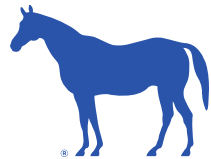


SHORT-TERM RENTAL ORDINANCE CHANGES

General Government and Planning Committee

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Background

- The Short-Term Rental Ordinances were approved by this committee on March 7, 2023.
- The Planning Commission approved the ZOTA, with some recommendations, on May 11, 2023.
- The Ordinances were approved by Council on July 11, 2023.
- As of last week, the Division of Revenue has approved 686 special fees licenses.



Recommend Changes to Chapter 13 of the Code of Ordinances



Definition of “primary residence”

Current Version

- To be a Hosted STR, a dwelling unit on the subject property must be a primary residence, and the primary resident has to occupy the property while the STR is being rented out.
- To show a dwelling unit is a “primary residence,” the applicant must provide at least two of the following:
 - Motor vehicle registration;
 - Driver’s license;
 - Voter registration;
 - Tax documents showing the premises as the individual’s residence;
 - Utility bill.

Proposed Version

- To show a dwelling unit is a “primary residence,” the applicant must provide:
 - One of the following:
 - Un-expired driver’s license; or
 - Current voter registration; and
 - One of the following, dated within the past year:
 - Tax document showing the premises as the individual’s residence; or
 - Bank statement; or
 - Motor vehicle registration; or
 - Utility bill.



Expiration of STR licenses

Current Version

- STR licenses and renewals expire upon:
 - December 31st following the most recent application or renewal;
 - a change in Licensee or ownership of a dwelling unit used as a short-term rental; or
 - the revocation of a conditional use permit.

Proposed Version

- STR licenses and renewals will also expire upon a change in use from one form of short-term rental (hosted or un-hosted) to the other.



Duties of a Licensee

- Section 13-79 of the Code lays out certain duties of a Licensee.
- Examples:
 - safety requirements (smoke detectors, fire extinguishers, rescue openings in sleeping rooms, etc);
 - certain information posted to help the guest, such as:
 - contact information for Licensee, police, and fire in case of emergencies;
 - trash information;
 - maximum occupancy;
 - the website address where a guest may review requirements and file a complaint; occupancy limits;
 - prohibition on private events exceeding the maximum occupancy or between 11pm and 7am; and
 - certain reporting requirements.



Proposed changes to the Duties of a Licensee

- The proposed text reduces the occupancy limit
 - Current Version
 - Maximum of two (2) individuals per bedroom, plus an additional four (4) individuals, up to a maximum of twelve (12) individuals; or as otherwise allowed in the Licensee's conditional use permit or the Zoning Ordinance.
 - Proposed Version
 - Maximum of two (2) individuals per bedroom, plus an additional **two (2)** individuals, up to a maximum of **ten (10)** individuals...
- The proposed text also adds two duties of the Licensee
 - The Licensee must ensure that the STR meets and complies with the following:
 - No more than one contract per STR at a time
 - So, two separate groups cannot book an STR for the same dates.
 - Licensees cannot allow “whole house” rentals for those dwelling units occupied by someone other than the transient guest.



Clean-up changes

- Section 13-77(b)(5)
 - Requires the approval by the Division of Planning to ensure compliance with the Zoning Ordinance before an STR license application is approved by the Division of Revenue.
 - Rather lengthy
 - The proposed change would reduce the length of the subsection to state the requirement more succinctly.
- Section 13-77(b)(6)
 - Requires the applicant to provide the maximum number of occupants it will allow, “consistent with” the number allowed by the Code of Ordinances and the Zoning Ordinance.
 - The proposed change would make it more clear that this number can “be no greater than” the number permitted by the Code of Ordinances and the Zoning Ordinance.



Recommend Changes to the Zoning Ordinance



The number of Dwelling Units allowed as Short-Term Rentals per Property

Zones Allowed	Hosted (Occupancy up to <u>1042</u>)	Hosted (Occupancy > <u>1042</u>)	Un-Hosted	# of <u>Dwellings on Property allowed as Short Term Rental Units</u>
<u>Single Family Lots¹</u>				
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3	Accessory Use	Conditional Use	Conditional Use	Hosted: 1 dwelling unit and 1 ADU Un-Hosted: 1 dwelling unit or 1 ADU
<u>Multi-Family and Group Residential Lots²</u>				
R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, CN	Accessory Use	Conditional Use	Conditional Use	For Single Family Lots: Hosted: 1 dwelling unit and 1 ADU Un-Hosted: 1 dwelling unit or 1 ADU For Multi-Family and Group Residential Lots: 10% max or 1, whichever is greater
B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max. <u>or 1, whichever is greater</u>
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	Principal Use	No max.

¹ Single Family Lots may include either a detached dwelling unit or a subdivided attached dwelling unit as a principal structure.

² Multi-Family and Group Residential Lots may include condominiums and attached single family dwelling units on one lot.

*When part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project



Change in Maximum Occupancy Limit

Current Version

- For accessory units in residential zones: A maximum of 2 individuals per bedroom, plus an additional 4, or a total of 12, whichever is less.
- For conditional uses: the number set by the Board of Adjustment.

Proposed Version

- For principal and accessory uses: A maximum of 2 individuals per bedroom, plus an additional 2, or a total of 10, whichever is less.
- For conditional uses: the number set by the Board of Adjustment.

Additional considerations for the Board of Adjustment

- The proposed changes add guidance for the Board of Adjustment to take into consideration when determining whether to grant a Conditional Use permit:
 - whether the property being considered is in a high demand area for STRs.
 - whether the property being considered is within a neighborhood that may be vulnerable to involuntary displacement.



Spatial Limitations for Un-Hosted STRs

- No Short-Term Rentals requiring a Conditional Use Permit can be located within 500 feet of another Un-Hosted STR that has already received a Conditional Use Permit or was otherwise grandfathered in previously.
- The number of Short-Term Rentals requiring a Conditional Use Permit cannot exceed 3% of all dwelling units within any given 1000' in residential zones.
- Possible Relief:
 - Can apply to the Board of Adjustment, for the following reasons:
 - Adjacent to nonresidential zones that allow for Un-Hosted STRs;
 - Separation from other Un-Hosted STRs within the buffer area;
 - Perimeter of the buffer area and located partially outside the buffer area; or
 - A neighborhood plan encourages and supports Un-Hosted Short-Term Rentals in the subject area.

Questions?



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