

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
April 4, 2024**

**SUMMARY**

A request by the City of Columbia to amend Sections 29-1.11(a) [Definitions – General] and 29-3.3(vv) [Use-specific Standards – Short-term rental] of Chapter 29 of the City Code (Unified Development Code). The amendments propose revisions to add clarity to the definitions of Tier 1 and Tier 3 short-term rentals and to provide clarification that a conditional use permit may be sought by a “long-term resident” of a Tier 2 STR to operate for a maximum of 210 nights in the A, R-1, R-2, and R-MF zoning districts. **(Case # 123-2024)**

**DISCUSSION**

On February 5, 2024, the City Council adopted new zoning provisions applicable to short-term rentals (STRs). In doing so, the Council approved an amendment increasing the total number of rental nights from 120 to 210 for Tier 2 STRs requiring a conditional use permit (CUP). A CUP for a Tier 2 STR is only required when the dwelling offered is not occupied by a long-term resident. Given this amendment, a corresponding revision was made, and approved, to the definition of a Tier 2 STR. The definition change removed the originally stated “maximum 120 nights” provision and replaced that language with a cross-reference to the “use-specific standards” section of the regulations relating to Tier 2 STR which contained the maximum night limitations based on the distinction between dwelling unit resident status.

Upon evaluation of the amendments made at the February 5 Council meeting, staff identified that dwellings offered as STRs by long-term residents were more significantly restricted than dwellings offered by those not considered a long-term resident. The attached amendment seeks to address this concern by permitting an STR operator who is also the dwelling’s long-term resident the option of seeking a conditional use permit to increase the number of rental nights from 120 to 210. If approved, parity between the two types of Tier 2 STRs will be established.

It should be noted that this proposed revision would only impact Tier 2 and no changes are proposed with respect to maximum rental nights within Tiers 1 or 3. However, to ensure definition consistency across all STR tiers the attached amendment proposes to add a similar “use-specific standards” cross-reference that was added to Tier 2 on February 5. Given the rental night limitation within Tiers 1 and 3 are to remain unchanged, the references to rental nights will remain within the modified definitions.

The amendment that would add parity between the two types of Tier 2 STRs is very basic. Staff proposes to add the following to sec. 29-3.3(vv)(1)(ii)(B):

(B) If the dwelling unit is **or is** not a long-term resident's principal residence, a Tier 2 short-term rental shall be an accessory use in zoning districts M-OF, M-N, M-C, and M-DT and shall be a conditional accessory use in zoning districts A, R-1, R-2, and R-MF provided the following criteria are met:

Adding “**or is**” prior to the previous “not” provides two possible scenarios in which a CUP may be sought. The first scenario would permit a long-term resident the ability to seek an increase in available rental nights described in (B)(1) via the CUP requirement described in (B)(3). The second scenario, approved by Council on February 5, would be applicable to a dwelling not occupied by a long-term resident. Such a dwelling was already required to be approved for STR use by a CUP; however, the Council amendment increased the rental nights in (B)(1) from the 120 to 210.

## **Conclusion**

The proposed regulatory changes outlined above and shown within the attached amendment offer an opportunity for a dwelling that is a long-term resident's principal residence the same CUP process to increase the number of rental nights that presently exist for dwellings that are not occupied by a long-term resident. Furthermore, the proposed amendments provide definition consistency across all STR tiers with respect to a cross-reference to the "use-specific standards" applicable to the respective tier.

Creating parity between the two types of STRs within Tier 2 is believed appropriate. Doing so gives long-term residents the same rights as those that are not long-term residents with respect to offering a dwelling for STR purposes. Furthermore, it is believed that creating this parity is essential to support one the underlying purposes of the STR regulations- supporting owner-occupied housing.

## **RECOMMENDATION**

Approve the proposed text change as presented.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Proposed Text Amendment

## **PUBLIC NOTIFICATION**

Public hearing ad published within the Columbia Tribune on March 19, 2024. No correspondence has been received.

Report Prepared/Approved by Patrick Zenner