

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 5, 2020**

SUMMARY

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 [Definitions], 29-3.2 [Permitted Use Table], and 29-3.3 [Use-Specific Standards] of the City Code relating to revision of the definitions for “hotel” and “bed and breakfast”, creation of definitions for “short-term rental”, “short-term rental hosted”, “short-term rental un-hosted” and “transient guest”, and creation of new use-specific standards governing the establishment and operation of short-term rentals inside the City’s corporate limits. **(Case # 31-2019)**

DISCUSSION

The Planning and Zoning Commission held a public hearing on this matter at its October 10, 2019 meeting. The vote on the proposed regulatory changes was tied 3-3 and forwarded to Council for consideration as a “No Recommendation” pursuant to the Commission’s Rules of Procedure. The Item was introduced to Council on November 18, 2019 and tabled to the January 21, 2020 Council for a public hearing.

Following the January 21, 2020 public hearing there was significant Council discussion regarding the testimony offered and possible amendments to the proposed Chapter 29 revisions. Given the testimony and need to prepare the potential amendments for further Council discussion, the Council voted to continue the hearing to their February 3, 2020 Council meeting.

During the February 3, 2020 Council meeting, the Council made several amendments to B348-19 (amending Chapter 29 Unified Development Code) and to the companion legislation associated with the enforcement, licensure, and taxation of short-term rentals (STRs). The companion legislation was introduced as B22-20 (amending Chapter 13 business licenses and Chapter 26 taxation) and B23-20 (amending Chapter 22, Article V Rental Conservation Law). A total of 15 amendments were proposed with only 9 being recommended by Council for final consideration in a revised draft ordinance.

Following discussion and debate of the proposed amendments, Council tabled the bills as amended to the March 16, 2020 Council meeting. As a component of the tabling motion, Council directed staff to produce a consolidated draft of the bills including the 9 recommended amendments and referred the same to the Planning & Zoning Commission for further review and a recommendation. The requested consolidated draft is attached for review.

For the purposes of Planning and Zoning Commission’s public hearing and pursuant to Section 29-6.1(b)(2)(vi) of the UDC, the portion of the consolidated draft that is required to be reviewed and acted upon by the Commission is that dealing with the revisions to Chapter 29 (the UDC). The provisions dealing with Chapters 13, 22, and 26 of the City Code have been provided for contextual purposes only.

Below is a summary of the February 3, 2020 Council approved amendments (numbered and shown in **bold text** and as presented in the amendment sheet introduced on February 3) to B348-19

(establishing use-specific standards for Short-term Rentals in the Unified Development Code) as well as, where noted, amendments to B22-20 (Business License and Taxation) and B23-20 (Rental Conservation Law):

Amendment #1 - Eliminates the requirement for an owner host to be present when transient guests are using the hosted STR. Owners must name a designated agent if they themselves are not able to respond to STR issues;

Amendment #2 (option 1) - Allow up to two transient guests per bedroom under administrative review of hosted STRs;

Amendment #3 - Authorize administrative approval of STRs in the M-C and M-DT Districts;

Amendment #4 - Allow an owner-occupant to obtain approval of an STR that is adjacent to their permanent residence; changes made to the October 10, 2020 revisions to Chapter 29 that the Commission previously reviewed.

Amendment #5 - Limit an unhosted STR in a single-family dwelling district to not more than 95 nights in a year;

Amendment #6 - Increases the number of transient guests allowed for unhosted STRs by conditional use permit in the R-1, R-2, R-MF, M-OF, M-N, M-C, M-DT Districts to up to two per bedroom. Council further modified the occupancy limits to make hosted and unhosted the same. By conditional use permit, more than two (2) guests per bedroom may be authorized in any non-residential district;

Amendment #9 (amends B23-20, Ch. 22) - Requires an annual attestation of compliance by operators. New language related to #9 and #10 authorizes an “eligibility for platform listing” that will be shared with the platforms, regulatory authorities, and the public;

Amendment #10 (amends B-23-22, Ch. 22) - Authorizes revocation of certificate from STR with two or more substantiated complaints. The Director shall notify the platforms, termed short-term rental intermediaries (Airbnb, VRBO, etc.) of any such revocation;

Amendment #11 (option 2, amends bill 22-20, Ch. 13) - Requires collection of nuisance enforcement fee of \$2/night. As modified by Council, the platforms (intermediaries) may collect and remit the fees.

The consolidated draft was distributed to the Community Development Department’s STR stakeholder list on approximately February 14 and was included as a part of the Planning Commission’s February 20 work session agenda. Since distribution 2 public comments (attached) have been received.

As discussed at the February 20 work session, public comments and potential Planning Commission recommendations relating to the contents of the consolidated draft will be captured within the meeting minutes. Possible Commissioner recommended revisions that obtain support of a majority of the Commissioners will not be incorporated into the attached consolidated draft, but rather will be identified as a part of the Council memo prepared prior to forwarding the Commission’s recommendation to Council for review on March 16. The process of forwarding recommended changes to Council is consistent with that utilized with the recently considered medical marijuana ordinance.

RECOMMENDATION

Conduct the Council requested public hearing and direct staff to forward the Commission's recommendation on the consolidated draft as presented.

Alternatively, the Commission may direct staff to provide Council with its recommendation on the consolidated draft as presented along with potential Commission-majority supported amendments.

ATTACHMENTS

- Consolidated Draft (revised 2-10-20)
- Public Correspondence