

From: **Christine Gardener** <thegardenerchristine@gmail.com>

Date: Sun, Jun 16, 2019 at 10:22 AM

Subject: [Planning]: Short Term Rental Ordinance

To: <planning@como.gov>, <planning@gocolumbiamo.com>

I have been following the drafting of this ordinance closely as my neighborhood is particularly at risk. I have no problems with hosted STRs and, in fact, have one across the street from my home. Non-hosted STRs are completely different and should not be allowed in any residential neighborhoods, no matter what they are zoned. My neighborhood was up zoned in the past, and I believe that was a terrible mistake by an earlier Council. We have managed to remain a neighborhood of mostly single family homes, stable and populated by many low and moderate income people - until recently. This was my experience since moving to my home in 1984, even though we have been designated R2 all that time. Now the R2 zoning is becoming a problem along with our aging infrastructure, increasing home and rent prices, and greatly increasing traffic. All these problems will be exacerbated by non-hosted STRs and there will be fewer of us to maintain our neighborly networks and support systems.

Unhosted STRs would be another and further blow to my neighborhood...and really all the neighborhoods that were up zoned in the past.

I very much appreciated the earlier words of support from the members of the P&Z commission and noted that most of them were in support of the residential neighborhoods in Columbia and against non-hosted STRs. They showed that they are listening to us. They showed they understand their mission is to support healthy neighborhoods, and I agree. I am hoping they stand firm in this commitment.

I see this issue very simply - all non-hosted STRs should be in commercial areas and only hosted STRs in residential neighborhoods.

Cities across the world are suffering from this problem, as any news search will show. Please don't take us down that route, as it has been shown to be damaging to local populations and neighborhoods.

Christine Gardener

112 Anderson Ave

874-3932

Short Term Stay Ordinance: please distribute to Planning & Zoning Commission members and City Council in advance of the next work session on the Short Term Stay Ordinance

fowler pat <fowler.pat.j@gmail.com>

Mon, Jul 1, 2019 at 11:53 AM

To: Sheela Amin <sheela.amin@como.gov>, "Zenner, Patrick" <Patrick.Zenner@como.gov>, rachel.bacon@como.gov

Dear Sheela, Pat and Rachel,

Please accept my comments, below, and forward them along to City Council and the Planning and Zoning Commissioners. Thank you.

Dear Council Members and Commissioners,

City Staff has undertaken a process to write an ordinance that appears designed to bring into compliance all variations of short term stays currently operating in our city, whether marketed by Airbnb, VRBO, or one of the other online app/services, regardless of underlying zoning, and regardless of whether the short term stay is owner hosted (owner lives there as his or her principal residence). There has been further discussion of having more than one set of rules, more restrictive provisions where the property in question holds R-1 zoning and less restrictive when the property in questions falls under another zoning category, presumably R-2, R-MF (which applies to the neighborhoods immediately adjacent to downtown) and PUD and C-2 (which covers a number of apartment complexes surrounding campus and along the student housing complex corridors further out).

Discussion at earlier public meetings has included the perspective of the Apartment Owners Association who would like to see expansive use of short term stays in non-owner hosted locations, the Board of Realtors who similarly would like the expand the number of locations where short term stays would be permitted. Immediate neighbors in R-1, R-2 and R-MF neighborhoods and neighborhood associations are concerned about the impact a short term stay business has on the availability, and continued affordability, of residential housing for year round residents and our college students living along our city blocks.

The City code has a provision for home based businesses in certain zoning categories. Should City Council decide that short term stays are a business that should be limited in residential neighborhoods to homes that are owner occupied, might Council then amend the home based business ordinance to include short term stays in owner-occupied residential property that are zoned in one of our R-1, R-2, or R-MF categories? That would take away the need to change the permitted uses under zoning, **a property right once established that would be difficult for the City to scale back should unintended consequences result**. (Nancy Thompson, city attorney, specifically referenced the difficulty of scaling back zoning while advising council to take a modest and measured approach to how wide a swath of property they made available for the siting of medical marijuana dispensaries and cultivation facilities in Columbia.)

City staff and several council members have long held that permitting more construction of multi family housing would result, as the supply grew, in lower housing costs and a better quality of housing for our residents. This reasoning overcame objections for the continued building of multi family housing in areas of town where sanitary and storm sewer infrastructure is already strained. By taking housing out of circulation for short term stays the market is then encouraged, artificially, to keep demand above supply without the corresponding and promised benefit of lower housing costs that accompanied these regulatory (enabled by staff) and legislative (enabled by council) approvals for continued multi family housing construction in neighborhoods already burdened by inadequate sanitary and storm sewer capacity.

Please require short term stays in all residential zoning categories to fall under an amended home based business ordinance which will protect neighborhood character, require owner hosting, allow for neighbors to bring their concerns directly to their neighbors rather than to an understaffed and under resourced nuisance and or police complaint process, and allow neighbors to continue to benefit from the quiet enjoyment of their homes as part of the reciprocal relationship that residential neighbors have with each other.

My comments are intended to cover short term stays in residential zoning neighborhoods only. When the conversation focuses on short term stays in commercial buildings I would like to reserve my opportunity to participate in that discussion as a business traveler who has booked Airbnb facilities in a commercial building in downtown Louisville KY, commercial corridors being a more appropriate setting for unhosted short term stays.

Thank you for your continued work on this matter.

Best wishes,
Pat Fowler
606 N 6th Street

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Pat Fowler
fowlerpatriciaj@gmail.com
fowlerpatj@gmail.com
573-256-6841 voice and text

Christine Gardener <thegardenerchristine@gmail.com>

Fri, Jul 5, 7:00 PM
(3 days ago)

to sheela.amin, Patrick.Zenner, me

Please distribute my comments below to Planning & Zoning Commission members and City Council in advance of the next work session on the Short Term Stay Ordinance

I listened carefully to the discussion around enforcement of STRs at the June 20th P & Z Commission work session. It seemed to me that none of the commission members have had a serious problem with a nightmare issue in a home close to them.

I have, so I will explain what happened in my neighborhood on Anderson Ave. Mind you this was with long term rental tenants, so I can only imagine that the issue would be even more difficult for the neighborhood if dealing with an STR.

Shortly after UMC prohibited liquor in the Fraternity houses, a group of young men rented the home next to me. The home was owned by a young woman living out of state and under a property management company's care. And it turned out that the house was to be the "after the bars close party house" for that particular fraternity, and anyone one else who wanted to crash it. Hundreds of drunk people created loud weekly parties that spilled out into the front yard and left litter for blocks around. After a very brief interaction with the boys, in which they insisted they had a right to destroy the peace of a residential neighborhood, we started calling the police.

I found the police not too interested in dealing with the situation. The first officer I spoke with had to be convinced I DID want to file a complaint, and DID NOT care if my complaint "caused a problem with my neighbors." In other words I should let it go. I filed the complaint. He was right though, I was called foul names ever afterward as I went in and out of my home, and as a woman living alone, felt at risk of worse.

But in actual fact a group of neighbors were taking turns calling in complaints. We also called the property company repeatedly and eventually the young owner AND her mother, who was living in Columbia. This process took our efforts from their move in the fall, to well into the spring, when we heard they were to be evicted. But one of the boy's father hired a lawyer, and they were allowed to stay through the end of the semester. The next group of young lads did not have the huge parties, but they did break all the storm windows so that they could more easily toss their beers cans out the windows.

Finally the owner sold. I feel our pressure had something to do with it, and the house survived to be a home lived in by an owner.

This happened within a very healthy neighborhood of people who love their homes, were privileged by education and background, and had the time and energy to fight to keep our neighborhood healthy. I believe many people do not have this advantage in their neighborhoods. I believe most people do not complain and will allow a situation to worsen so as not to incur the repercussions, as I did.

There is an owner-occupied Airbnb across the street from me, and I do not believe they pose the threat that empty (except when rented) STRs pose to our residential neighborhoods. People living in the home are a substantial deterrent to any anti-social behavior by their renters. My problem is with empty houses with periodic short term renters. My experience with out of control long term renters has shown me that your discussion of phone numbers to call for 30 minute response in case of problems is unworkable and will be of no assistance to residents impacted by problem tenants.

Another reason empty homes, available for short term rental, do not belong in residential neighborhoods.

Christine Gardener

112 Anderson Ave

874-3932

[Planning]: Residential Neighborhoods

Lorriebelle Starr <lorriebelle@gmail.com>
To: planning@como.gov

Tue, Jul 16, 2019 at 8:18 PM

To the City Planning and Zoning as well as the City Counsel,
I am respectfully requesting that in depth discussion and consideration be given to the owner occupied and long term rentals vs. airbnb or short term rentals that are not owner occupied in our neighborhoods.
The short term stays or AIRBnB rentals tend to be very problematic in neighborhood settings , particularly when there is no owner in the immediate vicinity.

The following is but one example that has gone on for years now.

Currently, a house by mine now has a long history of vacancy with people coming and going at all hours, many cars come and go, noise(people yelling,arguing, etc) and drug use. I am awakened at all hours of the night, 12:30 or 1 a.m. is not unusual to be woken up. I regularly called the police for awhile and just gave up as calling didn't matter, nobody seemed to see it as a priority or perhaps they are just too busy. It doesn't feel safe for me as a disabled senior alone. People have stumbled in and out, an ambulance came for one man who stumbled into the front yard and passed out, while the other people jumped into their cars screamed out of the driveway before it arrived. All kinds of suspicious activity and I cannot reach the homeowner, it is mostly late at night. There is no way to intervene. I am fearful of said homeowner as well.
Hence, if it is not a home business, where the owner lives there and available to deal with these situations, it is highly undesirable and deteriorates our neighborhoods in many aspects.

I respectfully ask for your time and consideration of the integrity of our neighborhood. These short term or airbnb rentals belong in a commercially zoned area, such as downtown. They really are a business and potentially will contribute to making housing less affordable for long term rentals in such neighborhoods as absentee owners can make more money in the short term rentals.

