

ATTACHMENT

3

Previous Draft

Legislation

(1st Draft STR Bill)

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

1 (1) Continuing Care Community

2 (a) Density

3 Independent *dwelling units* are subject to the *density* standards of the
4 district in which the *continuing care community* is located.

5 (b) Compliance with state and federal law

6 *Continuing care communities* must comply with all applicable *state* and
7 federal laws and regulations.

8 (2) Mobile Home, Permanent Installation

9 In any district in which permanent single-family occupancy of a *mobile*
10 *home* on an individual *lot* is allowed as a special use *permit* by the board of
11 adjustment, the following minimum standards apply:

12 (a) the *mobile home* shall be anchored to a concrete foundation
13 and skirted as specified by the *land use director*;

14 (b) the rental or lease of *mobile homes* used as single-
15 *family* residences on individual *lots* is prohibited; and

16 (c) minimum requirements for *lot* size, *front*, *side* and *rear yards*,
17 and all other standards pertaining to single-family residential land use set
18 forth in Chapter 14 apply.

19 (3) Mobile Home Park

20 (a) Applicability

21 New *mobile home parks* are prohibited as of December 10,
22 2012 (effective date of this Ordinance No. 2012-37). In a district in
23 which *mobile home parks* are allowed, the minimum standards set out
24 in this section apply.

25 (b) License

1 Prior to beginning operation, a *mobile home park* owner or
2 operator must obtain a business license from the *city* under the
3 provisions of Article 18-1 SFCC 1987.

4 (c) Inspection

5 The *city* may inspect a *mobile home park* for conformance with
6 the provisions of this section.

7 (d) Transfer of License

8 The *city* may issue a transfer of the license only after the
9 following:

10 (i) *application* in writing for transfer of a license and
11 payment of the transfer;

12 (ii) an inspection report by the *land use director* has been
13 submitted to the *governing body*, stating conformance or
14 nonconformance with the provisions of this section;

15 (iii) approval by the *governing body*.

16 (e) Revocation of License

17 The *governing body* may revoke a license to maintain and
18 operate a *mobile home park*, as provided in Article 18-1 SFCC 1987
19 when the *licensee* has violated any provision of this section.

20 (f) Posting

21 The license certificate shall be conspicuously posted in the
22 office of or on the *premises* of the *mobile home park* at all times.

23 (g) Standards

24 *Mobile home parks* shall comply with the standards set forth in
25 Subsection 14-7.2(1).

1 (4) Manufactured Homes

2 *Manufactured homes:*

3 (a) are permitted in any district in which site-built, *single-family*
4 *dwellings* are allowed;

5 (b) shall meet all requirements of other site-built, *single-family*
6 *dwellings* in the same district and all applicable historic or aesthetic standards
7 set forth in Chapter 14; and

8 (c) shall be constructed according to the Manufactured Home
9 Construction and Safety Standards, 24 CFR Section 3280.

10 (5) Short-Term Rental [~~of Dwelling~~] Units [~~Residentially Zoned Property~~]

11 (a) [~~Dwelling Units~~] Purpose and Intent

12 [~~Dwelling units located on residentially zoned property may not be~~
13 ~~rented for less than thirty days except as set forth in this Subsection 14-~~
14 ~~6.2(A)(5).]~~ The purposes of this Short-Term Rental Unit Ordinance are the
15 following:

16 (i) to ensure that the operation of short-term rental units in
17 residential areas does not disrupt the character of the city's neighborhoods or
18 affect the quality of life of neighboring residents;

19 (ii) to prevent speculators from purchasing multiple homes
20 for the purpose of operating multiple short-term rental units, thereby reducing
21 the amount of long-term housing availability;

22 (iii) to allow law abiding residents the option of utilizing
23 their homes and accessory dwelling units as short-term rental units to create
24 wealth and generate supplemental income;

25 (iv) to minimize public safety risks associated with short-

1 term rental units, such as higher traffic levels, parking issues, noise, litter, and
2 other public nuisances; and

3 (v) to ensure that an owner or operator of a short-term
4 rental unit follows applicable regulations, including the payment of all applicable
5 fees and taxes.

6 (b) Short-Term Rental [Units] Permit Required

7 ~~[Short-term rental units are prohibited on residentially-zoned~~
8 ~~property except as provided in this Subsection 14-6.2(A)(5)(b).]~~

9 ~~[(i) Short-term rental units that are operated in compliance with~~
10 ~~Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-~~
11 ~~6.2(A)(5) are allowed.]~~

12 (i) An owner of a short-term rental unit must have a city-
13 issued business license and a short-term rental permit. An owner or operator shall not operate,
14 rent, offer to rent, or advertise a short-term rental unit without a valid permit from the city.

