



January 18, 2023

Honorable Mayor and Councilors  
City Manager  
City Attorney  
Clerk of Council

This application comes at the request of the Columbus Consolidated Government.

Various requests to the UDO from staff.

**Subject:** (REZN-11-22-2184) A request to amend the text of the Unified Development Ordinance (UDO) to revise the text of Chapter 4 Section 9 – Short-Term Rentals.

## UNIFIED DEVELOPMENT ORDINANCE REVISIONS (Explanation of Revisions)

### **1. Explanation of Revisions: Amendments (shown in red) to UDO Chapter 4 Section 9 – Short-Term Rentals. (Explanation provided by Inspections & Codes Director Ryan Pruett)**

#### **ARTICLE 9. - SHORT-TERM RENTALS**

##### **Section 4.9.1. Intent; purpose.**

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

##### **Section 4.9.2. Definitions; general provisions.**

*Code compliance verification form* is a document executed by a short-term unit owner certifying that the short-term unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term rental unit if the premises is in violation of any applicable zoning, building, health or life safety code provisions.

*Owner-occupied property* refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Muscogee County Voter's Registration Card or 4) other documentation of permanent residence satisfactory to the Director.

*Short-term rental unit* means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types and shall exclude group living or other lodging uses, as described in Chapter 3 and defined in Chapter 13, respectively, of the Unified Development Ordinance of the Columbus Consolidated Government. A short-term rental unit may not include a motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated.

*Short-term rental permit* is the permit issued by the Director of the Department of Inspections and Code to applicants who have submitted the required documentation and met the requirements set for in this Article for the operation of a short-term rental unit.

*Short-term rental occupants* means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

*Short-term rental agent* means a natural person designated by the owner of a short-term rental on the short-term rental permit application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.

#### **Section 4.9.3. Short-term rental permit.**

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in Section 4.9.2, without first obtaining a short-term rental permit pursuant to the regulations contained in this Article and then obtaining a business license from the Revenue Division of the Department of Finance. No permit issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

#### **Section 4.9.4. Application for short-term rental permit.**

A. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the Director of Inspections and Code Enforcement. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee in the amount of \$40.00 or as may be revised in the city's annual budget ordinance or such other ordinance as may later be passed by Council. Both the applicant and short term rental agent will consent to a criminal background check which will be reviewed by the Department before the application is accepted for processing. If any required background check reveals felonies within the last ten (10) years or a misdemeanor involving moral turpitude within the last five (5) the application will not be accepted for processing. Such application should include:

1. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
2. The address of the unit to be used as a short-term rental;
3. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements.
5. The number and location of parking spaces allotted to the premises;
6. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
7. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.

B Attached to and concurrent with submission of the application described in this section, the owner shall provide:

1. The owner's sworn code compliance verification form;
2. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
  - (A) The occupant(s)' agreement to abide by all of the requirements of this chapter, any other Columbus Consolidated Government ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
  - (B) The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance;
  - (C) The owner and occupant(s)' acknowledgement that the unit is not being leased for and will not be advertised, promoted, or have any amenities provided for the purposes of providing any adult entertainment as defined in Article VI of Chapter 14 of the Columbus Code or providing Escort Services as defined in Article VII of Chapter 14the Columbus Code; and
  - (D) The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city.

3. Proof of the owner's current ownership of the short-term rental unit;
  4. Proof of insurance satisfactory in accordance with administrative guidelines published by the Columbus Consolidated Government; and
  5. A written certification from the short-term agent that he or she agrees to perform the duties specified in Subsection 4.9.5.8.
  - 6.
- C. Permit holder shall publish a short-term rental permit number in every print, digital, or internet advertisement and any property listing in which the short-term rental is advertised.

**Section 4.9.5. -Short-term rental agent.**

- A. The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental permit. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over age 18.
- B. The duties of the short-term rental agent are to:
1. Be reasonably available to handle any problems arising from use of the short-term rental unit;
  2. Appear on the premises of any short-term rental unit within two hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Columbus Consolidated Government Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
  3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
  4. Monitor the short-term rental unit for compliance with this chapter.
- C. In the event the short-term rental agent is replaced by another agent, the Owner will apply for a new short term rental permit with the correct short-term rental agent designated within thirty (30) days of such change.

