-10242 - Proposed Text Change - Grasslands Revisions

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 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.

**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.**

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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 following the approval of a conditional use permit by City Council pursuant to the requirements of 29-6.4(m) of this Code.

1. Owner hosted- An **owner hosted** short-term rental is subject to the following regulations and limitations:
  - i. No owner hosted short-term rental shall operate in the R-1 zoning district. Short-term rentals are not classified as a permitted use in the R-1 zoning district.
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    - 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).
  - iii. In the M-OF, M-N, M-DT, or M-C zoning districts a short-term rental may be authorized by the Director or their designee provided that the short-term rental meets the following conditions:
    - 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. Non-owner hosted –Any “**non-owner hosted**” short-term rental or short- term rental not meeting the classification of “**owner hosted**” shall be subject to the following regulations and limitations:
  - i. No non-owner hosted short-term rental shall operate in the R-1 zoning district. Short-term rentals are not classified as a permitted use in the R-1 zoning district.
  - ii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts, non-owner

hosted short-term rentals shall require 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:

- 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. 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. A conditional use permit issued to a short-term rental under this Section shall be personal to the property owner and shall not run with the property. A conditional use permit issued under this Section shall automatically terminate upon the sale or conveyance of the property for which the conditional use permit was issued.
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 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.

# COLUMBIA

## BOARD OF REALTORS®

January 9, 2019

Planning Department  
City of Columbia Missouri  
P.O. Box 6015  
Columbia, MO 65202-6015

VIA: EMAIL

Re: Short Term Rental Code Amendments to the UDC

Dear Mr. Zenner and Ms. Bacon:

Sean Moore, the 2018 Columbia Board of REALTORS® President, previously wrote to you on November 30, 2018 regarding the proposed Short-Term Rental (STR) Code Amendments to the Unified Development Code (UDC) (the "Amendments"). We have had the proposed Amendments (revised 12-13-18) reviewed by land use attorneys via the National Association of REALTORS® and our Missouri attorney. The purpose of this letter is to supplement the November 30 letter and affirm our Board's concerns with the proposed Amendments and their impact on the Columbia residential property market. While the most recent proposed revisions addressed some of our concerns, we still believe further adjustments should be composed.

While we continue to support the imposition of a form of lodging tax for short-term rentals and recognize the need to create a new definition of "short-term rentals" to address this issue, we have concerns about the proposed Amendments and their implementation. As REALTORS®, we are sensitive to any legislation that affects the use of real estate. It is our opinion, that as proposed, the Amendments will have an adverse effect on the Columbia real estate market and will likely have consequences which need to be considered before the adoption of these Amendments.

It was our understanding that the primary issue relating to short-term rentals involved taxation and "fairness" in relation to other providers of short-term rentals or transient properties. As such, the implementation of a tax similar to the current lodging taxes on hotel and bed and breakfast properties seems fair and reasonable. However, the proposed Amendments go far beyond simply defining short-term rentals for purposes of making them subject to taxation.

We believe that many of the proposed Amendments are confusing, contradictory, unnecessary, and/or in direct conflict of current Missouri law.





For the following reasons, we respectfully request that the City reconsider the enactment of the Amendments:

1. Proposed Table 29-3.1 classifies short-term rental use of a property as an accessory/conditional use. Missouri court cases from Missouri appellate courts to the Missouri Supreme Court have held that the rental of an otherwise residential property, regardless of duration of occupancy, is a residential use and not a commercial use. Per the Table, it appears that short-term rental property will be classified as “commercial” as indicated by the “accessory/conditional” designation in residential zoning districts. Such a designation is not in accord with applicable Missouri law.
2. Regulating short-term rentals as a “use” is outside of the City’s zoning authority. A Missouri appellate court determined that the nature of zoning ordinances is to restrict the use of land, not the users of the land. If the City attempts to regulate the use of residential property based on whether it is occupied by the owner or a renter, or based on whether the duration of the occupancy is short-term or long-term, the City is regulating the user rather than the use. As a governing authority’s zoning power under Missouri law can only be used to regulate the use of land, the proposed Amendments appear to violate the City’s zoning authority. The use of the property in a short-term rental situation remains residential regardless of the persons occupying the property or the duration of their occupancy.
3. Section 29-3.3(pp) of the proposed Amendments appears to classify the “primary use” of a property as “short-term rental” regardless of the amount of time such property is actually occupied by a short-term renter or the owner. Although a minor issue, we note that the definition of “owner hosted” and “non-owner hosted” are in conflict as each includes the 330th day.

As stated above, short-term rental is not a “use” of the land, but rather, is a characterization of the user of the property. Furthermore, to the extent that short-term rental could be considered a “use” of the land, for “owner-hosted” property under the definition, the use should be an “accessory use” rather than a “primary use” because the primary use is for occupancy by the owner.

4. The distinction between “owner hosted” and “non-owner hosted” under the most recent proposed revisions, appears to focus primarily on the approval process and occupancy limitations. The distinction in relation to an administrative process versus the process for obtaining a conditional use permit seems arbitrary. Regardless of actual owner occupancy, the short-term rental remains the same. As such, it seems unduly burdensome and unnecessary to require the non-owner hosted property to go through the process necessary for a conditional use.

The restrictions on occupancy seem similarly arbitrary and unreasonable. For example, the restriction on number of sleeping rooms, “regardless of the total number of sleeping rooms within the dwelling” is inconsistent with current law relating to other residential properties in the City. If the property has five bedrooms, restricting the occupancy to less than otherwise allowed for an owner-occupied property or a long-term rental appears to simply be an effort to limit an owner’s beneficial use of the property for no reason other than a desire to discourage short-term rentals. Since residential use does not distinguish based on the nature of the occupant or the term of the occupancy, we believe that these restrictions should be reconsidered.

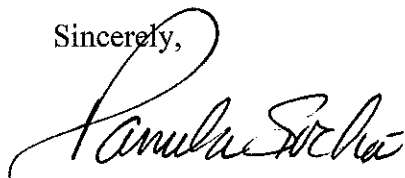
5. Several provisions of the proposed STR Ordinance (Section 29-3.3(pp)(B) and Section 29-3.3(C)) would impair the right of an owner to rent their property, which is considered a basic right of private property ownership. We note that developers and owners in subdivisions are free to restrict rental of residential property through private restrictions. However, we believe that to preclude short-term rental use by zoning ordinance is not a reasonable exercise of the City’s zoning authority. Enforcement of current laws relating to nuisance, occupancy, and landlord/tenant (including the laws relating to a Certificate of Rental Compliance) should be sufficient measures as opposed to creating an entirely new designation in the UDC with substantial restrictions.
6. The proposed limit of 25% of the dwelling units in a multifamily property or on a lot having multiple dwelling units being used for short-term rentals is arbitrary and unreasonable. Again, the use of such properties will be residential regardless of the term of occupancy. While we respect the possibility of an owner essentially turning a multifamily property into a “hotel”, we think that this can be better addressed in a definition in relation to the lodging tax as opposed to the UDC.

We respect the City’s right and obligation to address issues relating to property use. However, we believe that any restrictions relating to short-term rental use of properties should be approached cautiously and in the least restrictive manner possible. If the catalyst for the regulation of short-term rentals was to impose some form of lodging tax, then any changes to the City Code should be limited to that issue. As proposed, it appears that a primary purpose of the Amendments is to discourage the use of residential property for short-term rentals by making it complicated and expensive. We note that concerns regarding noisy parties, speeding vehicles, and parking issues can be addressed under existing City Code provisions. Additionally, concerns about “strangers” in neighborhoods may be cognizable, but nothing precludes an owner of a residential property from hosting “strangers” for extended periods of time when they are not “paying” for the privilege of occupancy. It seems illogical to assume that owners of properties offered for short-term rental will encourage or tolerate bad behavior by those occupants. More likely, the owner will impose their own strict rules, and consequences, to protect the value of their property and avoid interfering with the surrounding owners’ properties.

We remain concerned that the imposition of the proposed Amendments will have a stifling effect on the Columbia housing market and will have unintended consequences that are unnecessary. We, again, respectfully request that you reconsider these Amendments.

We welcome the opportunity to discuss these issues further with you. Please contact myself by email at [psocha@houseofbrokers.com](mailto:psocha@houseofbrokers.com), or Jim Meyer, 2019 Government Affairs Committee Chair, at [jmeyer@meyerworks.com](mailto:jmeyer@meyerworks.com) if you have any questions or would like to set up a meeting to discuss.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Socha". The signature is written in black ink and is positioned below the word "Sincerely,".

Pamela Socha  
2019 President  
Columbia Board of REALTORS®



Rachel Bacon &lt;rachel.bacon@como.gov&gt;

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**Additional feedback requested on potential Short-Term Rental (STR) regulations--  
Input requested by January 14, 2019**

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Dean Arthaud <deanarthaud@gmail.com>  
To: Rachel Bacon <rachel.bacon@como.gov>

Wed, Jan 9, 2019 at 12:02 PM

Thank you for reaching out Rachel. To me and many reasonable thinking people who are adamantly opposed to any form of STR (Air BnB, etc.) in R-1; this issue is not difficult to deal with.

Some facts:

1. Current Municipal Code does not allow this type of use in R-1 and it is only Conditional in R-2 and R-MF. There is no good reason to change this; not now and not in the future. STR's are a relatively new concept but this is not a wave of the future that should be allowed to harm the very fabric of our neighborhoods and lives.
2. Most of the individuals who want to see STR in R-1 have already violated the existing code (mentioned in 1) or are in some way profiting from this type of Commercial business.
3. They (people mentioned in 2) are a small minority (vocal) in our community and do not have a vested interest in our residential communities.
4. STRs are a commercial enterprise, period. The mere fact that some have illegally started them in a few residential neighborhoods is not evidence that they are a "residential" activity. Quite the opposite is true. STR can and in many instances have caused problems in normally quiet neighborhoods. Residents should not have to deal with this type of problem and it is not any citizens' job to enforce Municipal codes. It is THE CITY OF COLUMBIA MISSOURI'S JOB TO ENFORCE THE MUNICIPAL CODE. And the city can do this easily.
5. Government has a primary job of creating order and safety for it's citizens; Planning and Zoning by its very nature should add to this "structure" and ZONE to the benefit of what our residences/Homes need and want. If P&Z recommends to the city Council that R-1 be opened up to Commercial enterprises such as Air BnB's it is not doing its job and in fact is abdicating that responsibility.
6. A STR in a residential (R-1) area is more than likely violating laws and or covenants:
  - A. In our Woodridge neighborhood if you buy a property here you agree to abide by our covenants which state: "lots herein are to be used for Residential Purposes and no other purpose".

B. The STR is also in violation of the prohibition of Commercial business in a Residential Neighborhood.

C. A STR in R-1 violates the Municipal Use Code (pp 139)

D. and in fact if you go to Air BnB's website and their own guidelines, they recommend checking with local HOA's and restrictive Covenants. The Air BnB in our neighborhood ignored all of the above and asserts they are "legal". Which is not true.

7. Finally, a recommendation on how to handle this issue:

A. Enforce the existing Municipal Code. and do not allow a few to say they should be "grandfathered" and allowed to continue these violations. Enforcement is relatively easy; Send the offending party a letter notifying them they are in violation of the Municipal Code and have 90 days to shut it down. If they don't comply they are fined \$50 daily (starting after 90 days). If after 180 days the offending parties still refuse to comply put a lien on the property and the "fine" has to be paid in full for the lien to be released by the city; the property cannot be sold until such lien is satisfied.