15 ~~[(ii) Short-term rental units located in a development~~
16 ~~containing resort facilities approved pursuant to a special-use permit which are owned in common~~
17 ~~by the owners within the development, are allowed. As used in this item, "resort facility" means~~
18 ~~any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.]~~

19 ~~[(iii)](ii)~~ The land use director may issue a maximum of
20 one thousand (1000) short-term rental permits~~[in a quantity approved by the governing body~~
21 ~~through adoption, after a public hearing, of a resolution for residential units not otherwise~~
22 ~~qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned~~
23 ~~property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed~~
24 ~~by this subsection].~~

25 (iii) The land use director shall issue permits to natural

1 persons only, and each natural person may possess a maximum of one (1) permit.

2 (iv) ~~[Whenever the demand for short-term rental units~~
3 ~~exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the~~
4 ~~number of additional permits may be increased by the governing body through adoption of a~~
5 ~~resolution and issued by the land use director. New permits shall be issued in the order that~~
6 ~~eligible applications are received.]~~ The land use department shall process applications in the
7 order of receipt and shall issue new permits in the order that complete applications are received.
8 If the number of permits reaches the one thousand (1000)-permit limit, then the land use
9 department shall stop processing applications and shall add applicants to a waiting list until a
10 permit becomes available. If an applicant waits on the list for a year or longer, the land use
11 department may require the applicant to indicate a continued interest in remaining on the list.

12 (v) A permit is not transferable to another person or
13 property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit
14 shall terminate and revert to the land use department. If the new owner wishes to use the property
15 as a short-term rental unit, the owner shall submit a new application to the land use department.

16 (c) General Provisions

17 ~~[Unless otherwise stated, the following general provisions apply to short-~~
18 ~~term rental units:]~~

19 (i) A short-term rental unit must have a local operator that is
20 available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints
21 regarding the operation or occupancy of the short-term rental unit. For purposes of this
22 subparagraph, "local" means within the municipal boundaries of the city of Santa Fe.

23 ~~[(ii) short-term rental permits will not be issued for more than two~~
24 ~~short-term rental units directly adjoining each other on a residentially-zoned street. For the~~
25 ~~purposes of this subsection, "directly adjoining" means sharing a common boundary along a~~

1 ~~public street frontage, but does not include adjoining units in a condominium, townhouse~~
2 ~~development, apartment complex, or residential compound;~~

3 (ii) An owner or operator shall not rent a short-term dwelling unit
4 more than once [no more than one rental is allowed] within a seven (7)-
5 [consecutive] day period[;].

6 (iii) An owner of a permitted short-term rental unit shall provide off-
7 street parking [shall be provided] on site as follows: [1]

8 (A) one bedroom, one parking space; and [2]

9 (B) two or more bedrooms[;], two parking spaces[;].

10 (iv) A short-term rental unit must meet all applicable building, [and]
11 fire, [life]and safety codes, [shall be met] and all toilets, faucets, and shower heads [shall]must
12 meet the water conservation requirements described in Section 25-2.6 SFCC 1987[;].

13 (v) Prior to issuance of a permit, a short-term rental unit must have
14 a certificate of occupancy to ensure compliance with all applicable codes.

15 (vi) Prior to issuance of a permit, the owner of a short-term rental
16 unit must obtain a business license under Section 18-1 SFCC 1987.

17 (vii) A valid business license number must be included in all
18 advertising of a short-term rental unit, including listings on a host platform.

19 ~~[(v)](viii)~~ ~~[occupants]~~ An owner or operator shall not allow guests
20 [shall not]to park recreational vehicles on site or on the street;

21 ~~[(vi)](ix)~~ ~~[short-term]~~ Short-term rental units located on
22 residentially-zoned property shall be used exclusively for residential purposes and shall not be
23 used for commercial activities or events, defined as intending to make money, offering goods or
24 services for sale, or conducting any other event or activity that is not residential in nature. An
25 activity “not residential in nature” includes gatherings in excess of [three (3)] two (2) times the

number of legally allowed ~~occupants~~ guests in the *short-term rental unit* ~~[(including occupants)]~~, unless the activity or event is otherwise permitted by the *city*;

~~[(vii)](x)~~ ~~the~~ The total number of ~~persons~~ guests that may occupy ~~the~~ a short-term rental unit is twice the number of bedrooms;

~~[(viii)](xi)~~ ~~noise~~ Noise or other disturbance ~~[outside the]~~ emitted from a short-term rental unit is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios;