**Section 4.9.6. Grant or denial of application.**

~~Review of an application shall be conducted within two days and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.~~

All of-record property owners adjacent to a proposed short-term vacation rental shall be notified of the use prior to the issuance of an initial short-term vacation rental certificate. Notification shall be issued by the

short-term vacation rental applicant and proof of notification provided to the city. The notification to the property owners shall include:

1. Street address of the proposed short-term vacation rental;
2. Location of any on-site parking for short-term vacation rental occupants;
3. Maximum occupancy requirements;
4. Copy of the short-term vacation exemplar rental agreement;
5. Name of the property owner(s); and
6. Name of rental agent and contact information.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

#### **Section 4.9.7. Short-term rental units.**

- A. A legible copy of the short-term rental unit permit shall be posted within the unit and include all of the following information:
  1. The name, address, telephone number and email address of the short-term rental agent;
  2. The short-term rental unit permit number;
  3. The maximum occupancy of the unit;
  4. The maximum number of vehicles that may be parked at the unit; and
- B. Short-term rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.
- C. The short-term rental unit current business license shall be posted within the unit.
- D. A window/door sticker, provided by the Inspections and Code Department, shall be placed on the front door of the short-term rental unit for public safety purposes.
- E. Each rental unit is limited to no more than 16 occupants.
- F. There shall be no change in the exterior appearance of the dwelling and premises, or other visible evidence of the conduct of a short-term rental unit.
- G. A minimum stay is considered twenty-four (24) hours. Short-term rental units shall not be rented for less than 24 hours.

#### **Section 4.9.8. Short-term rental unit regulation procedure.**

- A. To ensure the continued application of the intent and purpose of this chapter, the Columbus Georgia Convention and Visitor's Bureau ("the CCVB") shall maintain and make available to appropriate Consolidated Government officials a list of all short term rental units as defined by this Article, and the CCVB will also notify the owner of any short-term rental unit it identifies of the requirements of this Article and the permit application process.
- B. The Department of Inspections and Code shall maintain for each short-term rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the Department of Inspections and Code shall revoke any pending permits and reject all applications for the subject premises for a period of 12 consecutive months.
- C. If a short-term rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code or other violations, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental permit,.
- D. Citations for code violations and any other violation of the city code shall be heard by the recorder's court of Muscogee County. Violations of this chapter, including but not limited to operating a short term rental unit without obtaining a short term rental permit and a business license are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:
- (1) First violation: \$500.00.
  - (2) Second violation within the preceding 12 months: \$750.00.
  - (3) Third violation within the preceding 12 months: \$1,000.00.
- E. A person aggrieved by the city's decision to revoke, suspend or deny a short-term rental permit may appeal the decision to the city manager or his appointed designee. The appeal must be filed with the city manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city manager.
- F. The city manager or appointed designee shall consider the appeal within 30 days after receipt by the city manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The city manager shall render a determination, which will constitute a final ruling on the application.
- G. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, police officer, or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

### **Section 4.9.9. Taxes.**

Short-term rental unit owners are subject to state sales tax, city taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

### **Section 4.9.10. Historic District Limitations.**

- A. In areas designated as Historic Districts as defined in Section 9.3.7, for parcels of land that are not owner-occupied, as defined in Section 4.9.2, short-term vacation rentals are limited within each Historic District as provided below:
- Downtown Historic District – 44
  - Weracoba/St. Elmo Historic District – 49
  - High Uptown Historic District – 5
  - Liberty Heritage Historic District – 7
  - Waverly Terrace Historic District – 16
  - Wildwood Circle Historic District – 11
  - Wynnton Village Historic District – 27
  - Peacock Woods/Diamond Circle – 12
  - Dinglewood Historic District – 2
  - Wynn’s Hill Overlook Historic District – 26
- B. Permits for non owner-occupied short term vacation rentals subject to the above stated limits shall be issued on a first come first served basis with a preference being given to any owner who has a current permit from the previous year that has remained in good standing . In the event the property owner fails to timely make application for a new annual permit, then this preference is lost, and that owner must wait for the next available space.

### **2. New definition: Add *Short-term rental unit* definition to Chapter 13.**

*Short-term rental unit* means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types and shall exclude group living or other lodging uses, as described in Chapter 3 and defined in Chapter 13, respectively, of the Unified Development Ordinance of the Columbus Consolidated Government. A short-term rental unit may not include a motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated. Such units shall be permitted and licensed in accordance with the requirements of Article 9 of Chapter 4 of this UDO.

### **ADDITIONAL INFORMATION:**


CCG staff has worked with residents of the historic districts on this ordinance.

**Recommendations:**

The Planning Advisory Commission (PAC) considered this text amendment at their meeting on December 07, 2022. PAC recommended **conditional approval** by a vote of 7-0. The PAC recommended that the proposed cap of 10% be reduced to 5% and that any and all licenses be revoked permanently after three (3) ordinance violations.

The Planning Department recommends **approval as originally submitted**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Johnson', written over the typed name.

Will Johnson  
Planning Director