[Quoted text hidden]

January 14, 2019

200 Bingham Road  
Columbia, MO 65203

Patrick Zenner  
Community Development Department  
City of Columbia PO  
Box 6015 Columbia, MO 65205-6015

Re: Proposed Short-term Rental Regulations

Dear Mr. Zenner and Members of the Columbia Planning & Zoning Commission:

As residents and the owners of two residential properties in the Grasslands neighborhood, we are writing to express strong opposition to the potential legitimization of "short term rentals" in R1 residential neighborhoods. Just as "Bed and Breakfast" establishments are prohibited in R1 neighborhoods, AirBnB's and similar commercial activities should be prohibited in R1 neighborhoods. Such activities are completely in contradiction to the intent and spirit of an R1 area.

We fully support all of the concerns about "short term rentals" in an R1 neighborhood identified in letters to you from John Ott, the president of the Grasslands Neighborhood Association, and from R. Caleb Colbert on behalf of our Neighborhood Association.

Sincerely and with deep concern,

Gerald L. Hazelbauer and Linda L. Randall



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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**[Planning]: RE Case# 31-2019 comments**

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**Kristen Heitkamp** <mkheitkamp@gmail.com>  
To: planning@como.gov

Fri, Jan 11, 2019 at 1:20 PM

**TO: Columbia Planning Staff and Columbia Planning and Zoning Commission**

I would like to commend the staff for their work. This code is fair to owners and neighbors, and simple enough to be enforced. I offer a few comments which I believe would strengthen the code.

**SEC.A.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.**

**COMMENT: Loophole.** Any "number of days" occupancy definition creates problems. A "30 days" occupancy requirement allows non-owners to circumvent the law, for instance, by using the unit over an indefinite period to house members of the family. At the same time, "30 days" limits a homeowner from going south for the winter and renting rooms for football games.

Of major concern: How would the city enforce this clause? I think that the **owner definition** should call for legal proof of occupancy. The legal proof (obtained through the county assessor) should be presented for licensure.

**SEC B.2.i.** In the R-1 zone district:

a. Not exceed a maximum of three (3) transient guests **not including minor children.**

**COMMENT: Loophole.** An R-1 owner-occupied STR could legally rent to three chaperones and 16 high-school kids. Delete "minor children."

**SEC C.2. DELETE** "within 1000-feet of the subject site."

**COMMENT:** Notify the neighborhood association in all cases.

**SEC C.2. typo:** One (1) non-illuminated on-site directional signs

Thank you,

Kristen Heitkamp  
600 Paris Court  
Columbia



Rachel Bacon &lt;rachel.bacon@como.gov&gt;

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**Case #31-2019**

1 message

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**Joe Weston** <jweston@gerke.com>

Tue, Jan 8, 2019 at 10:21 PM

To: rachel.bacon@como.gov

Cc: Joe and Terry Weston &lt;jtweston@mchsi.com&gt;, deanarthaud@gmail.com

Hello, Rachel –

Thanks for your patience in listening to both sides of the conflict over Airbnbs. I am not in favor of allowing them in R-1 neighborhoods. We buy homes as much for the neighborhoods as for the houses, and that can all go up in smoke when faced with the dilemma we have in the Woodridge neighborhood.

The owner of the Airbnb in our neighborhood (on Arbor Dr.) says he bought his house for that purpose, remodeled the house and backyard for paying guests and expects to pay for much of his son's college education with the proceeds. That model is a business model, not a residence model, and that should not be allowed in an R-1 neighborhood. The place will rent to up to 6 people for a reported \$59/night cost per renter.

I spoke briefly to the commission about our concern for security in the neighborhood. We were targeted for residential break-ins a couple of years ago and it took a while for the cooperation between the police and subdivision residents to bring it to a halt. The thieves thoroughly canvassed the neighborhood and knew who was away from their homes, and for how long. The break-ins were bold in nature. The watchword from the police was for us to watch for unfamiliar people and cars in the neighborhood. That is exactly what we're risking with the Airbnb that our new neighbor operates. Anyone can rent for \$59 and canvass the neighborhood while staying in it.

We know nothing about the people he rents to and he said he doesn't know them either. This presents a risky situation for families with youngsters, and we have them here.

Commissioner Anthony Stanton seemed most impressed with a couple of people speaking at the hearing and asked that they be made part of the deliberations to follow. They were both in commercial renting, and have a completely different set of concerns from homeowners. Please do not limit your public group to these people, which would be like the fox loose in the hen house.

The son of one neighbor operates an Airbnb in St. Louis, but it's in Soulard, which is completely different from residential neighborhoods in Columbia MO.

Finally, a friend remodeled the upstairs of his business building in New Orleans' French Quarter to rent as an Airbnb. Before they could begin renting, the city shut them down under pressure from hotels, which had to charge the convention/tourism tax. I'll learn later this month how that was resolved but if the city of New Orleans can shut them down until appropriate regulations, penalties, etc. are in place. The notion of any enforcement is almost laughable when considering how thin our law enforcement resources are spread.



1/14/2019

City of Columbia, MO Mail - Case #31-2019

Joe

Gerke & Associates

[601 Woodridge Dr.](#)

[Columbia Mo 65201](#)

[\(573\) 875-7125 X102](#)

[jweston@gerke.com](mailto:jweston@gerke.com)

[www.gerke.com](http://www.gerke.com)



Rachel Bacon &lt;rachel.bacon@como.gov&gt;

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**RE: Additional feedback requested on potential Short-Term Rental (STR) regulations-- Input requested by January 14, 2019**

3 messages

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**Joe Weston** <jweston@gerke.com>  
To: rachel.bacon@como.gov

Tue, Jan 8, 2019 at 10:35 PM

Dear Rachel –

In re-reading your note, it sounds like the approval of Airbnbs is automatic in the minds of city planners. This means the public has no say in the direction, only revisions to your foregone conclusion that they belong. No legislative action made this approval and, in its absence, I believe we have the right to challenge an administrative action by the city that many of us believe damages the rights of homeowners who bought their homes because of the culture of the neighborhoods.