~~[(ix)](xii)~~ ~~[all occupants shall be informed]~~ The owner or operator of a short-term rental unit shall notify all guests in writing of relevant city ordinances, including the city's nuisance and water conservation ordinances, by the owner/operator of the short-term rental unit. All ~~occupants~~ guests shall comply with all relevant *city* ordinances, including ~~[and comply with all provisions of]~~ the ~~[lodger's]~~ lodgers' tax ordinance;

~~[(x)](xiii)~~ ~~the~~ The owner ~~/operator~~ shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax;

~~[(xi)]~~ ~~should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~[(xii)]~~ ~~the owner/operator shall make available to the city for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~[(xiii)]~~ ~~the owner shall maintain adequate short-term rental insurance coverage for the short-term rental unit. Proof of insurance shall be required at the time the permit is issued and such other times as requested by the land use director.~~

~~[(xiv)]~~ ~~upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the land use department. If the new owner wishes to use the property as a short-term rental unit, new application shall be submitted to the~~

~~land use department.]~~

(d) Applications for a Short-Term Rental Permit

~~[Unless otherwise stated, an]~~ An applicant shall submit an application for a short-term rental permit [shall be submitted to the city as follows] that includes the following information and documentation:

(i) ~~[the application shall include]~~ the name and phone number of the local owner~~[operator]~~ or operator who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* ~~[as well as the name and phone number of city staff responsible for enforcing this section];~~

(ii) ~~[the application shall include]~~ a statement signed by the ~~[owner/operator]~~ owner and operator, affirming that they will operate the short-term rental unit[
shall be operated] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, city codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit* ~~[is in compliance with any applicable private covenants, including those that prohibit the presence of short term rental]; and~~

(iii) additional information, documentation, and submittals as required by the land use director.

~~[(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

1 ~~(v) the permit is not transferable to another person or property;~~

2 ~~(vi) within ten days of the issuance of the permit, the owner/operator shall~~
3 ~~mail notice by first class mail, with certificate of mailing, to the homeowners association (if~~
4 ~~applicable), and to the owners of properties within two hundred (200) feet of the subject property,~~
5 ~~exclusive of rights of way, as shown in the records of the county assessor, and by first class mail~~
6 ~~to the physical addresses of such properties where such address is different than the address of the~~
7 ~~owner and to the land use department. Notice shall be on a form approved by the land use~~
8 ~~director, and shall contain the name and phone number of the owner and operator who will be~~
9 ~~available twenty four hours per day, seven days per week to respond to complaints regarding the~~
10 ~~operation or occupancy of the short term rental as well as the name and phone number of city~~
11 ~~staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing~~
12 ~~certificates shall be provided to the land use director within ten days of the mailing. Failure to~~
13 ~~provide notification as described in this subsection is subject to penalties and prosecution~~
14 ~~pursuant to Subsection 14-6.2(A)(5)(f);]~~

15 ~~[(vii) each application shall be accompanied by a fee of one hundred dollars~~
16 ~~(\$100) to cover application processing and inspections. This application fee is non-refundable.]~~

17 ~~[(viii) The annual permit fee schedule is as follows:~~

18
19
20
21 **[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**
22
23
24
25

Table 14-6.1-1		
Annual Permit and Registration Fees*		
Short-term Rental Type	Permit Fee per Unit	Registration Fee per Unit
§ 14-6.2A(5)(b)(i) — Accessory Dwelling Units	\$325.00	
§ 14-6.2A(5)(b)(ii) — Resort Units		\$100.00
§ 14-6.2A(5)(b)(iii) — Residential Units	\$325.00	
§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) — Commercial Districts		\$100.00
Initial Application and Processing Fee (one-time)	\$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

~~(ix) — The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.~~

~~(x) — If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.~~

~~(xi) — Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars (\$50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental~~

1 ~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to~~
2 ~~availability of permits.~~

3 ~~(xii) — A valid permit number shall be included in all advertising of the~~
4 ~~short-term rental, including listings on web-based rental sites.]~~

5 (e) Proximity of Short-Term Rental Units on Residentially Zoned Property

6 Subject to the exceptions listed below, the land use director shall not issue a new
7 permit for a short-term rental unit if the subject property, as identified in the application, is
8 located within a seventy-five (75)-foot radius of a residentially zoned property that has a
9 permitted short-term rental unit. The radius shall be measured from the subject property
10 boundary. This limitation shall not apply to the following:

11 (i) an application for a short-term rental unit located on non-
12 residentially zoned property or within a development containing resort facilities;

13 (ii) an application for a short-term rental unit that complies with the
14 requirements set forth in the accessory dwelling unit ordinance, subsection 14-6.3(D)(1); or

15 (iii) an application for a short-term rental unit in a multiple-family
16 dwelling development that contains four (4) or more dwelling units, provided, however, that the
17 land use director shall not issue short-term rental permits for more than twenty-five (25%) of the
18 dwelling units in a multiple-family dwelling development that contains four (4) or more dwelling
19 units.

