

**Recommended Changes to April 23 Proposed Special Exception
Amendments for Short-Term Rentals #1411**

**Tuscaloosa Neighbors Together
May 5, 2019**

The text below applies to the follow sections of the Municipal Code concerning short-term rentals:

Sec. 24- 91. - Special exceptions.

- 35. 5 Short- term rental of dwelling
- 35.6 short-term rental of dwelling, historic district¹
- 35.7 short-term rental of dwelling more than 45 nights per calendar year

Sec 24-372 Tourist Overlay District (by right)²

Statements that are underlined or in bold are recommended changes. Strike through text is recommended deletions. [Notes are in brackets.]

PRIMARY [PERMITTED USES in the Tourist Overlay District]

- a. Property must be within the City limits.
- b. A dwelling must be located on the site, able to be occupied.
- c. All building and fire codes must be met.
- d. No commercial events, such as concerts, weddings, or other large events are permitted.
- e. No on-site signage shall be permitted promoting or identifying the short-term rental.*
- f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours or more than 30 consecutive days.
- g. At least one (1) off-street parking space **must** be provided for every two (2) adults counting towards the occupancy limit. Parking spaces **must** be provided on driveways or within a **legally designated and dedicated** parking area on the property. *[moved up from discretionary]*
- h. No dwelling unit shall be used as a short-term rental in excess of forty- five (45) nights per calendar year. *[From Tourist Overlay permitted uses]*
- i. Occupancy is limited to no more than ten (10) people. *[From the previous ordinance 24-372 A1(f)]*
- j. Short-term rentals will be limited to no more than one (1) per block face and facing block, in addition to a ten (10) per cent cap on the total number of residentially-used properties in a neighborhood. *[Adapted from the previous ordinance 24-372 A4. Without this provisions or something similar, an entire neighborhood could be converted to STRs.]*
- k. Dwellings shall be leased to a single party.

DISCRETIONARY

- a. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
- b. The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than 30 consecutive nights.
- c. The board may consider the physical characteristics of the neighborhood and/ or surrounding properties topography, access, etc.).
- d. The board may, in its discretion, ~~establish a cap on the number of nights per calendar year under or exceeding 45 nights that a dwelling may be used as a short-term rental.~~
- e. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.

- f. Input from neighborhood and homeowner associations should be sought, including whether short-term rentals are allowed under existing covenants or bylaws. Where no such entity exists, input from nearby residents should be considered.

For condominiums and apartment buildings, the regulations set for the Tourist Overlay District should be applied outside of the Tourist Overlay District.

RECOMMENDED CHANGES TO ENFORCEMENT

1. Increase the number of STR enforcement officers and expand their availability to weekends and evenings,
2. Post the locations and contact information of licensed STRs on the city's website; Create a map that clearly identifies the properties. This provides a resource to renters and residents.
3. Institute meaningful consequences to offenders, including fines and loss of licenses. People who are have been in violation of the STR regulations in the past should be fined or required to wait for 6-months before receiving a license.

¹For Historic Districts add under Primary:

- Property must be part of a locally designated historic district as defined in Sec. 24- 221 and Chapter 20, Article II, Division 1].

²For Tourist Overlay add under Permitted Uses:

- The short- term rental shall adhere to all parking regulations as outlined in article IX of the zoning ordinance.
- The short-term rental shall comply with all applicable sign regulations as outlined in article X of the zoning ordinance.
- Condominiums and Apartment buildings will be limited to a license cap of 150.
- Before a business license can be renewed for short-term rental, the owner shall submit to an audit to determine the number of nights which the owner has rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not be renewed.

* Not included in the 4-23-19 Permitted Uses of the Tourist Overlay