Sorry to bring multiple pieces of correspondence to you, but I believe many of us want to tightly restrict the approval of Airbnbs, or eliminate them, rather than make revisions to regulations that are being forced on us. We all know that a high % of the STRs will not register with the city and that the city has no clout to force them to register, or enforce whatever regulations are enacted against our wishes. We also know that we will have to self-police compliance by the STR owners and that the city lacks personnel to enforce violations.

The city is jamming this down the throats of many for the benefit of a few and I ask you to please consider enacting extremely strict regulations with very high financial penalties, or deny the approval of Airbnbs entirely.

Joe Weston

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**From:** Rachel Bacon [<mailto:rachel.bacon@como.gov>]**Sent:** Tuesday, January 08, 2019 5:14 PM**To:** Rachel Bacon**Cc:** Zenner, Patrick**Subject:** Additional feedback requested on potential Short-Term Rental (STR) regulations-- Input requested by January 14, 2019**Dear Short-Term Rental Stakeholder:**

The City of Columbia continues to invite the public to weigh in on potential text changes to the Unified Development Code (UDC) to regulate short-term rentals (STRs) in the city. The most recent draft was developed in response to public feedback obtained during the February, April and November public meetings. These regulations were prepared in response to direction given by the City Council at their May 7, 2018 meeting to further engage the public in drafting regulations to zoning-related aspects of STRs.

At their December 20 listening session, the Planning and Zoning Commission asked the public to provide staff with constructive revisions to the December 13, 2018 draft regulations. The Commission established **January 14, 2019** (end of day) as the revision submission deadline. Comments may be submitted via letter or email.

The Planning and Zoning Commission has asked the staff to create a summary of all comments for review at their February 7 work session meeting. It is anticipated that a public hearing on the final draft regulations, reflective of additional public comments and February 7 Planning Commission work session review, will be tentatively scheduled for the March 7 Planning and Zoning Commission meeting.

This public hearing will be held in City Hall, Council Chambers, [701 E. Broadway](#), at 7:00 pm. The Planning and Zoning Commission may, following the public hearing, make a recommendation to the City Council for their review.

**Additional Information:**

- [Most recent draft regulation for review and comment \(dated 12-13-18\)](#)
- [Minutes](#) and [video](#) from the December 20, 2018 Planning and Zoning Commission Meeting

**Schedule:**

- January 14, 2019 (end of day): Public is asked to submit additional feedback to [Rachel Bacon](#) or [Pat Zenner](#) on proposed draft regulations
- February 7, 2019: Summary of public comments will be reviewed by the Planning and Zoning Commission at their work session
- March 1, 2019: Planning and Zoning Commission meeting agenda with public hearing draft will be posted online on the city [calendar](#) by the end of the day
- March 7, 2019: A public hearing on the final draft of the proposed regulations will be held by the Planning and Zoning Commission to allow for recommendation to the City Council
- April 1 and April 15, 2018 potential first read and then vote on the proposed STR regulations by the City Council

**For additional information, please contact [planning@como.gov](mailto:planning@como.gov) or call 573.874.7239.**

--

Rachel Bacon, AICP, Senior Planner

City of Columbia - Community Development Department

[701 E. Broadway](#)

[Columbia, MO 65201](#)

[\(573\) 874-7682](tel:5738747682)

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**Rachel Bacon** <[rachel.bacon@como.gov](mailto:rachel.bacon@como.gov)>

Wed, Jan 9, 2019 at 8:52 AM

To: Joe Weston <[jweston@gerke.com](mailto:jweston@gerke.com)>

Hi Joe,

Both emails received, thank you very much.

Rachel

[Quoted text hidden]

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**Joe Weston** <[jweston@gerke.com](mailto:jweston@gerke.com)>

Wed, Jan 9, 2019 at 3:31 PM

To: Rachel Bacon <[rachel.bacon@como.gov](mailto:rachel.bacon@como.gov)>

Hi, Rachel –

Thanks for your note and your consideration.

Joe

**From:** Rachel Bacon [mailto:[rachel.bacon@como.gov](mailto:rachel.bacon@como.gov)]

**Sent:** Wednesday, January 09, 2019 8:53 AM

**To:** Joe Weston <[jweston@gerke.com](mailto:jweston@gerke.com)>

**Subject:** Re: Additional feedback requested on potential Short-Term Rental (STR) regulations-- Input requested by January 14, 2019

[Quoted text hidden]



Patrick Zenner &lt;patrick.zenner@como.gov&gt;

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## Airbnb problem

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Joe Weston &lt;jweston@gerke.com&gt;

Mon, Jan 28, 2019 at 7:29 PM

To: Rachel Bacon &lt;rachel.bacon@como.gov&gt;, patrick.zenner@como.gov

Cc: Karl Skala &lt;ward3@como.gov&gt;, Betsy Peters &lt;ward6@como.gov&gt;, Clyde Ruffin &lt;ward1@como.gov&gt;, Ian Thomas &lt;ward4@como.gov&gt;, Matt Pitzer &lt;ward5@como.gov&gt;, Mike Trapp &lt;ward2@como.gov&gt;, Kay Pingelton &lt;bkipingelton@centurytel.net&gt;, deanarthaud@gmail.com, johnnott@columbiamo.com, Teresa Maledy &lt;teresa.maledy@outlook.com&gt;, Joe and Terry Weston &lt;jtweston@mchsi.com&gt;

Greetings,

The attached pictures were taken of Airbnb "guests" at 601 Arbor Dr., during the MLK weekend. Prior to the weekend the construction trailer was loaded with a skid steer loader. The pickup and trailer were here the entire MLK weekend and are parked in the space now.

This flies in the face of assertions by proponents of Airbnbs that they will not disrupt the sanctity of R-1 neighborhoods. This house is obviously providing low-cost STR service to a construction crew that parks their equipment and building materials on the Woodridge neighborhood streets. It's being operated purely as a commercial business. If this practice is allowed to continue it will only get worse for our neighborhood and will likely reduce sales value of the homes on the street.

Women's and Children's Hospital and Columbia Orthopaedic Group have considerable construction in process. The workers for these and any other construction projects should stay and park their equipment in the plentiful hotel space very close by, not on residential streets in R-1 zoned neighborhoods.

We expect city planners, planning & zoning commission and the city council to protect R-1 zoning, not codify incremental exceptions that make the R-1 concept meaningless. Thus, please move to prohibit STR operations in R-1 zoned neighborhoods.

Thank you,

Joe Weston

601 Woodridge Dr.

Columbia Mo 65201

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3 attachments

**Airbnb guest.1.jpg**  
2334K





**Hull Trailers**  
712-589-3100











The fundamental objection to this set of draft changes to ordinance is that operation of a short-term rental does not constitute a “use” under zoning law authorities. It is a fundamental principle that zoning law deals with landuse, not the owner, operator or occupant of the land. This understanding of zoning law authority was exhibited by the Missouri Court of Appeals when they ruled in Lennette Realty & Inv. Co. vs City of Chesterfield (2000). A person renting a short-term rental (transient guest under the proposed definition) is an occupant of the property, but the “use” that they are making of it is a residential use e.g. a one-family, two-family or multi-family dwelling use as already defined in the UDC. To declare that a short-term rental is a different “use” is fundamentally flawed and tantamount to regulating the occupant of the property rather than the landuse. This would be an inappropriate and unlawful use of a local government’s zoning authorities under state statute. A person dwelling in a short-term rental is no different than a person dwelling in a long-term rental or an owner-occupant dwelling in their own home from a zoning perspective, and all of these occupants should be treated the same under zoning authorities. It is possible that other aspects of City ordinances could address short term rentals uniquely, but from a zoning perspective the occupants are simply conducting a residential use. Missouri Appellate Court and Missouri Supreme Court decisions have held that the short-term rental of a home is a residential use, not a commercial use e.g. Mullin v. Silvercreek Condo (2006) and Leffen v. Hurlburt-Glover Mortuary, Inc. (1953).

Another concern is that this draft infringes on the right to rent which is a fundamental property right incidental to ownership. This conception of the right to rent as a fundamental property right has been affirmed by a wide variety of State Supreme Court rulings in a number of states. The specific issue is that this draft would make an owner’s fundamental right to rent their property subject to the political discretion of the City Council via the Conditional Use approval process. As argued in the previous paragraph, the rental of a property to a short-term tenant does not constitute a distinct use, it is simply an instance of a residential use; therefore, it would be improper to require a conditional use permit to use a property for the fundamental, underlying use which pertains to that zoning district. It would also be improper to make a landowner’s exercise of one of their fundamental property rights subject to discretionary political approval.

I have marked up the attached draft of the proposed ordinance changes with specific comments.

## 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 (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 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.

**Commented [JM1]:** These definitions may be useful in the portion of the ordinance that governs the hotel and lodging tax, but that are inappropriate in the UDC because short-term rentals cannot be properly defined as a landuse distinct from R-1, R-2, R-MF, etc.

**Commented [JM2]:** Short-term rentals can't be treated as a separate landuse. Some of these definitions and standard might possibly have utility in the portion of the Code of Ordinances that deals with rental compliance standards.

**Commented [JM3]:** 330 days seems arbitrary. Some retired people “snowbird” between 2 residences with one being primary and one being secondary. Also, many University faculty are on 9-month appointments and frequently travel the other 3 months of the year doing research, writing, etc. And there are school teachers that are off for the summer months. The IRS has a definition of **principal residence** that would be more fitting and less arbitrary. That definition would accomplish the goal of designating one single residence as the principal residence for the owner host in any given year. Thus if the owner had a number of short-term rentals, only one could qualify to be owner hosted.

**Commented [JM4]:** See previous comment.

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

- 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).

**Commented [JM5]:** The authority to operate a rental is not properly subject to a city's zoning authority. The City could possibly require a rental compliance certificate based on other authorities as it does for longer term rentals, but it is inappropriate to use any zoning authority and double inappropriate to require a politically discretionary conditional use permit.

**Commented [JM6]:** The zoning code can't treat one class of occupants differently from any other within a use category. There fore it is inappropriate to have occupancy limits that are different for short-term tenants, long-term tenants and owner-occupants. There should be one set of occupancy limits that applies to a zoning category if any.

**Commented [JM7]:** See the previous comment. The same logic applies to the number of dwelling units on a lot.

**Commented [JM8]:** It is fundamentally wrong to require a conditional use permit for one category of occupants to conduct the basic, underlying use for which the zoning district is constituted.

**Commented [JM9]:** The zoning code can't treat one class of occupants differently from any other within a use category. Therefore it is inappropriate to have occupancy limits that are different for short-term tenants, long-term tenants and owner-occupants. There should be one set of occupancy limits that applies to a zoning category if any.

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

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.

**Commented [JM10]:** See the previous comment. The same logic applies to the percentage of units within a multi-family structure.

**Commented [JM11]:** If the City has established a publicly accessible e.g. web-based GIS application as per the previous paragraph, then any member of the public can consult that site at any time and mailed notifications are superfluous. Also, since require a conditional use permit for a short-term rental is improper there would be no hearing to which this notice would pertain.

**Commented [JM12]:** This is fine, provided we use the IRS definition of principal residence as discussed above.

**Commented [JM13]:** Any provision like this should be in the rental compliance code, not the UDC.

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

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.

**Commented [JM14]:** This is a gratuitous interference with the owner's right to rent their property. What difference does it make to the City or anyone else whether someone has rented a room or the whole house? If the concern is density, that is address by the underlying zoning classification. It is hard to imagine a legitimate public purpose for such a provision.

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.