20 ~~[(e)](f)~~ Fees for Short-term Rental Units

21 The following fees shall be used only to administer, manage, and enforce this
22 subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address
23 applicable licenses and taxes.

24 (i) Application fee. An application for a new short-term rental
25 permit shall be accompanied by a one-time non-refundable application, processing, and

1 inspection fee of one hundred dollars (\$100).

2 (ii) Business license fee. A short-term rental unit is subject to an
3 annual business license fee of thirty-five dollars (\$35).

4 (iii) Permit fee. A short-term rental unit is subject to an annual
5 permit fee of two hundred and ninety dollars (\$290).

6 (g) Required Notice

7 (i) Within ten (10) days after the issuance or renewal of a short-term
8 rental permit, the owner or operator shall mail notices by first-class mail to the homeowners
9 association within which the unit is located (if applicable); to the owners of residentially-zoned
10 property within two hundred (200) feet of the subject property, exclusive of rights of way, as
11 shown in the records of the county assessor; to the physical addresses of such properties where
12 such address is different than the address of the owner; and to the land use department.

13 (ii) The notices shall be on a form approved by the land use director.

14 (iii) The notices shall contain the name and phone number of the
15 local operator. Within ten (10) days after any change in the contact information for the local
16 operator, the owner or operator shall mail a new notice, to all parties, in accordance with this
17 subparagraph 14-6.2(A)(5)(g).

18 (iv) Within ten (10) days of the mailing, the owner or operator shall
19 provide the land use director with copies of all required mailing lists and an affidavit of mailing
20 signed by the person who mailed the notices.

21 (h) Records

22 Each owner or operator shall maintain all records for the owner's short-term
23 rental unit for at least the most recent three years for the owner's short-term rental unit or units
24 and shall make such records available to the city for inspection upon request. If a host platform
25 collects rent for a short-term rental unit, the host platform must also maintain such records. The

1 records to be maintained for each *short-term rental unit* must include the following:

2 (i) The number of reservations and number of nights rented each
3 calendar month;

4 (ii) The amount of rent guests paid by month; and

5 (iii) The amount of each type of tax and fee the owner paid to the *city*
6 in connection with rental of the unit by month.

7 (i) *Permit Renewals*

8 Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-term
9 rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the *owner*
10 may pay a late fee of fifty dollars (\$50) to extend the time for filing to renew by thirty (30) days.
11 After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will
12 become available to the next eligible *applicant*, and the *owner* may submit a new *application* for
13 a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

14 (j) *Inspections*

15 The *city* shall perform random inspections to ensure compliance with
16 subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may
17 require an *applicant* to submit proof of inspections at the time of initial *application* and at such
18 other times as requested by the *land use director*.

19 (k) *Violations and Penalties*

20 ~~[(i) The *land use director* shall document all alleged violations of this~~
21 ~~paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3~~
22 ~~SFCC 1987 or in another appropriate court of law. The *city* shall give the *owner* a written notice~~
23 ~~of violation, which shall be mailed either to the *owner's* local or business address or agent's~~
24 ~~address, informing the *owner* of the violation. If corrective action is not completed within fifteen~~
25 ~~(15) days of the date of the letter, the *city* may file a criminal complaint in municipal court. Upon~~

1 ~~conviction of a first violation, the land use director shall revoke the permit and operation of the~~
2 ~~short term rental shall cease within thirty days.~~

3 ~~(ii) — An owner who offers for rent as a short term rental a dwelling~~
4 ~~unit that is not permitted for use as a short term rental is in violation of this paragraph and is~~
5 ~~subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f). (iii) An~~
6 ~~agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term~~
7 ~~rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and~~
8 ~~prosecution, and the agent's business license is subject to revocation.]~~

9 If an owner or operator fails to obtain the necessary permit before
10 renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable
11 taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the owner or
12 operator shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC
13 1987 and all other legal remedies and enforcement actions available under the law. These may
14 include civil or criminal penalties or revocation of a short-term rental permit.