Thank you very much for your time and attention to this situation.

Respectfully,

Dr. Lorrie Starr

[Planning]: Short -term rentals

gail plemmons <gailplemmons@hotmail.com>

Mon, Jul 15, 2019 at 4:33 PM

To: "Planning@como.gov" <Planning@como.gov>, gail plemmons <gailplemmons@hotmail.com>, brian page <briancpage@hotmail.com>

Mr Teddy, Mr. Zenner and P&Z Commission

We need HOSTED only STRs to preserve the quality of life in our neighborhoods. If we have a problem with unruly renters we can contact the homeowner, who is a neighbor.

The integrity of our neighborhood will be sustained with hosted STRs. The homes will be occupied contributing to stability and we will know our neighbors.

Our objections to UNHOSTED STRs are:

The city has limited resources to respond to complaints from citizens impacted by folks behaving badly who are here for a week-end.

Homes that are purchased for STR use only remove homes that are desperately needed for affordable rental and home ownership.

Please pass on our concerns to commissioners prior to the July 18 meeting.

Thank you

Gail Plemmons

Brian Page

[17 Aldeah Ave](#)

443-6852

From: **Randall Kilgore** <rfkilgore55@hotmail.com>

Date: Thu, Jul 18, 2019 at 1:26 PM

Subject: RE: Short-term rentals discussion to continue at Planning & Zoning Commission work session July 18

To: Rachel Bacon <rachel.bacon@como.gov>

Cc: Randall Kilgore <rfkilgore55@hotmail.com>

Rachel, I had thought (and planned) to be present for today's meeting. However, due to some unforeseen circumstances with transportation, I am not going to be able to attend. I am seriously interested in the work P&Z is considering with regard STR. I read the memorandum from Pat Fowler, Chair of the Historic Preservation Commission, and agree with her that owner-occupied hosts are preferable. I believe Pat makes some very important arguments in her written correspondence, and I wish I might have been as timely and articulate with my own communications.

We continue with **The Fairway Suite, L.L.C.** (now a limited liability company, registered with the State of Missouri), and utilizing the benefits of the ever-growing Airbnb platform. The longer we do this the more refined the processes have become with Airbnb. We are finding the Homeowner's Insurance Market is beginning to slowly catch-up with the business model that Airbnb provides its Hosts. While Airbnb offers a substantial liability / risk coverage to its Hosts. However, many carriers do not see that as adequate and are cancelling more traditional homeowner's policies. This is the case with us. Our policy, long-standing through an independent agent (Naught-Naught) and with SAFECO, was canceled and we were forced to go to the market and search for coverage. Of course it created a rate increase. I was not happy about this, but accepted it because on the surface it seemed the only choice in the moment we had. Insuring these properties is a bigger issue than first realized when the market seemed to explode with such lodging options. I would be very interested to know what other's in our local market have experienced and then how they have managed. If ordinance language will encompass whether the business is insured or not, or some licensing requirement is in place to monitor and ensure compliance, I will be keenly interested in how that plays out from a City of Columbia, P&Z perspective.

We also continue to believe some kind of business registry or business license for the many variations of these home-based, owner-occupied short term rentals. Whether there is an inspection process or not, and I think that is doable, we would support an annual or bi-annual review of our property for safety purposes. I think we would meet those requirements as well.

Our sense of the non-owner occupied and no host present model for these business ventures requires some other set of rules and regulations. The Guests we have are of such a class that we now believe they come to us for the owner-occupied, host on site experience whether they actually meet me / us during their stay. There is something in the mind of such Guests that suggests they feel safer and that quality of their stay as well as accommodations will be better overall.. We hear stories from Guests that give

me great pause for what the market is offering that seems so different from what we are offering in amenities, Guest safety/security, and privacy. The wide variation is evident in our own community. We offer a true 5-Star experience and our feedback and reviews demonstrate this consistently.

I will be interested to know what other public comments come to the Commission. Please feel free to add my remarks to the mix if of help. Our neighborhood association continues to support and encourage our property use in this way. We have had no complaints from neighbors, and in fact just the opposite both praise and compliment. Again, I think it is the self-imposed controls we have on Guests we accept, and the high caliber people we are serving who choose this type of accommodation over a hotel experience.

Do not hesitate to contact me/us at any time. We are eager to participate and regret our inability to be present today for this meeting.

Sincerely,
Randall

Randall F. Kilgore

804 Fairway Drive

Columbia, MO 65201

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(573) 808-5254

Public hearing draft- Short Term Rentals

William Shoehigh <bill@shoehigh.com>
To: Rachel Bacon <rachel.bacon@como.gov>
Cc: "Zenner, Patrick" <Patrick.Zenner@como.gov>

Wed, Sep 25, 2019 at 11:50 AM

Really appreciate the staff work on this issue, having engaged in STL, KC and SPR as well.

At first glance of the draft it does strike me that there really is no practical difference between a hosted STR when the owner is absent (limited to 90 nights per year) and when he/she has designated a contact and an unhosted STR if the owner agrees to a 90 night per year limit and to designate a contact. From a compliance standpoint these two scenarios present basically the same challenges.

I really see three scenarios. At one end of the bell curve is hosted, owner always present, which can be administratively approved with no limit on nights and obviously no need for a designated contact. At the other end of the bell curve is unhosted with no limit on nights and no designated contact, which requires a conditional use permit. Both can be used as a STR every night of the year. I think you will find that most hosts fall somewhere in the middle, either renting their primary residence when they are not there or a secondary residence when they are not there, for something like ninety nights per year on average. A host that is willing to limit rental of their secondary residence to ninety nights per year and to only apply for only one certificate and to designate a contact should be treated the same as the owner of a primary residence looking to offer STR for ninety nights while they are not there. The playing field for the vast middle of the market seems a little uneven. A Columbia resident with a condo on the plaza in KC can get administrative approval from Kansas City to offer a short term rental for ninety nights a year but a Kansas City resident with a condo near the MU campus used by his/her children for the school year can't use the unit for STR over the summer for ninety nights without getting a conditional use permit? Those economics may discourage investment. I would also contend that more issues will arise associated with STRs rented for an unlimited number of nights per year – hosted or unhosted, primary or secondary residence, it does not matter – then will arise from a STR limited to ninety nights per year but the owner is not present, primary or secondary residence.

Those thoughts do not represent my client's position I offer them from my personal experience in dealing with this issue at the local level and at the Missouri General Assembly. Just food for thought. And I apologize if this perspective has been discussed at the P&Z commission level as I admit to not being present for each discussion. Please call me anytime to discuss at 573/230-2940. Thank you again for your hard work.

From: Rachel Bacon <rachel.bacon@como.gov>
Sent: Wednesday, September 25, 2019 11:09 AM
To: William Shoehigh <bill@shoehigh.com>
Subject: Re: Public hearing draft- Short Term Rentals

Thank you Bill.

Rachel

On Wed, Sep 25, 2019 at 9:07 AM William Shoehigh <bill@shoehigh.com> wrote:

Thanks Rachel. I will discuss with Expedia Group (HomeAway, VRBO) a written response.

Bill Shoehigh

From: Rachel Bacon <rachel.bacon@como.gov>
Sent: Friday, September 20, 2019 4:32 PM
To: Rachel Bacon <rachel.bacon@como.gov>
Subject: Public hearing draft- Short Term Rentals

Good afternoon,

[Quoted text hidden]

Following up

William Shoehigh <bill@shoehigh.com>
To: Patrick Zenner <Patrick.Zenner@como.gov>
Cc: Rachel Bacon <rachel.bacon@como.gov>

Tue, Oct 1, 2019 at 12:52 PM

[REDACTED] Let me respond to what you've provided below, Patrick, and if you don't mind the back and forth rest assured our goal is always to minimize the scope of issues and zero in on what we've discovered to be problematic in other jurisdictions, both in-state and around the country. I've been a lobbyist at the federal, state and local level for almost thirty years and this is one of the most difficult issues I have worked on, so again I commend you all for your process and progress. SO many cities have had to go back and do over STR ordinances and all this work will lessen that probability. Here is what we would likely offer as an amendment, again not officially the EG position but this does reflect what we have deemed a reasonable compromise in other markets/jurisdictions:

For all practical purposes, "hosted" and "owner-occupied" and "primary residence" mean the same thing and "non-hosted" and "non owner-occupied" and "secondary residence" mean the same thing when interpreting this ordinance. However, not all secondary residences used for STR are owned by investors looking to commercialize the activity by renting 365/nights a year. We would suggest that the casual host, a UMKC professor who owns a condo in Columbia looking to offer it as a STR on a seasonal basis only (no more than 95 nights per year) has not much in common with an investor/chronic host looking to rent multiple properties every night. But that UMKC professor has much in common with the MU professor seeking to use their primary residence in Columbia as an STR over the summer break while they use their condo on the Plaza in Kansas City. Requiring the UMKC professor with the condo in Columbia to pursue a conditional use permit is overly burdensome. Kansas City's ordinance recognizes that there are secondary residences used as "seasonal" or casual STRs and there are secondary residences used every night or "year around". That is a critical distinction to us.

The VAST majority of the owner/hosts on our platform are the casual host seeking to use a secondary residence as an STR, averaging somewhere between 70-90 nights per year and only having one STR available on the market. Yes, there are investor-type owner hosts who have multiple properties and seek to rent every night. But that is the outlier on our platform. I think the proposed draft works well for the owner/host seeking to use their primary residence as an STR on either a casual or chronic basis. And it works well for the investor-type owner/chronic host as there is no limit on the number of properties they can have certified or the number of nights they can rent. But who falls through the crack is the casual host looking to use their ONE secondary residence in Columbia as a STR on a seasonal basis. Instead of lumping them in with the investor-type you should consider treating them more like a primary residence owner/host IF AND ONLY IF they agree to limit their activity and to provide a designated contact, just like the absentee owner of a primary residence can do. I would suggest an amendment like the following:

"An un-hosted short-term rental may only be granted administrative approval by the Director or their designee pursuant to the following conditions:

- 1. The dwelling unit may not be rented for more than 95 nights per year,**
- 2. The owner has designated an agent as a responsible party, and**
- 3. The owner is limited to only one certificate to operate at any time."**

This will separate the casual owner/host in my example from the out-of-state LLC looking to bundle multiple properties and optimize revenue by renting out every night. By limiting it to 95 nights and one certificate to operate you filter out investors as that does not fit their business model. By requiring the designated agent then the non-hosted STR limited to 90 nights per year looks a lot like the hosted STR when the owner is absent. I have attached the KC ordinance and the seasonal vs. year around non owner-occupied distinction begins at the bottom of page 18.

So not a laundry list of issues, just this one critical distinction so as to not impose an undue burden on the casual host not seeking to implement a commercial business model like a property investor.

[Quoted text hidden]



KCMO_Legislation_1707719067 (002).pdf
933K

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170771

Amending Chapter 88, Zoning and Development Code, to regulate provision of short term rental. (254-S-316)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Tables 110-1 (in Section 88-110-03), 120-1 (in Section 88-120-03), 130-1 (in Section 88-130-04) and 140-1 (in Section 88-140-03) and Sections 88-260-03 (UR, Urban Redevelopment District, Use Regulations and Lot and Building Standards); 88-270-02-B. (Uses Permitted without Development or Project Plan Approval); 88-305-05 (Accessory Uses and Structures, Carriage Houses); 88-320 (Bed and Breakfast); 88-620 (Subdivision Regulation Fees); 88-805-02-A. (Residential Living Group, Household Living) of Chapter 88, Zoning and Development Code, are hereby repealed and new sections of like number and title are hereby enacted, and that Sections 88-321 (Short Term Rental Regulations); 88-810-698 (Host); 88-810-728 (Lodger); 88-810-1445 (Revocation); 88-810-1580 (Short Term Rental); 88-810-1581 (Short Term Rental Intermediary); and 88-810-2160 (Suspension) are hereby enacted, all to regulate provision of bed and breakfast and short term rental, said new sections to read as follows:

Table 110-1 RESIDENTIAL DISTRICTS USE TABLE[illegible]

ORDINANCE NO. 170771

Table 110-1 Residential Districts Use Table											
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT										Use Standards
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	
Halfway House	S	–	–	–	–	–	–	–	–	–	88-352
Hospital	–	–	–	–	–	–	–	–	S	S	
Library/Museum/Cultural Exhibit	P/S	–	–	–	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
» Homes Association Amenities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-805-03-H
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	S	88-365
» Fire station	P	P	P	P	P	P	P	P	P	P	88-365
» Police station	P	P	P	P	P	P	P	P	P	P	88-365
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	P	88-425-08-B
COMMERCIAL											
Animal Service											
» Shelter or boarding	P	–	–	–	–	–	–	–	–	–	88-315
» Stable	P	–	–	–	–	–	–	–	–	–	88-315
» Veterinary Office	P	–	–	–	–	–	–	–	–	–	
Entertainment and Spectator Sports	S	–	–	–	–	–	–	–	–	–	
Funeral and Interment Service											
» Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	S	88-345
» Crematory	S	S	S	S	S	S	S	S	S	S	88-345
» Undertaking	–	–	–	–	–	–	–	–	S	S	
Lodging											
» Bed and breakfast	S	–	–	–	S	S	S	S	S	S	88-320
» Recreational vehicle park	S[1]	–	–	–	–	–	–	–	–	–	
» Short term rental											Refer to 88-321
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative, Professional or General	–	–	–	–	–	–	S	S	S	S	
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	S	S	S	S	S	
Sports and Recreation, Participant	S	–	–	–	–	–	–	–	–	–	
INDUSTRIAL											
Mining and Quarrying	S[2]	–	–	–	–	–	–	–	–	–	
Waste-Related Use (except as noted below)	–	–	–	–	–	–	–	–	–	–	
» Composting facility	S[1]	–	–	–	–	–	–	–	–	–	88-328
» Demolition debris landfill	S[1]	–	–	–	–	–	–	–	–	–	88-380

ORDINANCE NO. 170771

		Table 110-1 Residential Districts Use Table										
USE GROUP (refer to 88-805 Use Groups and Categories)		ZONING DISTRICT										Use Standards
Use Category » specific use type		R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	
OTHER												
Agriculture, Animal		P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	*Chapter 14
Agriculture, Crop		P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01
Agricultural, Urban												
» Home Garden		P	P	P	P	P	P	P	P	P	P	88-312-02-A
» Community Garden		P	P	P	P	P	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)		P	S	S	S	S	S	S	P	S	S	88-312-02-C
ACCESSORY SERVICES												
Wireless Communication Facility												
» Freestanding		P[1]	—	—	—	—	—	—	—	—	—	88-385
» Co-located antenna		P	P	P	P	P	P	P	P	P	P	88-385

Table 120-1 OFFICE, BUSINESS, AND COMMERCIAL DISTRICTS USE TABLE

Table 120-1 Office, Business and Commercial Districts Use Table								
USE GROUP (refer to 88-805 Use Groups and Categories)				ZONING DISTRICT				Use Standards
Use Category » specific use type	O	B1	B2	B3	B4			
RESIDENTIAL								
Household Living								
» Single family home	P	P	P	P	P	88-120-03-H.3.		
» In single-purpose residential building	—	P	P	P	P	88-323		
» In mixed-use building	P	P	P	P	P			
Group Living	P	P	P	P	P[5]			
PUBLIC / CIVIC								
Bicycle Sharing Facilities	P	P	P	P	P	88-322		
Club, Lodge, or Fraternal Organization	P	P	P	P	P[5 for Ground Floor Uses]			
College/University	P	P	P	P	P[5 for Ground Floor Uses]			
Day Care								

ORDINANCE NO. 170771

Table 120-1 Office, Business and Commercial Districts Use Table						
USE GROUP (refer to 88-805 Use Groups and Categories)		ZONING DISTRICT				
Use Category » specific use type	O	B1	B2	B3	B4	Use Standards
» Home-based (1–5)	P	P	P	P	P[5 for Ground Floor Uses]	
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
Library/Museum/Cultural Exhibit	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
COMMERCIAL						
Adult Business						
» Adult media store	–	–	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	–	–	–	P[1]	P[1][4]	88-310-02
» Sexshop	–	–	–	P[1]	P[1][4]	88-310-02
Animal Service						
» Sales and grooming	–	P	P	P	P	88-315
» Shelter or boarding	–	–	P	P	P[4]	88-315
» Stable	–	–	–	–	S[4]	88-315
» Veterinary	–	–	P	P	P[5 for Ground Floor Uses]	88-315
Artist Work or Sales Space	–	P	P	P	P	

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Table 120-1 Office, Business and Commercial Districts Use Table						
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
Use Category » specific use type	O	B1	B2	B3	B4	
Building Maintenance Service	–	–	–	P	P[5]	
Business Equipment Sales and Service	–	–	P	P	P	
Business Support Service (except as noted below)	–	–	P	P	P[5]	
» Day labor employment agency	–	–	–	–	S[1][4]	88-331
Communications Service Establishments	P	–	P	P	P[5]	
Drive-Through Facility	–	–	P[2]	P[2]	P[2]	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
» Tavern or nightclub	–	–	P	P	P	
Entertainment and Spectator Sports						
» Indoor small venue (1–149 capacity)	–	–	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150–499 capacity)	–	–	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	–	–	–	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	–	–	–	S	P[5]	
Financial Services (except as noted below)	S	P	P	P	P	
» Pawn shop	–	P	P	P	P	
» Short-term loan establishment	–	–	P[1]	P[1]	P[1][4]	88-325
Food and Beverage Retail Sales	–	P	P	P	P	
Funeral and Interment Service						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	–	S	S	S	S	88-345-02
» Undertaking	–	S	P	P	P[5]	88-345
Gasoline and Fuel Sales	–	S[3]	S[3]	S[3]	P[3][5]	88-323
Lodging						
» Bed and Breakfast	–	P	P	P	P[5 for Ground Floor Uses]	
» Hotel/motel	–	–	–	P[2]	P[2]	88-323
» Recreational vehicle park	–	–	–	S[1]	S[1][4]	
» Short term rental	–	P	P	P	P	88-321
Mobile Vendor Park	–	–	–	P	P	88-358
Office, Administrative, Professional or General	P	P	P	P	P[5 for Ground Floor Uses]	

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Table 120-1 Office, Business and Commercial Districts Use Table						
USE GROUP (refer to 88-805 Use Groups and Categories)		ZONING DISTRICT				Use Standards
Use Category » specific use type	O	B1	B2	B3	B4	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	–	–	–	S	S	
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory	–	–	S[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	–	P	P	P	P	
Research Service	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	–	P	P	P	P	
» Outdoor Retail Sales - Class A	–	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	–	–	–	P	P[4]	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	
Sports and Recreation, Participant						
» Indoor	–	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	–	–	–	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/cleaning service	–	–	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	–	–	–	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	–	–	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	–	–	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	–	–	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	–	–	–	S[2]	P[2][5]	88-323
» Vehicle storage/towing	–	–	–	–	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan (except as noted below)	–	–	–	–	P	
» Artisanal Food and Beverage Manufacturing	–	–	–	S	P	88-318

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Table 120-1 Office, Business and Commercial Districts Use Table							
USE GROUP (refer to 88-805 Use Groups and Categories)		ZONING DISTRICT					Use Standards
Use Category » specific use type	O	B1	B2	B3	B4		
» Catering Establishments	–	–	–	S	P	88-318	
» Limited	–	–	–	–	S[4]		
» General	–	–	–	–	S[2][4]	88-323	
» Intensive	–	–	–	–	–		
Recycling Service							
» Limited	–	–	–	–	S[1][4]		
Self-Storage Warehouse	–	–	–	-	P[2][4]	88-323 & 88-369	
Warehousing, Wholesaling, Storage, and Freight Movement							
» Indoor	–	–	–	–	P[2][4]	88-323 & 88-378	
» Outdoor	–	–	–	–	–	88-378	
AGRICULTURAL							
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14	
Agriculture, Crop	P	P	P	P	P[4]	88-312-01	
Agriculture, Urban							
» Home Garden	P	P	P	P	P	88-312-02-A	
» Community Garden	P	P	P	P	P[4]	88-312-02-B	
» Community Supported Agriculture (CSA)	P	P	P	P	P[4]	88-312-02-C	
ACCESSORY SERVICES							
Wireless Communication Facility							
» Freestanding	–	–	P[1]	P[1]	P[1][4]	88-385	
» Co-located antenna	P	P	P	P	P[5]	88-385	

Table 130-1 DOWNTOWN DISTRICTS USE TABLE

Table 130-1 Downtown District's Use Table						
USE GROUP (refer to 88-805 Use Groups and Categories)				Zoning District		Use Standards
Use Category » specific use type	DC	DX	DR			
RESIDENTIAL						
Household Living						
» Single family home	P	P	P			

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Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standards
Use Category » specific use type	DC	DX	DR	
» In single-purpose residential building	P	P	P	88-323
» In mixed-use building	P	P	P	
Group Living	S	S	S	
PUBLIC / CIVIC				
Bicycle Sharing Facilities	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	
College/University	P	P	P	
Day Care				
» Home-based (1–5)	P	P	P	
» Family (up to 10)	P	P	P	
» Group (up to 20)	P	P	S	
» Center (21+)	P	P	S	
Hospital	S	S	S	
Library/Museum/Cultural Exhibit	P	P	P	
Park/Recreation (except as noted below)	P	P	P	
» Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service				
» Fire Station	P	P	P	88-365
» Police Station	P	P	P	88-365
» Ambulance service	P	P	P	88-365
School	P	P	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	88-425-08-B
COMMERCIAL				
Adult Business				
» Adult media store	P[1]	P[1]	–	88-310-03
» Adult motion picture theater	P[1]	P[1]	–	88-310-02
» Sexshop	P[1]	P[1]	–	88-310-02
Animal Service				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	–	88-315
» Stable	–	S	–	88-315
» Veterinary	P	P	S	88-315
Artist Work or Sales Space	P	P	P	
Building Maintenance Service	P	P	–	
Business Equipment Sales and Service	P	P	–	

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Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standards
Use Category » specific use type	DC	DX	DR	
Business Support Service (except as noted below)	P	P	–	
» Day labor employment agency	–	S[1]	–	
Communications Service Establishments	P	P	–	
Drive-Through Facility	S[2]	S[2]	–	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	
» Tavern or nightclub	P	P	S	
Entertainment and Spectator Sports				
» Indoor small venue (1–149 capacity)	P	P	S	
» Indoor medium venue (150–499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
Financial Services (except as noted below)	P	P	P	
» Short-term loan establishment	–	P[1]	–	88-325
» Pawn shop	–	S[1]	–	
Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	–	–	–	
» Cremating	–	–	–	
» Undertaking	P[2]	P[2]	–	88-345
Gasoline and Fuel Sales	S[3]	S[3]	–	88-323
Lodging				
» Bed and breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	88-323
» Short term rental	P	P	P	88-321
Mobile Vendor Park	P	P	–	88-358
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	–	
Parking, Accessory	P	P	P	88-323
Parking, Non-accessory	S[1]	S[1]	S[1]	
Personal Improvement Service	P	P	P	
Repair or Laundry Service, Consumer	P	P	S	
Research Service	P	P	S	
Retail Sales	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	88-366-01
Reuse of Officially Designated Historic Landmark (local or national) if proposed use is not permitted	S	S	S	

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Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standards
Use Category » specific use type	DC	DX	DR	
Sports and Recreation, Participant				
» Indoor	P	P	S	
» Outdoor	S	S	S	
Vehicle Sales and Service				
» Car wash/cleaning service	S[1]	S[1]	–	
» Heavy equipment sales/rental	–	S[1]	–	
» Light equipment sales/rental (indoor)	S[2]	S[2]	–	88-323
» Light equipment sales/rental (outdoor)	S[1]	S[1]	–	
» Motor vehicle repair, limited	S[2]	S[2]	–	88-323
» Motor vehicle repair, general	–	S[2]	–	88-323
» Vehicle storage/towing	–	S[1]	–	88-375
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P	
» Limited	S	S	S	
» General	S	S[2]	–	88-323
Recycling Service				
» Limited	–	S[1]	–	
Self-Storage Warehouse	–	S[2]	–	88-323 & 88-369
Warehousing, Wholesaling, Storage, and Freight Movement				
» Indoor	S[2]	S[2]	–	88-323 & 88-378
» Outdoor	–	S[2]	–	88-323 & 88-378
AGRICULTURAL				
Agriculture, Animal	–	P/*	–	Chapter 14
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Urban				
» Home Garden	P	P	P	88-312-02-A
» Community Garden	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	88-312-02-C
ACCESSORY				
Wireless Communication Facility				
» Freestanding	–	–	–	
» Co-located antenna	P	P	P	88-385

Table 140-1 MANUFACTURING DISTRICTS USE TABLE

Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)		Zoning District			
Use Category » specific use type		M1	M2	M3	M4
RESIDENTIAL					
Household Living					
» Single-family home		S	–	–	–
» In single-purpose residential building		P	S	–	–
» In mixed-use building		P	S	–	–
Group living		S	–	–	–
PUBLIC/CIVIC					
Bicycle Sharing Facility		P	P	P	P
Club, Lodge, or Fraternal Organization		P	P	–	–
College/University		P	P	–	–
Day Care		P	P	S	S
Detention and Correctional Facilities		S[1]	S[1]	S[1]	S[1]
Halfway House		S	S	S	S
Hospital		P	–	–	–
Park/Recreation		P	P	P	P
Religious Assembly		P	P	P	P
Safety Service		P	P	P	P
Schools		P	P	P	P
Utilities and Services (except as noted below)		S[1]	S[1]	S[1]	S[1]
» Basic, minor		P	P	P	P
COMMERCIAL					
Adult Business					
» Adult media store		P[1]	P[1]	P[1]	P[1]
» Adult motion picture theater		P[1]	P[1]	P[1]	P[1]
» Sexshop		P[1]	P[1]	P[1]	P[1]
Animal Service		P	P	P	P
Artist Work or Sales Space		P	P	P	P
Building Maintenance Service		P	P	P	P
Business Equipment Sales and Service		P	P	P	P
Business Support Service(except as noted below)		P	P	P	P
» Day labor employment agency		S[1]	S[1]	P[1]	P[1]
Communications Service Establishments		P	P	P	P
Drive-through Facility		P[2]	P[2]	–	–
Eating and Drinking Establishments		P	P	P	P
Entertainment and Spectator Sports		P	S	S	–

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Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)		Zoning District			
Use Category » specific use type	M1	M2	M3	M4	Use Standards
Financial Services (except as noted below)	P	P	P	P	
» Pawn shop	P[1]	S[1]	S[1]	S[1]	
» Short-term loan establishment	P[1]	P[1]	P[1]	P[1]	88-325
Food and Beverage Retail Sales	P	P	P	P	
Funeral and Interment Service					
» Cemetery/columbarium/mausoleum	—	—	—	—	
» Cremating	P	P	P	P	
» Undertaking	P	P	P	P	
Gasoline and Fuel Sales	P[3]	P[3]	P[3]	P[3]	88-323
Lodging (except as noted below)	—	—	—	—	
» Hotel/motel	S[1]	—	—	—	
» Short term rental	P	—	—	—	88-321
Mobile Vendor Park	P	P	P	—	88-358
Office, Administrative, Professional or General	P	P	P	P	
Office, Medical	P	P	—	—	
Parking, Accessory	P	P	P	P	
Parking, Non-accessory	P[1]	P[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	
Repair or Laundry Service, Consumer	P	P	P	—	
Research Service	P	P	P	P	
Retail Sales	P	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	P	P	P	P	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	
Sports and Recreation, Participant	P	S	S	—	
Vehicle Sales and Service					
» Car wash/cleaning service	P[1]	P[1]	P[1]	P[1]	
» Heavy equipment sales/rental	P[1]	P[1]	P[1]	P[1]	
» Light equipment sales/rental (indoor)	P[2]	P[2]	—	—	88-323
» Light equipment sales/rental (outdoor)	P[1]	P[1]	—	—	
» Motor vehicle repair, limited	P[2]	P[2]	P[2]	P[2]	88-323
» Motor vehicle repair, general	P[2]	P[2]	P[2]	P[2]	88-323

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Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)		Zoning District			
Use Category » specific use type		M1	M2	M3	M4
» Vehicle storage/towing		P[1]	P[1]	P[1]	P[1]
INDUSTRIAL					
Junk/Salvage Yard		–	–	S[1]	P[1]
Manufacturing, Production and Industrial Service					
» Artisan		P	P	P	P
» Limited		P	P	P	P
» General		S[2]	P[2]	P[2]	P[2]
» Intensive		–	–	P[1]	P[1]
Mining/Quarrying		S	S	S	S
Recycling Service					
» Limited		P[1]	P[1]	P[1]	P[1]
» General		S	S	S	P
Self-Storage Warehouse		P[2]	P[2]	P[2]	–
Warehousing, Wholesaling, Storage, and Freight Movement					
» Indoor		P[2]	P[2]	P[2]	P[2]
» Outdoor		S[1]	P[1]	P[2]	P[2]
Waste-Related Use					
» Composting Facility		S[1]	S[1]	S[1]	S[1]
» Demolition debris landfill		S[1]	S[1]	S[1]	S[1]
» Solid waste separation facility		–	–	S[1]	S[1]
» Transfer station		–	–	S[1]	S[1]
AGRICULTURAL					
Agriculture, Animal		P/*	P/*	P/*	P/*
Agriculture, Crop		P	P	P	P
Agriculture, Urban					
» Home garden		P	P	P	P
» Community garden		P	P	P	P

Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)		Zoning District			
Use Category » specific use type		M1	M2	M3	M4
» Community supported agriculture (CSA)		P	P	P	P
ACCESSORY SERVICES					
Wireless Communication Facility					
» Freestanding		P[1]	P[1]	P[1]	P[1]
» Co-located antenna		P	P	P	P

88-260-03 USE REGULATIONS AND LOT AND BUILDING STANDARDS

Properties within the UR district are subject to the use regulations and lot and building standards established at the time of development plan approval by the city council. The use and development standards established for the subject UR district must be in general conformance with the approved area plan and be compatible with desirable land use and development patterns in the surrounding area.

For a UR district created on or before the effective date of Ordinance 170771 and which allows residential use, short term rental use shall be allowed in accordance with the registration and issuance by the city planning and development director of a short term rental permit and annual renewal provisions of 88-321 unless the use and development standards established by the city council for such UR district, or any persons or entities in control of uses in such UR district, prohibit short term rental use. Other provisions of 88-321 shall not apply to UR districts established prior to enactment of 88-321, except for those of 88-321-04 General Requirements, as applicable.

88-270 – AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT

88-270-02-B. USES PERMITTED WITHOUT DEVELOPMENT OR PROJECT PLAN APPROVAL

The following uses are permitted as of right in the AG-R district.

1. Detached houses (including short term rental in accordance with 88-321)
2. Orchards
3. Agriculture, Crop or Animal
4. Agricultural services, such as grist milling, corn shelling, hay baling and threshing services

5. Sorting, grading, and packaging of fruits and vegetables and retail fruit and vegetable stands for products grown on the premises
 6. Animal Services, Stables
-

88-305-05 CARRIAGE HOUSES

88-305-05-A. WHERE PERMITTED

Carriage houses are allowed only when:

1. they were constructed before March 1, 2005;
2. they are located on property designated as a historic landmark or located in a historic district; and
3. they are located in an R-10, R-7.5, R-6, R-5, or R-2.5 district.

88-305-05-B. MINIMUM LOT AREA

1. In R-10, R-7.5, R-6 and R-5 districts, a carriage house may be maintained or altered only on a lot that contains a minimum area of 12,000 square feet and that contains a principal building used exclusively for the purposes of no more than one dwelling unit.
 2. In the R-2.5 district, a carriage house may be maintained or altered only on a lot that contains a minimum area of 22,000 square feet and that contains a principal building used exclusively for the purposes of no more than:
 - a. one dwelling unit; or
 - b. two dwelling units provided that one of the units is owner-occupied and further provided that the non-owner-occupied unit is either occupied only by children and/or parents of the owner-occupant, and any spouses of a child or parent.
-

88-320 BED AND BREAKFAST

88-320-01 APPLICABILITY

Bed and breakfast establishments in R-80, R-6, R-5, R-2.5, R-1.5, R-0.75, R-0.5, and R-0.3 districts are subject to the following standards in addition to any standards imposed as part of the special use approval process.

88-320-02 STANDARDS AND CONDITIONS

88-320-02-A. The establishment must be operated by the owner or manager of the dwelling unit, who must live on the property;

88-320-02-B. At least one off-street parking space must be provided per 2 guest rooms;

88-320-02-C. The building in which the bed and breakfast is located must have a minimum floor area of 3,000 square feet;

88-320-02-D. The bed and breakfast may not contain more than 8 guest rooms;

88-320-02-E. Food service may be provided for resident guests only;

88-320-02-F. Bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests; and

88-320-02-G. One non-illuminated wall sign, not exceeding 80 square inches in area, may be displayed. No window or other display or sign may be used to advertise such use.

88-321 SHORT TERM RENTAL REGULATIONS

88-321-01 APPLICABILITY

Except lodging otherwise permitted by 88-305-12 (and Bed and Breakfast as permitted by 88-320), Short Term Rental regulations are applicable to properties zoned AG-R, R, B, D, UR, MPD, and M1 that are rented for periods of less than 30 consecutive days, defined and further regulated as follows:

88-321-02 SHORT TERM RENTAL OWNER OCCUPIED REGULATIONS (TYPE 1)

A short term rental owner occupied is a principal residential dwelling unit that is occupied by the resident (who may be either the owner or the tenant/lessee of the owner authorized by the owner to offer the unit for short term rental) for a cumulative minimum of 270 days per calendar year.

88-321-02-A. STANDARDS AND CONDITIONS FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN ALL APPLICABLE ZONING DISTRICTS

1. Short term rental owner occupied regulations are applicable to all properties in zoning districts which allow short term rental and may be further regulated by provisions of any approved development or project plan.
2. The dwelling unit to be rented may be within a single family, two-family, or multi-family structure or certain carriage houses.
3. A carriage house, as defined in 88-810-280 and permitted in accordance with 88-305-05, may be approved as short term rental owner occupied if the principal building for such property is owner occupied.
4. During the possible 95 days the resident is not present, the property or unit may continue to be used as a short term rental.

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5. While not present, the resident may not enter into a contract with more than one party during any given period. While present, the resident may enter into a contract with two parties, provided there shall be at least one bedroom in the dwelling for the resident.
6. No more than 2 persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed 8 guests per dwelling unit, may occupy the dwelling unit.
7. Except for units within a carriage house or two-family structure, guests shall live in common with the family, sharing a common entrance, kitchen facilities, and living areas.
8. The unit must be located within the principal building on the property and may not be located within an accessory building.
9. The unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
10. No food service may be provided by the resident.
11. The city-issued short term rental permit for such dwelling unit shall be on display in the interior of the unit.
12. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.

88-321-02-B. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN R DISTRICTS

1. In R-10 and R-7.5 districts, short term rental is allowed only as follows:
 - a. Property that is designated as a historic landmark or located in a historic district may qualify for an owner occupied permit, upon issuance of a special use permit in accordance with 88-525.
 - b. If the resident host has been operating a short-term rental at the property prior to the passage date of this ordinance and can provide documentary evidence to the satisfaction of the director of the city planning and development department of such use, the resident host may continue to operate a short-term rental upon issuance of a special use permit in accordance with 88-525.
2. In other R districts, prior to accommodating any guest on the property, the resident host of an owner occupied short term rental must submit, initially, an administrative approval application for and obtain the approval of the city planning and development director. If the host residing in the short term rental

unit is not the owner of such unit, the application must include a notarized affidavit from the owner allowing the unit to be used by the host for short term rentals.

3. The resident host shall submit a notarized affidavit stating that notification of short term rental use was provided by certified or registered mail and by regular mail to:
 - a. All adjacent property owners (including those adjoining and immediately across the street).
 - b. In the case of a short term rental unit within a multi-family structure (condominium or otherwise), the affidavit must also state that such notification was provided to any condominium association and to all condominium unit owners and tenants of units adjoining and immediately across a hallway and those immediately adjacent on floors above or below the short term rental unit.
 - c. Any applicable homeowner's association and neighborhood and civic organizations registered with the city.
4. Upon approval, the resident host will receive a permit number, indicating that the property is eligible for short term rental use and listing on a short term rental intermediary platform.
5. Thereafter, annual registry is required (but not a new administrative approval application or affidavit).

88-321-02-C. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES IN AG-R, B, D, UR, MPD AND M1 DISTRICTS

There are no approval requirements, but registration of the short term rental unit with the city planning and development director and issuance of a short term rental permit with annual renewal is required.

88-321-03 SHORT TERM RENTAL NON-OWNER OCCUPIED REGULATIONS (TYPE 2)

A short term rental non-owner occupied is a unit not used as a principal residential unit by the host. Application for non-owner occupied short term rental shall be for either a "seasonal" permit (for properties rented 95 days or less per year) or "year around" permit (for properties rented more than 95 days per year).

88-321-03-A. STANDARDS AND CONDITIONS FOR NON-OWNER OCCUPIED PROPERTIES AS PERMITTED IN ALL APPLICABLE ZONING DISTRICTS

1. Short term rental non-owner occupied regulations are applicable to all properties in zoning districts which allow short term rental under 88-321.
2. The dwelling unit to be rented may be within a single family, two-family, or multi-family structure.
3. A carriage house, as defined in 88-810-280 and permitted in accordance with 88-305-05, may be approved as short term rental non-owner occupied.
4. The unit must be located within the principal building on the property and may not be located within an accessory structure, except for carriage houses that are located on a property designated as a historic landmark or located in a historic district.
5. In a multi-family structure, only 1 unit or 25% of all units, whichever is greater, may be used for short term rental.
6. In a multi-family structure, the same host may not have more than 4 short term rental units in the same structure.
7. No more than 2 persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed 8 guests, may occupy the dwelling unit.
8. The host may not enter into a contract with more than one party during any given period.
9. The unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
10. No food service may be provided by the host.
11. The city-issued short term rental permit for such dwelling unit shall be on display in the interior of the unit.
12. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.

