

Riley – STR ordinance amendments to staff proposal, for 9/26

Late Backup

1. Remove 25-2-788(A)(2), "Is not part of a multifamily use"

- Allows for homesteaded multifamily/condo STRs
- Allows homesteaded multifamily/condos to rent partial units under same circumstances as homesteaded SF

2. Replace 25-2-788(B) as follows:

(B) A short-term rental use under this section may not:

(1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:

(a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;

(b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;

(c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and

(d) rental of the partial unit is limited to a single party of individuals;

- Clean-up to allow for partial units to be rented (owner generally present, partial unit must include access to a bathroom, etc.)

3. Replace the first paragraph of 25-2-791(C)(4) as follows:

For a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), located in a non-commercial zoning district, no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and

- Maintains 3% cap on Type 3 STRs in non-commercial zoning districts.

4. Add a new 25-2-791(C)(5) as follows:

*CBI of DMU.
the cap would
be 25%
and lower
in other
commercial
districts
at 30%*

For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), located in a commercial-zoning-district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and

(a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or

(b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection.

- Increases cap for non-owner occupied multifamily STRs (Type 3) in commercial zoning to a higher percentage (25%).
- Still protects downtown residential, though less need to “protect” against commercial use since zoning is already commercial.

5. Add new Part 4, and renumber current Parts 4, 5, and 6. Part 4 should read:

Part 4. For 90 days following the effective date of this ordinance, a short-term rental (Type 3) application submitted under Section 25-2-791 License Requirements is exempt from short-term rental density caps if the director determines that use of the dwelling unit or partial unit as a short term rental existed before September 26, 2013.

- Creates a grandfathering period, similar to how SF STRs were handled, where those already operating can get licenses without limits of caps.

6. Add a new 25-2-791(G) as follows:

(G) Notwithstanding any provision of Section 25-2-791(F) to the contrary, a person may advertise the availability of an unlicensed short term rental and the advertisement is not grounds for license denial if the director determines all of the following:

(a) The person owns the property advertised or has obtained the owner's authorization to advertise the property for short term rental solely to gauge public interest in the property for short term rental use;

(b) The advertisement does not depict or describe availability of the property for uses or occupancy that would violate code, except for the lack of a short term rental license; and

(c) The property advertised is not in operation as short term rental.

- STRs can't operate without a license, but may advertise before securing the license.
- Any other illegal advertisement becomes prima facie evidence of a violation.
- This section was intended to prevent advertising STRs above occupancy limits (sleeps 20 people, for example) not intended to prevent people from exploring whether or not they could rent their home before investing in a license.

7. Amend 25-2-793 replacing (D) and (E) as follows:

(D) For a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), ~~a maximum of~~ one short-term rental (Type 2) license per census tract may be permitted if no other property within the census tract is currently licensed as a short-term rental (Type 2) use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap under Subsection (A) or (B) of this section or fail to meet the standard of Section 25-2-791(C)(3).

(E) For a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), ~~a maximum of~~ one short-term rental (Type 3) license per property may be permitted if no other dwelling unit or structure in

the building or at the property is currently licensed as a short-term rental (Type 3) use and the use complies with all other license requirements, even if approval of a single Type 3 for the building or property would otherwise exceed the density cap under Subsection (C) of this section or fail to meet the standard of Section 25-2-791(C)(4).

- This is a clean-up item. The idea was that a minimum of 1 STR could be permitted in any census tract or building/property.

8. Remove Section 1301 (Definitions), and renumber as needed.

- These definitions are no longer needed in this ordinance because STRs are no longer being treated (with regard to inspections) in the same way that Bed & Breakfasts, Boarding Houses, Hotel/Motels, and Rooming houses are treated. This Section should instead be added to the International Property Management Code (item # 145).

9. Amend Section 1302 to delete the phrase “short-term rental” from the first and last sentence, to read:

1302 INSPECTIONS

The code official shall make inspections to determine the condition of boarding houses, hotels, rooming houses, ~~short-term rental~~, and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official’s representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a boarding house, hotel, rooming house, ~~short-term rental~~, or bed and breakfast establishment, or the person in charge, shall give the code official free access to the building, dwelling unit, partial unit, guest room and its premises, at all reasonable times, for the purpose of inspection, examination, and survey..

- Eliminates random inspection requirement for STRs; does not change requirements for acquiring a license (25-2-791(C)(3)(a)).