15 ~~[(f) — Penalties~~

16 ~~(i) — Any owner who fails to report all applicable taxes, including~~
17 ~~gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short term~~
18 ~~rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner~~
19 ~~shall also be subject to revocation of their short term rental permit pursuant to Subsection 14-~~
20 ~~6.2(A)(5)(e)(i).~~

21 ~~(ii) — If an owner is found guilty of operating a short term rental~~
22 ~~without a valid permit, they shall be fined five hundred dollars (\$500). The city may ask the~~
23 ~~municipal court to treat each day after the initial written notice of violation as a separate violation~~
24 ~~and assess two hundred fifty dollars (\$250) for each day of such daily violations for a total~~
25 ~~cumulative fine amount. If the city is awarded money as part of a judgment following a court~~

1 ~~hearing and defendant does not make timely payments to the city, the city may bring an action in~~
2 ~~lien or equity for the collection of any amounts due.]~~

3 ~~[(g)]~~ (l) Restrictive Covenants

4 Private restrictive covenants, enforceable by those governed by
5 the covenants, may prohibit *short-term rental units*.

6 ~~[(h)]~~(m) Real Estate Agent Disclosure

7 ~~[Real]~~A real estate ~~[brokers]~~ agent ~~[listing]~~ who represents a
8 prospective buyer of [residential] residentially zoned property in Santa Fe shall provide the
9 prospective [buyers]buyer with a current copy of this ordinance.

10 (n) Host Platforms.

11 (i) A host platform shall include a valid business license number in
12 all listings or advertisements for a short-term rental unit.

13 (ii) A host platform shall provide a monthly report to the city that
14 includes the following information about the short-term rental units advertised in the city,
15 disaggregated by owner, describing the following information for that month:

16 (A) The number of short-term rental unit listings and owners
17 in the city;

18 (B) The number of reservations and number of rental nights
19 for each unit;

20 (C) The amount of revenue owners collected through the
21 host platform, including rent and each type of taxes and
22 fees.

23 ~~[(i)]~~ ~~The land use director shall establish administrative procedures necessary~~
24 ~~to implement, manage and enforce this paragraph.]~~

25 (6) ~~[Short term Rental of Dwelling Units — Non-residentially Zoned Property]~~

1 Existing Short-Term Rental Permits and Registrations

2 ~~[Short term rental of dwelling units on non-residentially zoned property is permitted as~~
3 ~~set forth in Table 14-6.1-1, must be registered; are subject to a one time one hundred dollar~~
4 ~~(\$100) application, inspection and processing fee; and must comply with submission~~
5 ~~requirements and report all applicable taxes.]~~

6 (a) Short-term rental *permits* held at the time the ordinance amending
7 subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid, even if multiple
8 permits are held by one owner. The *owner* does not need to renew those *permits* until they expire.
9 Upon expiration, the *owner* may be eligible to timely renew the *permits* pursuant to subsection
10 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the
11 land use department does not revoke the *permit* pursuant to Section 14-11.4.

12 (b) Short-term rental *permits* that do not comply with the proximity
13 limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending
14 subsection 14-6.2(5) (Ordinance No. 2020-) is adopted are valid and owners of such *permits*
15 are eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to
16 payment of the annual business license and permit fees, as long as the land use department does
17 not revoke the *permit* pursuant to Section 14-11.4.

18 (7) Dwelling Units in Specified Commercial Districts

19 In the C-2 and SC Districts, dwelling units do not include mobile homes or
20 recreational vehicles and shall be ~~[either]~~ one of the following:

21 (a) accessory dwelling units for occupancy only by owners, employees, or
22 tenants of nonresidential uses that are operated on the same premises;

23 (b) part of a planned development; ~~[or]~~

24 (c) part of a use for which a development plan or special use *permit* is
25 required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

~~[(8) — Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short term rental unit owners who possess a valid short term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short term rental unit owners who possess a valid short term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.]~~

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions:

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the owners own two (2) or more of the following facilities in common and have obtained a special use permit for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a short-term rental unit or occupies a short-term rental unit during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental

1 owner or operator with guests and to facilitate the booking of a short-term rental unit.

2 NATURAL PERSON

3 An individual human being, as opposed to an organization of any form or a business entity.


4 OPERATOR, SHORT-TERM RENTAL

5 A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a
6 short-term rental unit to guests.

7 SHORT-TERM RENTAL UNIT

8 A dwelling unit or accessory dwelling unit, or any portion of a dwelling unit or accessory
9 dwelling unit, that is offered for rent or rented for a period of less than thirty (30) days.

10 APPROVED AS TO FORM:

11 
12 _____
13 ERIN K. McSHERRY, CITY ATTORNEY