88-321-03-B. APPROVAL REQUIRED FOR NON-OWNER OCCUPIED PROPERTIES AS PERMITTED IN CERTAIN R DISTRICTS

1. In R-10 and R-7.5 districts, short term rental is allowed only as follows:

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- a. Property that is designated as a historic landmark or located in a historic district may qualify for a non-owner occupied permit, upon issuance of a special use permit in accordance with 88-525.
 - b. If a non-owner occupied property has been used as a short-term rental prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of the city planning and development department of such use, the use may continue upon issuance of a special use permit in accordance with 88-525.
2. In other R districts, prior to accommodating any guests on the property, the host of a non-owner occupied short term rental must submit, initially, an administrative approval application for and obtain the approval of the city planning and development director prior to accommodating any guests.
3. The host of a non-owner occupied short term rental shall submit a notarized affidavit stating that notification of short term rental use was provided by certified or registered mail and by regular mail to:
 - a. All adjacent property owners (including those adjoining and immediately across the street).
 - b. In the case of a short term rental unit within a multi-family structure (condominium or otherwise), the affidavit must also state that such notification was provided to any condominium association and to all condominium unit owners and tenants of units adjoining and immediately across a hallway and those immediately adjacent on floors above or below the short term rental unit.
 - c. Any applicable homeowner's association and neighborhood and civic organizations registered with the city.
4. The host of a non-owner occupied "year around" short term rental shall be further required to satisfy one of the following:
 - a. Obtain administrative approval of the city planning and development director, upon submittal of a notarized affidavit containing signatures of at least 55 percent of adjacent residential property owners (including those adjoining and immediately across the street).
 - b. Or, when signatures of at least 55 percent of neighboring property owners or tenants cannot be secured, obtain a special use permit in accordance with 88-525 for each property to be used as a non-owner occupied short term rental.
5. Upon approval, the host will receive a permit number indicating that the property is eligible for listing on a short term rental intermediary platform.

6. Thereafter, annual registry is required (but not a new administrative approval application, affidavit, or special use permit, unless an applicable special use permit requires otherwise).

88-321-03-C. APPROVAL REQUIRED FOR NON-OWNER OCCUPIED PROPERTIES IN AG-R, B, D, UR, MPD AND M1 DISTRICTS

There are no approval requirements, but registration of the short term rental unit with the city planning and development director and issuance of a short term rental permit with annual renewal is required.

88-321-04 GENERAL REQUIREMENTS

88-321-04-A. ELIGIBILITY FOR PLATFORM

1. The city planning and development director shall prepare and maintain a list of all short term rentals that are eligible to be listed on a short term rental intermediary's platform. The list shall be made available to all short term rental intermediaries, the public, and all regulatory authorities in a form and manner prescribed by the director.
2. The city planning and development director shall notify the short term rental intermediaries in the case of a suspension or revocation of a short term rental unit on the city's registry of short term rentals.

88-321-04-B. RECORD-KEEPING AND MONITORING OF COMPLAINTS

1. The short term rental host and/or the applicable short term rental intermediary's platforms shall maintain records of each short term rental as required by the city and permitted by law.
2. The short term rental host shall monitor, and the host and the applicable short term rental intermediaries' platforms (as permitted by law) shall record, any complaints each may receive from guests, local residents, or others regarding any nuisance activity or sanitary, health, or life safety conditions observed on the property.
3. Pursuant to valid legal process, all records and information regarding each short term rental and any information on complaints received shall be made available by the short term rental host or short term rental intermediaries' platforms, as each has such records or information, to the city planning and development director.

88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION

1. A short term rental permit may be denied, or once issued, suspended or revoked when, in the determination of the city planning and development director, the rental of the short term rental property is ineligible under, or fails to comply with, this chapter or other provisions of the Code of Ordinances.

2. Upon determining that a short term rental is ineligible to be listed under this section, the director shall notify the short term rental host or proposed host, in writing, of such fact and of the basis for the determination of ineligibility. Such notice shall include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575.
3. If a short term rental host or proposed host fails to request a hearing within the prescribed time, the short term rental shall be deemed to be ineligible to be listed on any short term rental intermediary platform for 12 months.

88-321-04-D. OTHER REQUIREMENTS AND LEGAL DUTIES

Each short term rental host shall:

1. Provide to the city planning and development director a notarized affidavit from the owner of record of the property or unit (unless the host is the owner of record) consenting to the short term rental of the property.
2. Comply with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits.
3. Comply with the Code of Ordinances, unless specified in this section, and provide certification that the property is in compliance with all property maintenance, building, electrical, mechanical, and plumbing codes.
4. Post, within each unit, contact information for the owner, host, and/or other local emergency contact information.
5. For a short term rental within a multi-family structure, post a map depicting all (minimum of two) evacuation routes by doors in the event of an emergency. The map shall be posted on or immediately adjacent to every required egress door from each unit, but is not required when a door leads directly to the outside of the building at grade level.
6. Install and maintain smoke and carbon monoxide detectors in locations as specified for dwelling units by the Building Code.
7. Place in each short term rental dwelling unit a working fire extinguisher and a working battery powered portable flashlight or lantern or other emergency lighting device that is workable during an electrical power outage.
8. For purposes of sending notices to and obtaining consents from adjacent property owners under this section, utilize owners' names and addresses as provided in current county tax assessors' records.

9. Agree, as part of the short term rental application approval process, to allow inspection of the short term rental dwelling unit by the city for compliance with 88-321 and for fire, public safety, health/sanitation and other city code compliance purposes upon reasonable prior notice (which may be oral or electronic) at times that such unit is not occupied by a short term rental guest; and further agree that if the host for any reason does not allow requested city inspection of such unit, the short term rental permit for such unit may be suspended by the director until such inspection is allowed by the host.
10. Provide evidence to the city planning and development director that there is at least \$300,000 of liability insurance for the proposed short term rental dwelling unit in question, which insurance may be provided by a short term rental intermediary; provided that no short term rental intermediary shall have any obligation or liability to the city with respect to whether such insurance is so provided. Said \$300,000 minimum amount of liability insurance shall be subject to adjustment by the city planning and development director for changes in the consumer price index as described in 88-620-B.6 for adjustments to fees by the city manager. Proof of insurance shall be provided at the time of application and with annual registration.

88-321-04-E. PENALTIES

Any penalty for violation of this section shall be as stated in 88-615.

88-620-A. SUBDIVISION REGULATION FEES

1. *Preliminary plat.* The fee for filing the preliminary plat shall be:
 - a. Residential: \$389.00 plus \$4.00 per residential unit, not to exceed \$1,295.00
 - b. Revising an area of an approved residential preliminary plat \$389.00 plus \$4.00 per unit of the area to be amended, not to exceed \$1,295.00
 - c. Non-residential: \$389.00 plus \$62.00 per acre or fraction thereof, not to exceed \$1,295.00
 - d. Revising an area of an approved non-residential preliminary plat: \$389.00 plus \$62.00 acre of the area to be amended, not to exceed \$1,295.00
2. *Final plat.* The fee for filing the final plat shall be:
 - a. Residential: \$389.00 plus \$4.00 per residential unit, not to exceed \$1,813.00

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- b. Non-residential: \$389.00 plus \$31.00 per acre or fraction thereof, not to exceed \$1,813.00
- 3. *Minor Subdivision:*
 - a. Lot Split:
 - 1. Residential: \$207.00 plus \$3.00 per lot/unit
 - 2. Non-residential: \$207.00 plus \$62.00 per acre
 - b. Lot Line Adjustment: \$207.00 plus \$3.00 per lot
 - c. Lot Consolidations: \$207.00 plus \$3.00 per lot
 - d. Condominium Plats: \$207.00 plus \$3.00 per unit, not to exceed \$1,813.00
- 4. *Street naming. The fee for filing for approval of street names shall be:*
 - a. \$130.00 as part of plat approval process
 - b. \$130.00 for honorary street name petition.
- 5. *Re-review of plats.* When plat documents require subsequent submittal(s) for review after the 2nd submittal, and prior indicated deficiencies were not addressed in the resubmittal, a resubmittal fee shall be assessed at the time of resubmittal. This fee shall be 25% of the original filing fee for 3rd and subsequent resubmittals. Such resubmittal fee shall not apply as a credit toward any other fees charged.
 - a. *Recording fee for final plat.* The fee for filing the final plat shall be deposited with the office of the director of records and shall be equal to the fee required by the county in which the plat is required to be filed.
 - b. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

88-620-B. APPLICATIONS TO THE CITY PLAN COMMISSION, THE BOARD OF ZONING ADJUSTMENT, AND ADMINISTRATIVE APPROVALS

Certain fees are hereby established for the filing of applications to the board of zoning adjustment and the city plan commission as follows:

1. City plan commission

- a. For applications to rezone: \$648.00
- b. Development plan:
 1. Residential: \$648.00 plus \$4.00 per dwelling unit, not to exceed \$3,626.00
 2. Nonresidential: \$648.00 plus \$93.00 per acre or fraction thereof, not to exceed \$3,626.00
- c. Project plan:
 1. Residential: \$259.00 plus \$4.00 per dwelling unit
 2. Nonresidential: \$259.00 plus \$93.00 per acre or fraction thereof
- d. Major amendments
 1. Residential: \$311.00 plus \$4.00 per dwelling unit, not to exceed \$1,295.00
 2. Nonresidential: \$311.00 plus \$93.00 per acre or fraction thereof, not to exceed \$1,295.00
- e. Urban redevelopment district: \$648.00 plus \$93.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,626.00
- f. Master plan development: \$648.00 plus \$93.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,626.00
- g. Council approved signage plan: \$259.00
- h. Special review district: \$440.00
- i. Zoning & Development Code text amendment: \$518.00
- j. Land use plan amendment: \$829.00
- k. Major street plan amendment: \$414.00
- l. Appeal of the decision of the director of city planning and development: \$518.00

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m. Neighborhood rezoning and Overlay District:

0-200 parcels / lots \$2,590.00
201-500 parcels / lots \$4,662.00
501 + parcels / lots \$5,698.00

n. For all other applications: \$622.00

2. *Board of zoning adjustment*

a. Variances involving the following uses:

1. 1 and 2 family dwelling and accessory uses: \$259.00

2. All other uses: \$518.00

b. Appeal of the decision of the director of city planning and development: \$518.00

c. Rehearing before the board of zoning adjustment: \$207.00

d. Certificate of legal nonconformance:

1. 1 and 2 family dwelling: \$130

2. All other uses: \$311.00

3. Change in use for an existing legal nonconformance pursuant to 88-610 for 1 and 2 family dwelling: \$52.00

4. Change in use for an existing legal nonconformance for all other uses: \$181.00

e. All other requests: \$389.00

f. Stay of enforcement: \$414.00

g. Special use permit:

1. Ambulance service: \$855.00

2. Bed & breakfast: \$596.00

3. Blood/plasma center: \$829.00

4. Car wash/cleaning service: \$855.00

5. Cemetery/columbarium/mausoleum: \$855.00

6. Check-cashing, short-term loan/title loan establishment: \$1,502.00

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7. College/university: \$855.00
8. Community center: \$389.00
9. Community supported agriculture: \$100.00
10. Crematory: \$855.00
11. Day care (home & family): \$596.00
12. Day care (11-20 children) (group): \$596.00
13. Day care center (21+): \$829.00
14. Day labor employment agency: \$829.00
15. Demolition debris landfill: \$1,502.00
16. Detention and correctional facility: \$1,502.00
17. Drive-thru facility: \$855.00
18. Entertainment and spectator sports: \$855.00
19. Entertainment: small venue (1-149 capacity): \$466.00
20. Entertainment: medium venue (150-499 capacity): \$855.00
21. Entertainment: large venue (500 + capacity): \$1,502.00
22. Entertainment: outdoor (all sizes): \$1,502.00
23. Financial services (except check-cashing and pawn shops): \$829.00
24. Gasoline and fuel Sales: \$855.00
25. Group living: \$596.00
26. Heavy equipment sales/rental: \$855.00
27. Historic landmark (reuse of officially designated historic landmark, local or national): \$207.00
28. Hospital: \$855.00

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- 29. Hotel/motel: \$855.00
- 30. Household living: \$855.00
- 31. Junk/Salvage yard: \$1,502.00
- 32. Library/Museum/Cultural Exhibit: \$389.00
- 33. Light equipment sales/rental (indoor): \$855.00
- 34. Light equipment sales/rental (outdoor): \$1,502.00
- 35. Manufacturing, production, and industrial service – limited: \$1,502.00
- 36. Manufacturing, production, and industrial service – general: \$1,502.00
- 37. Mining and quarrying: \$1,502.00
- 38. Motor vehicle repair limited: \$855.00
- 39. Motor vehicle repair general: \$855.00
- 40. Neighborhood-serving retail: \$855.00
- 41. Nursing home: \$829.00
- 42. Office, administrative, professional or general: \$855.00
- 43. Park/recreation: \$466.00
- 44. Parking, non-accessory: \$855.00
- 45. Pawn shop: \$1,502.00
- 46. Recreation vehicle park: \$1,502.00
- 47. Recycling service – limited: \$1,502.00
- 48. Recycling service – general: \$1,502.00
- 49. Religious assembly: \$389.00
- 50. Repair or laundry service, consumer: \$855.00

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- 51. Residential storage warehouse: \$855.00
- 52. Safety service (except for police and fire station): \$855.00
- 53. School: \$389.00
- 54. Short Term Rental: \$596.00
- 55. Signs: \$337.00
- 56. Solid waste separation facility: \$1,502.00
- 57. Sports and recreation, participant (indoor): \$855.00
- 58. Sports and recreation, participant (outdoor): \$1,502.00
- 59. Stable: \$829.00
- 60. Tavern or nightclub: \$855.00
- 61. Transfer station: \$1,502.00
- 62. Undertaking: \$855.00
- 63. Utilities and services (except basic, minor): \$855.00
- 64. Vehicle sales and service: \$855.00
- 65. Vehicle storage/towing: \$1,502.00
- 66. Warehousing, wholesaling, freight movement – indoor: \$855.00
- 67. Warehousing, wholesaling, freight movement – outdoor: \$1,502.00
- 68. Waste related use: \$1,502.00
- 69. All other uses: \$855.00

3. *Administrative fees*

- a. Minor amendment to an approved development plan:
 - 1. Residential: \$233.00 plus \$4.00 per dwelling unit, not to exceed \$648.00
 - 2. Nonresidential: \$233.00 plus \$93.00 per acre or fraction thereof, not to exceed \$648.00

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- b. Administrative adjustment: \$259.00
- c. Administrative approval: \$259.00
- d. Request for continuance by the applicant: \$130.00
- e. Short Term Rental:
 - 1. Administrative approval: \$259.00
 - 2. Special Use Permit: \$596.00
 - 3. First year registration: \$275.00 (if administrative approval or special use permit not required, as those fees include first year registration)
 - 4. Annual renewal of registration: \$175.00
- 4. The city plan commission and the board of zoning adjustment shall have the authority to waive the fees set out in this subsection in the interests of justice.
- 5. Transcripts on appeal to circuit court. Transcripts, necessary upon appeal to the circuit court, shall be furnished by the appellant. These may be obtained, upon payment of the current charge, from the reporting service employed by the board of zoning adjustment to take testimony given at the public hearing. The board may waive the transcription costs where it is determined that the appellant is unable to pay the costs. The cost of the transcript will be refunded to the appellant if the appellate court orders such refund upon judgment.
- 6. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

88-805-02-A. HOUSEHOLD LIVING

Residential occupancy of a dwelling unit by a household with tenancy arranged on a basis of 30 consecutive days or more.

88-810-698 HOST

The owner, operator, corporation, agent, or other authorized representative facilitating the rental of a short term rental property or unit.

88-810-728 LODGER

One who, by agreement with the owner of a property, acquires no interest or possession therein but only the right to occupy a room or rooms that remain in the owner's legal possession and who dwells in common with the family.

88-810-1445 REVOCATION

The repeal of a permit or designation through the procedures outlined within this chapter.

88-810-1580 SHORT TERM RENTAL

A short-term rental is the rental of a property, a dwelling unit, or portion thereof for a period of less than 30 consecutive days. *(See 88-321)*

88-810-1581 SHORT TERM RENTAL INTERMEDIARY

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

88-810-2160 SUSPENSION

The temporary prohibition of a use permitted by this chapter. Failure to cure conditions leading to the suspension may result in revocation.

Section 2. That this ordinance shall become effective May 8, 2018. A property owner or resident host operating a short-term rental without the approvals required by this ordinance will be subject to enforcement action beginning August 8, 2018 if the owner or resident host has not submitted an application for approval prior to August 8, 2018.

Section 3. That this ordinance shall be reviewed by the City Plan Commission and City Council one year after the effective date, and the City Plan Commission shall make its recommendations to the City Council regarding any changes to the ordinance.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

M. Margaret Sheahan Moran
Deputy City Attorney

Short Term Rentals comments for Oct 10 meeting

gail plemmons <gailplemmons@hotmail.com>

Wed, Oct 2, 2019 at 10:09 AM

To: "rachel.bacon@como.gov" <rachel.bacon@como.gov>, gail plemmons <gailplemmons@hotmail.com>, brian page <briancpage@hotmail.com>

Rachel,

We want to see our predominately R2 West Central neighborhood given the same protections as R1 neighborhoods.
We think the STR code should have business model regulations like other businesses: fees collected should fund paid inspectors.
Neighbors need recourse when renters are causing problems. We know the police cannot keep up with complaints so a process
needs to be in place for neighbors to file formal complaints and owners are held responsible.
We think only HOSTED OWNER occupied STRs should be allowed in R1 and R2 zoning.

Our objections to UNHOSTED STRs are:

Displacement of affordable housing, rental and home ownership.

Lack of community and belonging when there are empty houses that are only used for STRs.

Thank you for your service,

Gail Plemmons

Brian Page

[17 Aldeah Ave](#)

Short Term Rental comments

Dee Dokken <deedokken@gmail.com>

Thu, Oct 3, 2019 at 8:54 AM

To: P&Z Commission Comments <planning@como.gov>, "rachel.bacon@como.gov" <rachel.bacon@como.gov>, Pat Zenner <patrick.zenner@como.gov>

Dear Planning and Zoning Commission:

I think owner-occupied STR is an appropriate use and can help home owners afford to stay in their homes. There are issues with accountability and enforcement which can be addressed.

I am not in favor of non-owner-occupied short term rentals. They have the potential to shrink the supply of housing in Columbia and change neighborhood character for the worse. Residential neighborhoods shouldn't become part of the commercial lodging industry

The conditional use permit process puts an unreasonable burden on neighbors and neighborhoods to keep up with every request, and comment and attend meetings. A neighborhood can be radically changed in a piecemeal and cumulative process with most residents unaware or their lives too busy to engage in every request.

If conditional permits are issued, they should sundown (5 years?) and not persist indefinitely, even under the same ownership.

Thank you for your consideration

Dee Dokken

804 Again

Columbia 65203

STR Comments

1 message

Kay Pingelton <bkipingelton@centurytel.net>

Wed, Oct 2, 2019 at 11:38 PM

To: Rachel Bacon <Rachel.Bacon@como.gov>, Ward3 <Ward3@como.gov>

Dear Ms. Bacon and Mr. Skala,

This evening on Channel 17 news our mayor was speaking on the "hurricane of violence hovering over our community." It was chilling to hear that about our city.

Columbia has many assets that make it a desirable place to live.... the educational, medical, cultural and recreational opportunities, our parks and trails and beautiful neighborhoods. Family oriented neighborhoods where people there are people who belong there, where it feels safe to walk and for children to play outside.

Allowing commercial business (STR's) in single family residential neighborhoods brings in transient traffic that becomes detrimental to the peace and tranquility of that neighborhood. By doing this, there will be no neighborhoods that are quiet and safe for residents. Many cities have banned STR's in all areas because of increased crime and the blight they bring.

We already have crime problems. It seems unwise and unsafe to add to that by allowing commercial business and associated transient traffic in residential zoning. Once it's done, it's done.

