

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 348-19

AN ORDINANCE

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

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

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

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

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

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

Basement. For all purposes, except floodplain regulations, a story that is not a story above grade plane (see "story above grade plane").

Bed and breakfast. A residential building containing not more than five (5) guest rooms that provides sleeping units and meals for transient guests, and that is managed and occupied by the owner of the property. The definition of bed and breakfast shall exclude a hotel and a short-term rental.

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Hospital. An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training facilities, medical or dental clinics, sanitariums, and medical laboratories.

Hotel. A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one and thirtyone (~~30-31~~) days. Accessory uses may include restaurants, cafes, swimming pools,

meeting rooms, or sports/health facilities. The definition of hotel shall exclude bed and breakfast establishments and short-term rentals.

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Shopping center master sign (and industrial park master sign). A sign indicating the name of the shopping center or industrial park and/or names of businesses in the shopping center or industrial park.

Short-term rental. A residential dwelling unit, portion of a dwelling unit or room within a residential dwelling unit rented by a transient guest for a period less than thirty-one (31) days.

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

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

Sidewalk. A constructed, dedicated and accepted pedestrian way for public use, generally to provide for pedestrian circulation along streets and highways.

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Tract. An area, parcel, site, piece of land, lot, or property.

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

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Sec. 29-3.3. Use-specific standards.

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

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(pp) ~~Reserved~~ *Accessory and temporary uses of land and buildings: short-term rental.*

A. *Short-term rental types.* Short-term rentals shall be classified as either “short-term rental hosted” or “short-term rental un-hosted” dwelling units subject to the following provisions:

1. A dwelling unit shall be considered “short-term rental hosted” if:
 - i. It is the primary residence of the owner of record for a period of two hundred seventy (270) or more calendar days per year;
 - ii. The dwelling is occupied by the owner of record when it is being offered for transient accommodations with the exception of daytime and/or work hours.
 - iii. In the event the owner of record cannot not be present while the home is offered for transient accommodations the owner shall have a designated agent registered with the City of Columbia who can be a point of contact in the owner’s absence. Such designated agent shall not be required to be onsite while the dwelling is offered for transient accommodations; however, shall have an address within the corporate limits of Columbia and shall be accessible 24-hours a day. The designation of an agent shall not relieve the property owner of the requirement that the dwelling unit shall be the owner’s primary residence.
2. A dwelling unit shall be considered “short-term rental un-hosted” if:
 - i. It is not the primary residence of the owner of record, or;
 - ii. It is occupied by the owner of record for a period of two hundred sixty-nine (269) or fewer calendar days per year.

B. *Authorization to operate.* Authorization to operate a short-term rental shall be based upon its classification under section 29-3.3 (pp)A. and may be granted administratively by the director or the director’s designee or following the approval of a conditional use permit by the city council pursuant to the requirements of section 29-6.4(m) of this chapter.

1. *Administrative approval.* A “short-term rental hosted” may be authorized by the director or the director’s designee pursuant to the following conditions:
 - i. In the R-1 zone district, a short-term rental hosted shall:
 - a. Not exceed a maximum of three (3) transient guests.
 - b. Have bedrooms offered for rental that meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws passed or adopted by the city.

- c. Demonstrate compliance with the provisions of subsection 29-3.3(pp)C. of this section.
- ii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts, a short-term rental hosted shall:
 - a. Not exceed a maximum of four (4) transient guests.
 - b. Have bedrooms offered for rental that meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws passed or adopted by the city.
 - c. Not have more than one (1) dwelling unit registered as a short-term rental when a lot is improved with a two-family dwelling unit, multi-family dwelling unit, or a lot containing multiple detached dwelling units.
 - d. Demonstrate compliance with the provisions of subsection 29-3.3(pp)C. of this section.

2. *Conditional use permit.* Any short-term rental not meeting the classification of “short-term rental hosted” or not authorized under the provisions of subsection 29-3.3(pp)B.1. of this section shall obtain a conditional use permit from the city council prior to its operation. Approval of a conditional use permit shall be in accordance with the provisions of section 29-6.4(m) of this chapter and shall be subject to the following additional standards:

- i. In the R-1 zone district, short-term rental hosted or short-term rental un-hosted dwelling units shall:
 - a. Not exceed a maximum of three (3) transient guests; however, transient guest occupancy may be increased upon authorization of the city council as part of the conditional use application. Maximum transient guest occupancy shall be calculated based upon bedroom square footage and required living and dining room area as specified within the adopted International Property Maintenance Code and any other general criteria established under the conditional use permit process in section 29-6.4(m) of this chapter.
 - b. Have bedrooms offered for rental that meet the requirements of the adopted International Property Maintenance Code and other applicable codes and/or laws adopted or passed by the city.
 - c. Demonstrate compliance with the provisions of subsection 29-3.3(pp)C. of this section.

ii. In the R-2, R-MF, M-OF, M-N, M-DT, or M-C zoning districts, short-term rental un-hosted dwelling unit conditional use applications shall demonstrate compliance with the provisions of subsection 29-3.3(pp)C. and may:

- a. Request up to a maximum of two (2) transient guests or fewer per bedroom; however, transient guest occupancy per bedroom may be increased upon authorization of the city council as part of the conditional use application. Maximum transient guest occupancy shall be calculated based upon bedroom square footage and required living and dining room area as specified within the adopted International Property Maintenance Code and any other general criteria established under the conditional use process in section 29-6.4(m) of this chapter.
- b. Request short-term rental un-hosted designation of both dwelling units when application has been made for a two-family dwelling unit provided the provisions of subsection 29-3.3(pp)B.2.ii.a. are met.
- c. Request short-term rental un-hosted designation for up to a maximum of twenty-five percent (25%) of the dwelling units within a multi-family structure containing four (4) or more dwelling units or on a lot containing four (4) or more detached dwelling units provided the provisions of subsection 29-3.3(pp)B.2.ii.a. are met.