**Commented [JM15]:** Parties and social events are common occurrences in residences. Weddings in or on the grounds of residences are less frequent, but they do occur. These are activities inherent to the residential use of a property. The zoning code can distinguish one category of user from another, it can only regulate the uses that all users can enjoy.

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

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

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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.

**Commented [JM16]:** Some of these provisions may be appropriate in the rental compliance code but they are definitely inappropriate in the UDC which deals with zoning authorities.

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														
RESIDENTIAL USES														
Household Living														
Dwelling, One-family Detached	P	P	P	P	P	P					P			(a)
Dwelling, One-family Attached		P	P		P	P								(b)
Dwelling, Two-family		P	P		P	P								
Dwelling, Live-work			C		P	P	P	P						(c)
Dwelling, Multi-family			P		P	P	P	P						(d)
Manufactured Home Park				P										
Second Primary Dwelling Unit											C			(e)
Group Living														
Boarding House			P		P	P	P	P						
Continuing Care Retirement Community			P		P	P	P	P						(f)
Dormitory/Fraternity/Sorority			P		P	P	P	P						
Group Home, Large			P		P	P	P	P						(g)
Group Home, Small	P	P	P	P	P	P	P	P			P			(g)

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE															
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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															
Halfway House			C		C	C	C	C						(h)	
Residential Care Facility			C		P	P	P	P							
Temporary Shelter			C		C	C	C	C						(i)	
PUBLIC and INSTITUTIONAL USES															
Adult and Child Care															
Adult Day Care Center		P	P		P	P	P	P	P				Per PD		
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A			(j)	
Community Service															
Assembly or Lodge Hall						C	P	P		P			Per PD Approval		
Cemetery or Mausoleum	C	C	C	C						P					
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P				
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P		(hh)	
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P			
Funeral Home or Mortuary					C	C	P	C		P				(k)	
Higher Education Institution			P		P	P	P	P	P	C				(l)	
Hospital					P	P	P	C	P	P					
Museum or Library	C	C	C		P	P	P	P	P	C	P				



Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE															
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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															
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P				
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P				
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P			
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P			
Reuse of Place of Public Assembly	C	C	C	C										(m)	
Utilities and Communications															
Communication Antenna or Tower as a Principal Use	See section 29-3.3(n)													(n)	
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P			
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P				
Wind Energy Conversion System (WECS) as a Principal Use	See section 29-3.3(o)													(o)	
COMMERCIAL USES															
Agriculture & Animal-Related															
Agriculture											P		Per PD Approval		
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P			
Greenhouse or Plant Nursery							P			P	P				

**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														
Pet Store or Pet Grooming						P	P	P	C	C				
Urban Agriculture			C		P	P	C	C			P			(p)
Veterinary Hospital					C	C	P	P	P	P				(q)
<b>Food &amp; Beverage Service</b>														
Bar or Nightclub						C	P	P		C			Per PD	
Restaurant						P	P	P	P	P				(r)
<b>Guest Accommodations</b>														
Bed and Breakfast		C	C		C	P	P	P						(s)
Short Term Rentals	A/C	A/C	A/C		P	P	P	P					Per PD Approval	(pp)
Hotel							P	P	P	P				
Travel Trailer Park							C				C			
<b>Office</b>														
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)
Office					P	P	P	P	P	P				
Research and Development Laboratory					P	P	P	P	P	P				(u)
Wholesale Sales Office or Sample Room							P	P	P	P				

**Commented [JM17]:** Short-term rentals are not properly a “use” and therefore there should not be an entry in this table pertaining to them.

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														
Personal Services														
Personal Services, General					C	P	P	P	P	P			Per PD	(v)
Self-service Storage Facilities							P	C		P				(w)
Tree or Landscaping Service							P		P	P				(oo)
Recreation & Entertainment														
Indoor Recreation or Entertainment						P	P	P	P	P				
Indoor Entertainment, Adult							C			C			Per PD Approval	(x)
Outdoor Recreation or Entertainment							P		C	P	C	C		(y)
Physical Fitness Center						P	P	P	P	P				
Theatre, Drive-In							C			P				
Retail														
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)
Retail, Adult							P	P		P				(x)
Retail, General						P	P	P		P				(aa)
Vehicles & Equipment														
Car Wash						C	P	P	P	P			Per PD Approval	

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															
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P					
Light Vehicle Sales or Rental							P	P	P	P					(bb)
Light Vehicle Service or Repair						C	P	P	P	P					(cc)
Major Vehicle Repair and Service							P		P	P					(cc)
Parking Lot, Commercial							P	P	P	P					
Parking Structure, Commercial							P	P	P	P					
INDUSTRIAL USES															
Commercial Services															
Heavy Commercial Services							P	P		P				Per PD Approval	
Mechanical and Construction Contractors							C			P					
Storage and Wholesale Distribution									P	P					(dd)
Manufacturing, Production and Extraction															
Artisan Industry						P	P	P	P	P				Per PD Approval	
Bakery						C	P	P	P	P					
Heavy Industry										C					

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															
Light Industry									C	P			Per PD Approval	(ee)	
Machine Shop							C			P					
Mine or Quarry										C	C				
Transportation															
Airport											C		Per PD Approval		
Bus Barn or Lot							P			P					
Bus Station							P	P		P					
Rail or Truck Freight Terminal									C	P					
Waste & Salvage															
Sanitary Landfill											C		Per PD		
Vehicle Wrecking or Junkyard										C				(ff)	
ACCESSORY USES															
Accessory Dwelling Units	C	A	A										Per PD Approval	(gg)	
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A			(hh)	
Communication Antenna or Tower as an Accessory Use	See section 29-3.3(n)													(n)	
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A		(ii)	
Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE															

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE



January 12, 2019

Dear Mr. Zenner and Miss Bacon,

I am writing to express my concern and opposition to the potential legitimization of "short term rentals" in our residential neighborhoods.

