

The following definitions are to be added to the Unified Development Code (UDC) as a reconstituted **Section 29-1.11(g) [Definitions]** with existing Section 29-1.11(g) being renumber to Section 29-1.11 (h). All text is new.

(g) *Short-term Rentals*. For the purpose of chapter 29, article 3, section 29-3.3(uu) the following words and terms as used are defined to mean the following:

**Owner.** When used in the context of Short-Term Rentals this term shall mean, any person, firm, trust, corporation, partnership, or any other legal entity who has legal interest in a property. A person whose sole interest in any building, dwelling unit, or portion thereof that is solely that of a lessee under a lease agreement shall not be considered an owner.

**Commented [PZ1]:** This definition is a combination of that from College Station, TX and Seattle, WA.

**Designated Agent.** When used in the context of Short-Term Rentals this term shall mean, an individual or management company located within the City of Columbia that is available 24-hours per day who assumes full responsibility for addressing matters arising with the operation or use of a dwelling unit licensed as a short-term rental in the absence of the owner of the property upon which such dwelling is located. The individual or management company is not required to be on-site in the absence of the owner of the property regardless if such property is the owner's principal residence and is being offered as a short-term rental.

**Commented [PZ2]:** This provision may require relocation into the "use-specific standards" section of the STR regulations.

**Principal Residence.** The one dwelling unit where an owner of the property, or tenant of a period greater than 30 days ("permanent resident"), has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a principal residence until another principal residence is established. A principal residence shall be documented by motor vehicle registration, driver's license, voter registration or other such evidence as determined acceptable by the Director of Community Development.

**Commented [PZ3]:** If the definition of "owner" is adopted then the highlighted clause needs to be removed as a "long-term tenant" is not considered an owner.

**Previously Existing Short-Term Rental.** When used in the context of Short-Term Rental licensing this term shall mean, a residential dwelling unit, in whole or in part, offered for rental to transient guests for a period of at least twelve (12) months prior to enactment of this Ordinance.

**Secondary Residence.** A dwelling unit in which the owner of the property lives temporarily for time intervals less than their principal residence, as defined herein, and for which all necessary utilities remain connected, functional, and in good standing with the applicable utility provider(s).

**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.

**Commented [PZ4]:** Use of "less than thirty-one (31) days" was chosen for consistency with the proposed definitions of "hotel" and "transient guest" to be used in other Municipal Code sections relating to taxation.

**Short-term Rental (Tier 1).** A principal residence that is offered, on occasion, in whole or in part, for no greater than a total of thirty (30) calendar days per year as a short-term rental.

**Commented [PZ5]:** For "in whole" usage there would need to be specific use-standards allowing representation

The phrase "as an accommodation for transient guests" was removed at suggestion of Law.

*Short-term Rental (Tier 2).* A principal or secondary residence that is offered, on occasion, in whole or in part, for no greater than a total of one-hundred twenty (120) calendar days per year as a short-term rental.

**Commented [PZ6]:** See prior comment

*Short-term Rental (Tier 3).* A residential dwelling unit that may or may not be a primary or secondary residence that is offered, in whole or in part, on occasion for greater than one-hundred twenty (120) calendar days per year as a short-term rental.

**Commented [PZ7]:** This definition attempts to clarify that a dwelling regardless of its primary or secondary residence status may be offered for STR purpose greater than 120 days. As defined in the Permitted Use Table, a Tier 3 STR is not allowed in any residential district (R-1 through R-MF) since such rental period was view as a "commercial operation". This definition provides opportunity to have a home (principal or secondary in any mixed-use district and rent for longer durations.

*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.

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

The definition was further clarified to address the issue of dwelling status at the recommendation of Law.

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

**Commented [PZ8]:** See prior comment about use-specific standard for representation

**Commented [PZ9]:** See prior comment on choice of 31 days

*Hotel.* A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one and thirty-one ~~(30)~~ (31) days. Accessory uses may include restaurants, cafes, swimming pools, meeting rooms, or sports/health facilities. The definition of *hotel* shall exclude bed and breakfast establishments and short-term rentals.

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

### **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.

...

(uu) *Accessory and temporary uses of land and buildings: Short-term Rental.*

A. *Short-term rental types.* Short-term rentals shall be classified as either a Tier 1, Tier 2, or Tier 3 dwelling unit subject to the following provisions:

1. "Tier 1" short-term rental.

- i. Shall be an accessory use in zoning districts R-1, R-2, R-MF, M-OF, and M-N provided the following criteria are met:

- i. The dwelling unit is a principal residence; and
- ii. The dwelling unit or portion of the dwelling unit is made available for occupancy by transient guests no greater than a total of thirty (30) calendar days per year.

**Commented [PZ10]:** By making this statement it is assumed that a "detached" ADU could not be used for STR purposes. Is this the desired intent?

2. "Tier 2" short-term rental.

- i. Shall be a permitted use in zoning districts R-1, R-2, R-MF, M-OF, and M-N, M-C, and M-DT provided the following criteria are met:

- i. The dwelling unit is a principal residence; and
- ii. The dwelling unit or portion of the dwelling unit is made available for occupancy by transient guests for no greater than one-hundred twenty (120) calendar days per year.