Respectfully Submitted,

Kay Pingelton
3600 Berrywood Dr.
573-864-1706

[Planning]: Comments on latest UDC Draft Text Changes for Short Term Rentals

Rick McGavock <yourfriendly601neighbors@gmail.com>

Thu, Oct 3, 2019 at 12:33 PM

To: planning@como.gov, City Of Columbia Ward1 <ward1@como.gov>, City Of Columbia Ward2 <ward2@como.gov>, Ian Thomas <ward4@como.gov>, ward5@como.gov, City Of Columbia Ward6 <ward6@como.gov>

Greetings,

I wanted to share a few comments after reviewing the latest UDC Draft Text Changes for Short Term Rentals.

For hosted STR's in R-1 Zone's I think a maximum of 4 guests should be allowed before requiring a conditional use permit. It seems to me that having families stay at R-1 STR's is the preference yet a limit of 3 may prevent this as the average American family has 1.9 children. Searching AirBNB in Columbia, 86% of listings show that they can accommodate 4 guests with 2 or more beds so space does not appear to be an issue.

Sections A.1.ii & A.1.iii project an unclear message. On the one hand, a person needs to be present and on the other, they do not. Both stipulations are unnecessary since an STR license could now be revoked should any issues arise, giving the host incentive to keep tabs on things without the need for further regulation. I have asked my parents to be the equivalent of a "designated agent" on a couple of occasions to handle not only emergencies but also any problems that arise such as a tripped breaker or internet outage. Under the draft proposal, I wouldn't be able to ask them even though they live 8 minutes away (outside of city limits).

In general, I think it is an overreach to dictate the whereabouts of your citizens. The only analog I can come up with is being placed under house arrest. I assume this came up out of the fear of noise complaints, even though the current draft extends beyond noise abatement hours. I'd like to reiterate that there is no evidence suggesting that STR's receive noise complaints at a higher rate than any other property type in the city. If noise abatement is in fact the logic behind this, the city should also require any dwelling occupying teenagers to have an adult present.

Following A.1.ii to the letter, I would not be able to walk my dog, go to the store for a gallon of milk, or attend one of my son's football games after dark unless I was able to find a "designated agent" (something not required for long-term owner-operated rentals). However, during those times, I would still be well aware of what was going on at my home through the use of night-vision security cameras, smart locks, and sound monitors.

Again, as a host I have a vested interest in making sure my guests abide by existing city regulations and treat our community with respect.

As always, thank you for your time.

Rick McGavock
601 Arbor Dr.

Additional thoughts on STR's

Kay Pingelton <bkipingelton@centurytel.net>
To: Rachel Bacon <Rachel.Bacon@como.gov>, Mayor <Mayor@como.gov>, Ward3 <Ward3@como.gov>

Thu, Oct 3, 2019 at 3:59 PM

Since Columbia is located right between St. Louis and Kansas City and two major highways intersect here, it stands to reason we would receive a lot of undesirable transient type traffic stopping and passing through. This brings in undesirables with violent and criminal tendencies. STR's make a convenient stay for them..... self check-in and no face to face contact with the host. Hotels have security systems and someone at the front desk who the visitor comes into contact with. Transient traffic should stay in one of Columbia's many hotels.

Residential neighborhoods should be a place where the people living there can feel safe and not be burdened by complete strangers coming and going. Residential neighborhoods are not a suitable place for commercial business. It is not appropriate and it is not safe. Please preserve our neighborhoods.

Respectfully Submitted,

Kay Pingelton
3600 Berrywood Drive
573-864-1706

1602 Hinkson Avenue
Columbia, MO 65201

October 3, 2019

City of Columbia
701 East Broadway Street
Columbia, MO 65201

Planning and Zoning Commissioners

I would like start by affirming my stance against *all* un-hosted short term rentals within residential zoning districts. My stance is principled on the belief that residential zoning districts have always been intended for residential use, and that un-hosted short term rentals represent a mixed commercial/residential use that is not appropriate for residential settings. Short term rentals are a significant departure from traditional residential uses for some simple reasons:

- Guests of short term rentals are transient in nature, in a manner that mirrors the type of use associated with hotels, yet we don't permit hotels in residential zoning districts; and
- There is a stated desire by the City to "tax" short term rentals in a way that is more consistent with commercial uses.

Experience shows that neighbors have almost no recourse for obtaining satisfaction on grievances that are likely to arise if un-hosted short term rentals are permitted within residential zoning districts. For example, about 50% of the guests at an un-hosted short term rental near to where I live appear to lack any awareness of local regulations. Worse, the City requires multiple visits by an official organization, such as the police, before a property can be deemed a nuisance. Given the transient nature of short term rental guests, and the lack of organizational support to address nuisance violations, neighbors will be left unable to hold short term rental owners responsible for nuisance violations, since such violations are unlikely to be officially recorded.

The proposed modification presented as the August 28, 2019 revision does not adequately protect neighbors from unscrupulous short term rental operators or 'bad-apple' guests. Why we continue to push regulations that throw-open the doors for speculators is beyond my understanding. Protect people.

Respectfully,

A handwritten signature in black ink, appearing to read 'Peter Norgard', with a long horizontal flourish extending to the right.

Peter Norgard

[Planning]: Comments on proposed short-term rental regulations

'Elizabeth Harding' via Plannning <planning@como.gov>

Thu, Oct 3, 2019 at 7:24 PM

Reply-To: Elizabeth Harding <eharding81@icloud.com>

To: "planning@como.gov" <planning@como.gov>

To Whom It May Concern:

We are unable to attend the meeting on 10/10 due to a conflict in our schedules. However, we have been following the discussions about the regulations of short-term rentals in Columbia and wanted to give feedback from our perspective.

We currently live in two different states, Missouri and New York, with our primary residence being New York. If we are reading the proposal correctly, we do not meet the standard for a "short-term hosted" rental because we are not in Columbia more than 270 days per year.

Ryan's children live in Missouri so he spends every other weekend in Columbia at a minimum. I also travel to Columbia to spend time with his children, as do other members of our family. When it became apparent that we would be living between states, we rented an apartment for a year. Unfortunately, the expense and quality of life in the complex did not meet our needs. It was not a location that was conducive to raising children or maintaining a quiet existence.

We decided to purchase a home and rent out part of the home when we were in residence and, on occasion, the entire home when we are not in residence. We did not make this decision lightly. We ultimately chose to do this because it gives us more flexibility and gives Ryan's children a better sense of home than an apartment complex filled with students and young professionals.

The people that have stayed in our home are varied but I would like to give you an example of the "transient guests":

- A woman and her young son stayed with us for 3 weeks at a time on multiple occasions while her son participates in Early Intervention services at Women's and Children's Hospital.
- A family from Denmark stayed with us for 3 months while the husband/father participated in a Doctoral Fellowship at Mizzou.
- The family of a Mizzou football player that did not want him and his friends going without Thanksgiving dinner stayed with us during the holiday. They knew their son and his friends couldn't leave Columbia due to the game, so by staying in our home they were able to cook them a full turkey dinner.
- A couple was traveling from Florida to California when the wife unexpectedly went into labor early and delivered a baby boy in Columbia. They needed a place to stay until their follow-up visits before they continued on to California.

These are just some of the guests we have had. To my knowledge, we have never had a noise or parking complaint made about anyone staying at our property. Concerns about noise and parking are always a concern in neighborhoods, regardless of the presence of short-term rentals. There are methods for dealing with these issues, and they should not be addressed under short-term rental regulations.

There have been a lot of concerns shared about the safety of neighborhoods because of transient guests. However, long-term renters and homeowners can have as many guests as they want and there are no regulations regarding who is coming and going. We have no idea who will buy the houses around us, who will move in, who will come as guests of the owners, etc., and we have no say in the matter. Therefore, we do not feel that this is a valid argument against short-term rentals in neighborhoods.

The proposed conditional use requirement would apply to us because of the time we spend at the property, and we do not feel it is an appropriate regulation. We are there multiple times a month and have a local designated agent who is on call 24 hours a day. There are long-term rental properties with absentee owners that have less oversight and management than our property. The nature of short-term rentals actually requires more involvement and oversight from the owners/managers than a long-term rental does. The assumption that an "unhosted" rental is somehow more of a risk or nuisance is inaccurate, and we firmly take exception to the assumption that we care less about the property and neighborhood because we don't live there full-time. We also believe that if it is decided to have two categories, that people in our situation (with a designated agent as defined in the "short-term rental hosted" section) should be moved into the "hosted" category and not forced into the "short-term rental unhosted" category.

We also have concerns about the occupancy limits. We have attempted to understand the International Property Maintenance Code, but we are not clear on how many guests we would be allowed to host. The limitation of 3 guests, without approval, is arbitrary. We often rent to two couples at a time or a couple with a few children. We are not clear if these situations would be approved or not, what the process would be, how we can appeal, how often we have to seek approval, etc. Owner-occupied

dwelling can regularly have as many off-the-record, non-paying, short-term residents as they want. There is no limit to how many people they pack into a house, and yet we may be limited on a basis we do not fully understand simply because we are renting the property versus giving away the space.

You might be wondering why we wouldn't simply have a long-term rental of the property. There are a few reasons:

- We use the entire property for ourselves at various times throughout the year. Renting out the house long-term would prevent us from ever being able to use the entire space.
- We may be moving back to Columbia as our primary residence. If we had long-term tenants, we could be stuck with nowhere to live ourselves.
- We really love hosting people, meeting them, and helping them fall in love with the area.

We do understand the need for regulations and inspections; we only ask that they be reasonable. At the end of the day, it is still a property being used for residential purposes. The regulations proposed are unduly burdensome and discriminatory to short-term rental hosts.

Thank you,
Ryan Stephens & Elizabeth Harding
[363 Crown Point](#)
[Columbia, MO 65203](#)