Our residential neighborhoods are currently communities of people that watch out for one another, sometimes celebrate with one another and in general are areas that offer a quality of life that its residents and people seeking to move to Columbia can enjoy and expect when they buy or rent their home.

We have experienced in our neighborhood a mismanaged short term rental that is a burden and nuisance to adjacent neighbors. We have had to call the police on several occasions and feel somewhat helpless when this property, that advertises online that 23 people can stay there, continues to operate despite our reporting of it to the authorities. Current and new well intended regulations would not solve the problems that this short term rental and others around Columbia are placing on long term residential families and neighbors.

For years this type of activity has NOT been allowed in residential areas and our local ordinances have protected us from this commercial temporary short term use. It is clear to me that commercial investment realtors and the billion dollar overnight stay online platforms are pushing this legitimization and claiming that the historic use of short term overnight stays is new because of the online nature of creating the reservation. I believe this is a very silly argument and feel somewhat embarrassed for my City if this argument is being given any serious consideration.

Currently Bed and Breakfast operations, which are the same business as short term rentals, are not allowed in R1 zoning. I would ask you to maintain that same protection to the neighborhoods that has been in effect for decades. Please do not allow commercial short term rentals in R1 zoning.

I would ask that short term rentals not be allowed in R2 and RMF zoning as well. Although our current ordinances allow for Bed and Breakfasts in these zoned neighborhoods with a conditional use, I think it is a mistake to allow them in these zones as well because I believe very strongly that families working in our community and sending their kids to our schools should not be subjected to the burdens that short term rentals place on other long term neighbors and residents in our community.

Lets allow short term rentals in commercially zoned areas where behaviors from temporary guests and safety issues can be tolerated and managed. But please protect our neighborhoods and do not permit short term rentals in R1, R2 and RMF neighborhoods.

Thank You for your service to our community and your serious consideration,

John Ott  
Grasslands Neighborhood Association





# Ken Wilhelm & Company LLC

January 7, 2019

Planning department  
City of Columbia Missouri  
P.O. Box 6015  
Columbia, Missouri 65202-6015  
Attn: Pat Zenner and Rachel Bacon

RE: Short Term Code Revisions Considered.

Dear Pat and Rachel. Forgive my informality addressing you by your first names but after the council meeting dealing with this matter to the finish I feel I know you both intimately. I should disclose that I am a licensed Commercial Real Estate broker with some thirty years with development and marketing of lodging properties (mostly franchised) in the mid west . That coupled with shopping center and class B office property brokerage brings me to the position I feel about this short term rental (STR) discussion. I have been a tenant of this system in Austria where a non-hosted apartment served our location on a street very much like our Business Loop with shops beneath our apartment and a rail service at our front door. The Europeans cosmopolitan approach to tourism, as that is their main source of revenue, and the compatibility of STR seems to work well from my experience, there. Now let me expound about STR as it can effect Columbia.

I have a copy of a letter from Columbia Board of Realtors dated November 30, 2018 signed by Sean Moore, President . I understand the attempt to affix a lodging tax and cannot disassociate a lodging tax from a hotel definition as is the subterfuge to make some other classification by definition. If it walks like a duck....I also have problems in R-1 zoning, particularly with any use of un-hosted rentals. Let me suggest how that can cause disruption in code and enforcement.

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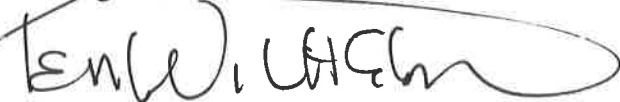
Let's say I buy a house in the Grasslands or Westwood Avenue and advertise the property for guests with up to two per bedroom for six to eight occupants. I give them the code to the front door and we are now engaged in a business relationship as a hotel. My long term rental would approximately be \$1500 a month but, as an STR , and per bedroom multipliers I have a monthly rental four to eight times that amount, depending on days and occupant use. A real estate agent can now present a new position for investors to get involved in and I, for setting this system in motion can sell on a cap rate based on the higher revenue for a tremendous profit. This has no regard for R-1 zoning code, I contend. Also, let's say I am a very attentive operator and the request for an automatic transfer for this permit usage would be putting that neighborhood in great peril. How can the city assure that the new investor is capable and runs a good quiet operation, they can't. The city will require complaints and potential legal action, at the expense of the neighbors (possible Association) to bring this matter forth.

I have a warm spot for hosted STR, but, where R-1 is respected as code defines, as not being a location for STR. . In a situation of R-2 and multi-family locations I would expect that strict implementation and fines assessed for violations be implemented and enforced. Reimbursement of plaintiff's legal fees to be part of any fine and settlement.

In closing, STR as defined is a hotel "Lite" operation and the preservation of R-1 quality of life must be at the forefront of any attempt to govern and tax whatever the proponents wish to call it.

Thank you both for your attention to this serious Matter.

Best regards,

A handwritten signature in black ink, appearing to read "Ken Wilhelm", with a large, sweeping loop at the end.

Ken Wilhelm

Cc: file

Mark Abbott  
2517 Highland Dr.  
Columbia, MO 65203

January 14, 2019

Attn: Patrick Zenner and Rachel Bacon  
City of Columbia  
PO Box 6015  
Columbia, MO 65202-6015

Dear Mr. Zenner and Ms. Bacon:

This letter is written in response to the proposed changes to the Columbia City Ordinances (TMP-10242 - Proposed Text Change (revised 12-13-18)) being made to address short-term rentals ("STR") in the City of Columbia (the "City"). I am a resident of the City and have hosted an STR out of my home and principal residence at 2517 Highland Drive since August of 2017.

As an STR owner and host, I have an interest in the development and implementation of reasonable, well-considered rules governing and supporting the sustainable operation of STRs in the City. I support the efforts by city government to establish rules around the operation and taxing of STRs. However, there are many issues with the changes as currently proposed. The most significant of these issues is that the modification of the Unified Development Code ("UDC") is the incorrect approach, and that, as a residential use, STRs should be treated as any other rental in the City, and be subject to the City's Rental Unit Conservation Law ("RUCL").<sup>1</sup> Any ordinance or rule that treats STRs as a separate class from traditional rentals runs the risk of infringing on property owners' right to rent.