- ii. Shall be a permitted use in zoning districts M-OF, and M-N, M-C, and M-DT provided the following criteria are met:

- 1. The dwelling unit is a secondary residence; and
- 2. The dwelling unit or portion of the dwelling unit is made available for occupancy by transient guests for no greater than one-hundred twenty (120) calendar days per year.

- iii. Shall be a conditional use in zoning districts R-1, R-2, and R-MF provided the following criteria are met:

- i. The dwelling unit is a secondary residence; and
- ii. The dwelling unit or portion of the dwelling unit is made available for occupancy by transient guests for no greater than one-hundred twenty (120) calendar days per year; and
- iii. A conditional use is approved the City Council in accordance with the provisions of Section 29-6.4 of this Code.

3. "Tier 3" short-term rental.

- i. Shall be a permitted use in zoning districts M-N, M-C, and MDT and shall be a conditional use in zoning district M-OF provided the following criteria are met:

- i. The dwelling unit is not the principal or secondary residence of the owner of record; or  
ii. The dwelling unit is made available for occupancy by transient guests for a period greater than 120 calendar days per year; and  
iii. A conditional use, where required, has been approved by City Council in accordance with Section 29-6.4 of this Code.

**Commented [PZ11]:** Use of "or" not "and" recommended by Law given both conditions would not need to exist for an STR to be considered Tier 3.

**Commented [PZ12]:** A conditional use may be necessary if a Tier 3 STRs were located within residential (R-1, R-2, R-MF) districts as a means of accommodating existing illegally operations prior to and following the effective date of this ordinance.

If such accommodation is not viewed as necessary/acceptable this provision is likely not necessary since the districts within which a Tier 3 dwelling unit would be located are generally going to be surrounded by more intense or similar legally allowed activities.

B. Supplemental use-specific standards. The following standards shall be applicable to all short-term rentals regardless of their "tier" of designation.

1. Registration and Licensure. 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 (Rental Conversation Law) of the City Code, shall be submitted on forms provided by the City, and shall grant the City the right to inspect the dwelling unit for compliance with the all applicable codes.

2. Limits on Licensure. A maximum of one (1) short-term rental certificate may be issued per owner as defined herein.

**Commented [PZ13]:** An alternative to this standard would be to establish a % of total dwellings within the City or within a defined area of the City that could be used for STR purposes. This technique coupled with separation standards and zoning district restrictions would assist in distribution.

3. Proof of ownership. Concurrent with submission of registration forms, provided by the City, the property owner shall submit an affidavit affirming the following:

- i. The dwelling unit to be used as a short-term rental is under the applicant's ownership,  
ii. Whether the dwelling is the applicant's principal or secondary residence (as defined in Section 29-1.11 of this Chapter 29), or is solely an investment property,  
iii. The total number of days annually that the dwelling is to be used as a short-term rental, and  
iv. The name, address, and contact number of a designated agent residing within 20 miles of the City of Columbia and accessible 24 hours per day, seven (7) days a week who shall assume full responsibility for addressing matters arising with the operation or use of the dwelling unit in the absence of the owner.

4. Conditional use permit and adjacent property owner notification. When applicable, a separate application for approval of a conditional use permit shall be submitted for Planning Commission review/recommendation and City Council review/approval prior to the granting of a license to operate. Such conditional use application shall comply with the provisions of Section 29-6.4 of this Chapter 29 and these supplemental requirements. Adjacent property owner and Neighborhood Association notification of such application shall be provided in accordance with the provision of Section 29-6.3 of this Chapter 29.

5. Maximum occupancy. The maximum number of occupants permitted in a dwelling unit offered and operated as a short-term rental shall be subject to the "occupancy limitations" of the most recently adopted edition of the International Property Maintenance Code (IPMC). In no instance, regardless of short-term rental tier designation, shall a dwelling unit be occupied by more than a total of eight (8) occupants.

**Commented [PZ14]:** This statement does not differentiate between the owner of the dwelling and their family or transient guests. In essence this would preclude a family of 8 persons to offer any portion of their dwelling when they are present for STR purposes even if IPMC would allow it. Is this what is desired?

6. Multi-family Structure Usage. The following provisions shall apply to the issuance of short-term rental licenses within multi-family structures:

- i. When the dwelling units within the structure are under common ownership and located within the R-MF district, a maximum of 2 dwelling units or not more than 5% of the total dwelling units within such structure, whichever is greater, may be eligible for designation as short-term rentals provided all provisions of this section, building inspections, and rental registration/licensure provisions have been met.
- ii. When the dwelling units within the structure are under common ownership and located within any "mixed-use" zoning district, a maximum of 5 dwelling units or not more than 10% of the total dwelling units within the structure, whichever is greater, may be eligible for designation as short-term rentals provided all provisions of this section, building inspections, and rental registration/licensure provisions have been met.
- iii. When the dwelling units within the structure are under individual ownership, regardless of zoning classification, each owner may be eligible to designate not more than one (1) of their dwelling units within such structure as a short-term rental provided such the provisions of Section 29-3.3(uu)(b)(2) are met.

