

## TMP-12765 - Proposed Text Change (revised 8-28-19)

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**The following text is proposed to be added to Section 29-1.11(a) of the Unified Development Code. 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.

*Short-term rental (hosted).* A residential dwelling unit occupied by the owner of record as their primary place of residence that is offered, on occasion, as an accommodation for transient guests either while the owner is on-site or represented by a designated agent not required to be on-site, but having an address within the City of Columbia and being accessible 24-hours a day.

*Short-term rental (un-hosted).* A residential dwelling unit not occupied by the owner of record as their primary place of residence that is offered, on occasion, as an accommodation for transient guests.

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

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

*Hotel.* A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one and thirty-one (31) days ~~(30) (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 “**hosted**” or “**un-hosted**” dwelling units subject to the following provisions:
  1. A dwelling unit shall be considered “**hosted**” if:
    - i. It is the primary residence of the owner of record for a period of two hundred seventy (270) or more calendar days per year;

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- ii. The dwelling is occupied by the owner of record when it is being offered for transient accommodations with the exception of daytime and/or work hours.
- iii. In the event the owner of record cannot not be present while the home is offered for transient accommodations the owner shall have a designated agent registered with the City of Columbia that can be a point of contact in the owner's absence. Such designated agent shall not be required to be on-site while the dwelling is offered for transient accommodations; however, shall have an address within the corporate limits of City of Columbia and shall be accessible 24-hours a day. The designation of an agent shall not relieve the property owner of requirement that the dwelling unit be their primary residence.

2. A dwelling unit shall be considered **“un-hosted”** if:

- i. It is not the primary residence of the owner of record;
- ii. Is occupied by the by the owner of record for a period of two hundred sixty-nine (269) or fewer calendar days per year.

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 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 - A **“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.
- b. Sleeping rooms offered for rental shall meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws, including but not limited to, the adopted International Residential and/or Commercial Building Codes and the adopted International Fire Code.
- 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.
- b. Sleeping rooms offered for rental shall meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws, including but not limited to, the adopted International Residential and/or Commercial Building Codes and the adopted International Fire Code.

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- c. Not have more than one (1) dwelling unit registered as a short-term rental 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 short-term rental not meeting the classification of **“hosted”** shall obtain a 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 provided; however, that transient guest occupancy may be increased upon authorization by the City Council as part of the conditional use application. Maximum transient guest occupancy shall be determined based on the number of sleeping rooms and their corresponding square footage requirements as defined within the adopted International Property Maintenance Code and any other general criteria established under the conditional use process in 29-6.4.
      - b. Sleeping rooms offered for rental shall meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws, including but not limited to, the adopted International Residential and/or Commercial Building Codes and the adopted International Fire Code.
      - 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 conditional use applications may:
      - a. Request up to two (2) transient guests or less per sleeping room provided that transient guest occupancy, per sleeping room, may be increased upon authorization by the City Council as part of the conditional use application. Maximum transient guest occupancy shall be determined based on the number of sleeping rooms and their corresponding square footage requirements as defined within the adopted International Property Maintenance Code and any other general criteria established under the conditional use process in 29-6.4.
      - 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 short-term rental designation for up to a maximum of 25% of the dwelling units within a multi-family structure containing four (4) or more dwelling units or on a lot containing four (4) or more 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).

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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. Adjacent Property Owner Notification. The City of Columbia shall provide public notice for any conditional use application seeking to establish a short-term rental in accordance with the provisions of Section 29-6.3(c).
2. Proof of ownership. The property owner shall submit, upon forms provided by the City, an affidavit affirming the following: (a) the dwelling unit to be used as a short-term rental is under their ownership, (b) the number of days the dwelling serves as their principal residence, and (c) the name, address and contact number of a designated agent should the owner of a “hosted” short-term rental be unavailable. Such proof of ownership shall be provide annually at the time of Business License renewal or within 30-days of any change to the required affidavit content.
3. Property registration. The property owner shall register the short-term rental with the City of Columbia prior to being granted a certificate of compliance. Such registration shall follow to the provisions of Chapter 22 of the City Code and shall grant the City of Columbia the right to inspect the dwelling unit for compliance with all applicable City codes.
4. Dual rental designation. A dwelling unit that has an active certificate of compliance, pursuant to the Rental Unit Conversation Law, may apply to have an approved short-term rental added to such certificate subject to the provisions of 29-3.3(pp)(B) and other applicable City codes, without requiring re-inspection.

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. Certificate of Compliance posting. The certificate of compliance issued by the City shall be conspicuously posted at the entry of the dwelling unit or in a readily available location on-site for review upon the request of a police officer or city inspector investigating a violation of this subsection (pp), Chapter 16, Article IV (Nuisances), or Chapter 22, Article V (Rental Unit Conversation Law) of the City Code. In addition to posting the issued certificate, the operator shall post their contact information as well as the contact information of any designated agent.
6. Rental Platform Identification. Upon application to register a dwelling unit as a short-term rental and annually thereafter, the property owner shall provide the City with a list of all specific web-site or other media where the dwelling unit will

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be advertised for rental following issuance of a certificate of compliance. Such advertising shall include the certificate of compliance license number. This information will be used by the City and used for the purposes of ensuring compliance with the requirements contained herein or those specifically applied to the subject dwelling as a part of a conditional use approval.

7. Dwelling unit usage.
  - i. Only one rental reservation for the dwelling unit shall be permissible at any given time. If additional sleeping room or transient guest occupancy remains available it shall be unlawful to make a second reservation to maximize dwelling unit usage. The dwelling unit shall not be advertised as being available on an individual sleeping room basis.
  - ii. The dwelling unit shall not be used for activities otherwise prohibited by the City Code.
8. 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.
9. 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.
10. Rental Certificate Transfer. An active certificate of compliance that includes authorization to operate 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 Section 29-3.3(pp)(B) shall be required.
11. 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 and shall be subject to any fines and penalties of the City Code. Any property owner who has had their

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short-term rental certificate of compliance revoked shall only be permitted to seek a conditional permit to re-establish the short-term rental.