I understand that other individuals and groups have or will be submitting written comments supporting the treatment of STRs as a residential use and the application of the RUCL, and it is not my intent repeat those analyses or discussions here. Instead, the purpose of this letter is to identify and highlight impacts and benefits of STRs to the City, and to identify and describe issues with the changes currently proposed.

### **STRs Benefit Columbia**

The growth of STRs has been driven in large part by the demand and expectation of travelers looking for affordable alternatives to traditional accommodations. People are looking for places to stay that are clean, comfortable, and friendly, while also being flexible and offering them options not available at a hotel. These "other options" include but are not limited to allowing groups to stay together, free laundry facilities, kitchens, and convenient parking. As a host, I have seen plenty of guests who have benefited from the affordability and flexibility offered by my STR. These include traveling nurses visiting Columbia on a regular basis or staying for a non-traditional period of time, medical students visiting town for interviews, families and other groups looking for a place to stay together, and bands looking for a cost-effective place to stay the night after playing at a local venue. In each of these situations, an STR offered them what a hotel could not, and often did so without any additional premium.

Due to the growth and popularity of STRs, visitors to Columbia now expect STRs as an option when looking for a place to stay. In fact, if they are like me, STRs are their first and potentially only option. Any

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<sup>1</sup> Article V. Sect. 22-181 through Sect. 22-195

regulatory changes should not unduly restrict the stock and availability of STRs in Columbia, and deprive travelers from the ability to stay in a form of accommodation that they have come to expect.

Many residents of the City have come to rely on the operation of STRs out of their homes as a means for a flexible supplemental income. As of the date of this letter, there are nearly 300 active STRs listed on Airbnb. Most of these listings represent a citizen who directly benefits from the income derived from their STR. They also benefit from the flexibility their STR provides in being able to open and close their STR as they see fit, something not available with a traditional rental. Overregulation of STRs could severely impact the ability of these citizens to operate an STR and maintain it as a source of income.

### **Problems with the Proposed Text Change**

As described above, because the operation of an STR is a residential use, a change to the UDC is both unnecessary and infringes upon property owners' right to rent. As such, many of the changes currently proposed should be struck. However, for the sake of argument I believe it is necessary to specifically address some of the proposed changes in order to identify issues in the changes as a matter of policy.

*The 330-day occupancy requirement for owner-hosted STRs is arbitrary and capricious.* There does not appear to be much rationale or support attributed to the decision to set the requirement at this number. In fact, by requiring owners of owner-hosted STRs to occupy the home of the STR for 330 days a year, many owners who currently operate STRs out of their principal residence will become subject to additional regulation—specifically the conditional use permit process—that otherwise appears intended to be applicable to owners who operate an STR out of a second home or investment property. In fact, my STR would not meet this standard, despite the fact that it is hosted out of my principle residence where I pay taxes, store my clothing, and have my mail and packages delivered to. This is because after taking into account trips for work, vacations, and visits to friends and family in St. Louis and Kansas City, I would have been away from my home in the previous year much longer than the 36 days permitted for an owner of an owner-hosted STR. Other hosts might find themselves in the same position if they regularly spend winters out of town or travel frequently for work. If this requirement were to remain, the number of STRs would probably reduce as a result of the additional work involved in obtaining a conditional use permit, and the number of conditional use permit applications would increase, straining city services responsible for processing those applications.

*The requirement for a conditional use permit for non-owner hosted STRs will significantly increase the number of conditional use permit applications and negatively impact the stock of STRs in the City.* As of the date of this letter, there are 167 whole-home STRs in Columbia listed on Airbnb. While the owner-occupancy status of each of these cannot be determined, it is relatively safe to assume that the majority of these STRs are non-owner hosted (i.e., the owner does not live in the home being rented). The implementation of this requirement would necessitate each of these owners to either obtain a conditional use permit or cease operating their STR. As a result, the City will likely see a significant increase of conditional use permit applications, and a significant decrease of all types of STRs (in part due to that fact that, under the 330-day occupancy requirement for owner-hosted STRs, many private-room STRs hosted out of an owner's principal residence home would be considered non-owner hosted STRs), with whole-home STRs seeing the greatest reduction.

*The distinction between owner-hosted and non-owners hosted STRs is unnecessary and should be removed.* The factors incentivizing owners of STRs to keep their property in good repair and keep guests from causing disruptions or nuisances are the same, regardless of whether the owner rents his home or rents an investment property. As the platforms, like Airbnb and VRBO, are currently set up, every stay is

reviewed by the guest, and future guests use those reviews to make a decision on whether to stay at a specific STR. Owners want and need to maintain positive reviews in order to make reservations. Positive reviews are maintained, in part, by keeping the rental in good condition. Owners do not benefit from guests who are likely to damage the rental, since that damage could affect future reviews and cost the owner money in repair costs. Owners are incentivized to review guests' previous reviews, and ask potential guests questions, to insure they will not damage the rental. Positive reviews are also maintained by setting accurate expectations with the guest. Owners do not benefit from guests who are more likely to have negative interaction with neighbors or the police since those interactions could be reflected in the quality of review left by that guest. As such, owners are incentivized to make sure guests know what they can and cannot do in the rental through the use house rules and accurate property descriptions. These mechanisms are the same for both owner-hosted and non-owner hosted STRs, and more than adequately protects the property from damage and neighborhood from nuisance.

Thank you for your time in reviewing these comments. I appreciate all the work you have done so far in determining the appropriate rules and regulations under which STRs in the City will be subject. I look forward to seeing these rules develop as this process moves along.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'M' followed by a long horizontal line extending to the right.

Mark Abbott  
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