7. Accessibility. Short-term rentals in dwelling units not identified as a primary or secondary residence shall comply with Federal, State, and local accessibility requirements as applicable.

**Commented [PZ15]:** Provisions recommended by Chairman Loe

8. Dwelling unit usage. Dwellings licensed for short-term rental usage shall not:

- i. Be rented by the room – only one (1) rental reservation shall be permissible for each licensed dwelling unit (in whole or in part). If rented “in part” and additional occupancy is permitted, it shall be unlawful to have a second reservation for the same dwelling. The dwelling unit shall not be advertised as being available on an individual room basis.
- ii. Be used for special events such as weddings, corporate events, commercial functions, large parties (greater than 8 persons), and other similar events or activities otherwise prohibited by this code.

9. **Parking Required.** One (1) off-street parking space for every 2 occupants of the dwelling unit shall be provided. Such parking shall be provided off-street on the site of the short-term rental on a parking surface compliant with the provisions of this Code and shall not result in the displacement of required parking.

**Commented [PZ16]:** As proposed, this standard would require that 2 additional parking spaces (4 occupants) be provided for any SF or 2-family dwelling used as an STR. The first 4 occupants are currently captured by the existing UDC standard of 2-spaces for a SF or 2-family dwelling units. Often these spaces are contained within a garage.

10. **Spacing and Separation.** No short-term rental shall be any closer than 300 feet to another short-term rental. In calculating such separation, measurement shall be taken from the property lines of the parcel upon which the dwelling unit (detached, attached, or multi-family) being used for short-term rental is located in all directions “as the crow fly’s” without regard to intervening structures or other obstacles.

**Commented [PZ17]:** As proposed, this standard would only permit a maximum of 2 STR's per the UDC “block” length. Section 29-5.1(c)(3)(ii) generally restricts new blocks to no greater than 600 feet without an intersecting street. It should be noted that the choice of spacing versus a “block” maximum is to compensate for older developments that did not have to comply with the “block length” standard which was adopted in 2017

11. **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 (uu), Chapter 16, Article IV (Nuisances), or Chapter 22, Article V (Rental Conservation Law) of this Code.

In addition to posting the issued certificate, the owner/operator shall post at the principal entry into the dwelling the following:

- i. The owner’s/operator’s contact information and that of the designated agent representing the dwelling unit in the absence of the owner;
- ii. The occupancy limitations as provided within the Certificate of Compliance;
- iii. An emergency evacuation route map; and

- iv. Contact information for emergency services (police, fire, and ambulance), and the City of Columbia Community Development Department
12. Rental Platform Identification. It shall be unlawful for an owner/operator to list a short-term rental on any website or other media without first obtaining a certificate of compliance from the City. Any website or media listing of the dwelling unit shall include the certificate of compliance licensing number. Concurrent with the application to register a dwelling unit as a short-term rental and annually thereafter, the owner/operator shall provide the City with a list of all specific website or other media where the dwelling unit will be advertised for rental purposes.
13. Accessory Dwelling Unit (ADU) usage. It shall be unlawful to utilize a legally permitted detached ADU as a short-term rental, except as permitted in Section 29-3.3(uu)(b)(15).
14. 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 (1/2) square foot in area shall be permitted for guest way-finding purposes.
15. Compliance. It shall be unlawful to offer a dwelling unit, in part or in whole, as a short-term rental without complying with the provision of this subsection (uu) and having obtained a Business License and a Certificate of Compliance pursuant to the provisions of Chapter 13 (Business License) and Chapter 22, Article V (Rental Conservation Law) of this Code within 180 days of the effective date of this ordinance on forms provided by the City.
16. Short-term rental certificate of compliance non-transferable. An active certificate of compliance authorizing the use of a dwelling unit, in part or in whole, as a short-term rental and, if applicable, any conditional use permit granted under the provisions of Section 29-3.3(uu)(A) shall be void upon the sale of the property. Application to re-establish the dwelling unit as a short-term rental shall be subject to the all requirements of this Code and shall be submitted in compliance with the provisions of Chapter 13 (Business License) and Chapter 22, Article V (Rental Conservation Law) of this Code is required.
17. 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 (uu) of this section shall constitute a violation of thie Code and shall be subject to any fines and penalties of such.

**Commented [PZ18]:** This provision requires all dwellings used as STRs to register and comply with all use specific standards of subsection (uu) within 180 days. It was prepared based on the finding that all presently operating STRs are unlawful.

It should be noted, as presented, upon adoption of the ordinance any previously existing STR that does not comply with the provisions of subsection (uu) would be operating unlawfully.

After discussion with the Law Department, if provisions to accommodate existing unlawful STRs unable of achieving compliance with the provisions of subsection (uu) are desired it will be necessary to create provisions that cover not only the pre-existing STRs, but any similarly situated STR moving forward.

Any property owner who has had their short-term rental certificate of compliance revoked shall only be permitted to seek a conditional use permit to re-establish the short-term rental.

**Revisions to conditional use criteria will need to be developed. This will involve modification of Section 29-6.4 of the UDC.**

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