C. Supplemental use-specific standards. The following standards shall be applicable to all short-term rentals regardless of classification under subsection 29-3.3(pp)A.

- 1. Adjacent property owner notification. The city shall provide public notice for any conditional use application seeking to increase the number of permitted transient guests for a short-term rental hosted or to establish a short-term rental un-hosted in accordance with the provisions of section 29-6.3(c) of this chapter.
- 2. Proof of ownership. The property owner shall submit, upon forms provided by the city, an affidavit affirming the following:
 - (a) The dwelling unit to be used as a short-term rental is under the property owner's ownership,
 - (b) The number of days the dwelling serves as the property owner's primary residence, and

(c) The name, address and contact number of a designated agent when application to establish a short-term rental hosted is sought.

Designation of an agent shall be provided annually at the time of business license renewal or within thirty (30) days of any change to the required affidavit content.

3. *Property registration.* The property owner shall register the short-term rental with the city prior to being granted a certificate of compliance. Such registration shall follow the provisions of chapter 22 of this Code and shall grant the city the right to inspect the dwelling unit for compliance with all applicable city codes.

4. *Dual rental designation.* A dwelling unit that has an active certificate of compliance, pursuant to the Rental Unit Conservation Law, may apply to have an approved short-term rental added to such certificate subject to the provisions of subsection 29-3.3(pp)B. and other applicable city codes, without requiring re-inspection.

If approved to become a short-term rental, the dwelling unit may be offered for rental purposes as either a short-term rental, subject to the provisions of subsection (pp), or as a traditional rental unit pursuant to the provisions of the Rental Unit Conservation Law of this Code. This dual designation shall not relieve the property owner of remittance of any applicable lodging taxes or business licensing requirements as adopted or passed by the city.

5. *Certificate of compliance – posting.* The certificate of compliance issued by the city shall be conspicuously posted at the entry of the dwelling unit or in a readily available location onsite for review upon the request of a police officer or city inspector investigating a violation of this subsection (pp), chapter 16, article IV (Nuisances), or chapter 22, article V (Rental Unit Conservation Law) of this Code. In addition to posting the issued certificate, the operator shall post their contact information as well as the contact information of any designated agent.

6. *Rental platform identification.* Upon application to register a dwelling unit as a short-term rental and annually thereafter, the property owner shall provide the city with a list of all specific website or other media where the dwelling unit will be advertised for rental following issuance of a certificate of compliance. Such advertising shall include the certificate of compliance license number.

7. *Dwelling unit usage.*

i. Only one (1) rental reservation for the dwelling unit shall be permissible at any given time. If additional sleeping room or transient

quest occupancy remains available it shall be unlawful to make a second reservation to maximize dwelling unit usage. The dwelling unit shall not be advertised as being available on an individual sleeping room basis.

ii. The dwelling unit shall not be used for activities otherwise prohibited by this Code.

8. *Accessory Dwelling Units (ADUs) as short-term rentals.* When a property has been legally authorized to accommodate an ADU, the property owner, at the time of application, shall designate which dwelling shall become a short-term rental. In no instance shall both the ADU and the principal dwelling be permitted to be utilized for short-term rental purposes.
9. *Signage.* One (1) non-illuminated building-mounted sign no greater than one (1) square foot in area shall be permitted to identify the dwelling unit as a short-term rental. One (1) non-illuminated onsite directional sign no greater than one-half (½) square foot shall be permitted for guest way-finding purposes.
10. *Short-term rental certificate non-transferable.* An active certificate of compliance that includes authorization to operate a dwelling unit as a short-term rental and, if applicable, any conditional use permit granted under the provisions of subsection 29-3.3(pp)B. shall be void upon sale of the dwelling unit. Establishment of the dwelling unit as a short-term rental by a new property owner shall require compliance with the provisions of subsection (pp) of this section. If the dwelling unit was approved to operate under a “dual” designation, the long-term rental certificate of compliance shall remain transferable pursuant to the provisions of chapter 22, article V (Rental Unit Conservation Law) of this Code.
11. *Revocation of a certificate of compliance – short-term rental.* Operation of a short-term rental, regardless of classification, in violation of any of the foregoing provisions of subsection (pp) of this section shall constitute a violation of this Code and shall be subject to any fines and penalties of such. Any property owner who has had the short-term rental certificate of compliance revoked shall only be permitted to seek a conditional use permit to re-establish the short-term rental.

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Sec. 29-3.2. Permitted use table.

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

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2019.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor