

Subpart C. - Requirements for Short-Term Rental Uses.

§ 25-2-788 - SHORT-TERM RENTAL (TYPE 1) REGULATIONS.

- (A) This section applies to a short-term rental use that:
- (1) is rented for periods of less than 30 consecutive days; and
 - (2) is owner-occupied or is associated with an owner-occupied principal residential unit.
- (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;
 - (2) operate without a license as required by Section 25-2-791 (License Requirements); or
 - (3) operate without providing notification to renters as required by Section 25-2-792 (Notification Requirements).

Source: Ord. 20120802-122; Ord. 20130926-144.

§ 25-2-789 - SHORT-TERM RENTAL (TYPE 2) REGULATIONS.

- (A) This section applies to a short-term rental use that:
- (1) is rented for periods of less than 30 consecutive days;
 - (2) is not part of a multifamily use; and
 - (3) is not owner-occupied and is not associated with an owner-occupied principal residential unit.
- (B) A short-term rental use under this section may not:
- (1) include the rental of less than an entire dwelling unit;
 - (2) operate without a license as required by Section 25-2-791 (License Requirements); or
 - (3) operate without providing notification to renters as required by Section 25-2-792 (Notification Requirements).

Source: Ord. 20120802-122; Ord. 20130926-144.

§ 25-2-790 - SHORT-TERM RENTAL (TYPE 3) REGULATIONS.

- (A) This section applies to a short-term rental use that:
- (1) is rented for periods of less than 30 consecutive days; and
 - (2) is part of a multifamily use.

- (B) A short-term rental use under this section may not:
- (1) include the rental of less than an entire dwelling unit;
 - (2) operate without a license as required by Section 25-2-791 (License Requirements); or
 - (3) operate without providing notification to renters as required by Section 25-2-792 (Notification Requirements).

Source: Ord. 20130926-144.

§ 25-2-791 - LICENSE REQUIREMENTS.

- (A) This section applies to a license required under Section 25-2-788 (Short-Term Rental (Type 1) Regulations), Section 25-2-789 (Short-Term Rental (Type 2) Regulations), and Section 25-2-790 (Short-Term Rental (Type 3) Regulations).
- (B) To obtain a license, the owner of a short-term rental use must submit an application on a form provided for that purpose by the director. The application must include the following:
- (1) a fee established by separate ordinance;
 - (2) the name, street address, mailing address, and telephone number of the owner of the property;
 - (3) the name, street address, mailing address, and telephone number of a local responsible contact for the property;
 - (4) the street address of the short-term rental use;
 - (5) proof of property insurance;
 - (6) proof of payment of hotel occupancy taxes due as of the date of submission of the application; and
 - (7) any other information requested by the director.
- (C) The director shall issue a license under this section if:
- (1) the application includes all information required under Subsection (B) of this section;
 - (2) the proposed short-term rental use complies with the requirements of Section 25-2-788 (Short-Term Rental (Type 1) Regulations), Section 25-2-789 (Short-Term Rental (Type 2) Regulations), or Section 25-2-790 (Short-Term Rental (Type 3) Regulations);
 - (3) for a short-term rental use regulated under Section 25-2-789 (Short-Term Rental (Type 2) Regulations), no more than 3% of the single-family, detached residential units within the census tract of the property are short-term rental (Type 2) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and
 - (a) the structure has a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or
 - (b) the structure has been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection;
 - (4) 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

- (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.
- (5) 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.
- (D) A license issued under this section:
- (1) is valid for a maximum of one year from the date of issuance, subject to a one-time extension of 30 days at the discretion of the director;
 - (2) may not be transferred by the property owner listed on the application and does not convey with a sale or transfer of the property; and
 - (3) satisfies the requirement for a change of use permit from residential to short-term rental use.
- (E) A license may be renewed annually if the owner:
- (1) pays a renewal fee established by separate ordinance;
 - (2) provides documentation showing that hotel occupancy taxes have been paid for the licensed unit as required by Section 11-2-4 (Quarterly Reports; Payments) for the previous year; and
 - (3) provides updates of any changes to the information required under Subsection (B) of this section.
- (F) An advertisement promoting the availability of short-term rental property in violation of city code is prima facie evidence of a violation and may be grounds for denial, suspension, or revocation of a license.
- (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.

Source: Ord. 20120802-122; Ord. 20130926-144.

Editor's note— Ord. 20130926-144, Part 4, provides that for 90 days following the effective date of the ordinance (January 1, 2014), a short-term rental (Type 3) application submitted under § 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.

§ 25-2-792 - NOTIFICATION REQUIREMENTS.

- (A) The director shall provide a packet of information with each license summarizing the restrictions applicable to the short-term rental use, including:
- (1) the name and contact information of the local responsible contact designated in the application;
 - (2) occupancy limits applicable under Section 25-2-511 (Dwelling Unit Occupancy Limit);
 - (3) restrictions on noise applicable under Chapter 9-2 (Noise and Amplified Sound), including limitations on the use of amplified sound;
 - (4) parking restrictions;
 - (5) trash collection schedule;
 - (6) information on relevant burn bans;
 - (7) information on relevant water restrictions;
 - (8) information on applicable requirements of the Americans with Disabilities Act; and
 - (9) other guidelines and requirements applicable to short-term rental uses.
- (B) The owner or operator of a short-term rental use must:
- (1) provide renters a copy of the information packet under Subsection (A) of this section; and
 - (2) post the packet conspicuously in the common area of each dwelling rental unit included in the registration.
- (C) The director shall mail notice of the contact information for the local responsible contact to all properties within 100 feet of the short-term rental use, at the owner or operator's expense.

Source: Ord. 20120802-122; Ord. 20130926-144.

§ 25-2-793 - DETERMINATION OF SHORT-TERM RENTAL DENSITY.

- (A) The director shall determine on an annual basis the total number of single-family, detached residential structures within each census tract and use that number to calculate the maximum number of licenses for Type 2 short-term rentals that may be issued under Section 25-2-790 (Registration Requirements).
- (B) The determination required under Subsection (A) of this section shall be based on the most current utility records for each census tract within the zoning jurisdiction and may not be revised until the next annual determination is made.
- (C) For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), the Director shall determine based on active license records following receipt of an application that complies with the requirements of Section 25-2-791(B) (License Requirements) whether issuance of the license would result in the short-term rental use of more than 3% of the total number of dwelling units at the property or more than 3% of the total number of dwelling units within any building or detached structure at the property.

- (D) For a short-term rental use regulated under Section 25-2-789 (Short-Term Rental (Type 2) Regulations), 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), 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).

Source: Ord. 20120802-122; Ord. 20130926-144.