

DISCUSSION DRAFT

BCPOA Short-Term Rental Regulation Concept

V11.3 2024-09-17

Status

The board reviewed this draft in its 9/17 meeting and sent it back to the Zoning Committee for further work, primarily on subsections 1a-1d.

Outline

Definitions:

Short-Term Rental (STR). Rental of a Principal Single-family Dwelling Unit or portion thereof for a term of thirty (30) consecutive calendar days or less.

Uses:

In AE and RF districts: to the list of uses, add:

Conditional Uses

+ Short-Term Rental, subject to Section 12.14.

New “Section 12.14. Short-Term Rentals”

Purpose

To provide owners with flexibility to rent their Principal Single-family Dwelling Unit short term, intermittently or under on-site supervision, while avoiding erosion of the General Plan objectives of preserving rural character and natural resources by preventing density increase and limiting conversion to full-time commercial operations.

Standards:

1. A Short-Term Rental shall meet one of the following criteria:
 - a. The Short-Term Rental comprises a portion of a Principal Single-Family Dwelling Unit in which the owner resides;
 - b. The Short-Term Rental comprises a Principal Single-Family Dwelling Unit or a parcel in its entirety, and the owner resides on the same or an adjacent parcel;
 - c. Operation of the Short-Term Rental is limited to two periods of 60 contiguous days per calendar year, which may be combined to one contiguous 120-day period;
 - d. The owner can demonstrate operation of the Short-Term Rental with a Public Accommodation License per § 50-51-201, MCA, prior to [fixed date xx-xx-xx, date of Part 1 Admin adoption, or date of this adoption].

DISCUSSION DRAFT

BCPOA Short-Term Rental Regulation Concept

2. The Short-Term Rental's property owner shall:

- a. Provide the Planning Department proof of a valid Public Accommodation license for the Short-Term Rental prior to its operation. The owner must maintain a valid Public Accommodation license at all times during which the Short-Term Rental is in operation.
- b. Provide the Planning Department and all renters with a current point of contact for a natural person or persons residing in Gallatin County, Montana. If this contact changes, the owner shall promptly provide the Planning Department with the up-to-date point of contact prior to further operation.
- c. For all Short-Term Rental advertisements, list the valid Public Accommodation license number and specify maximum occupancy consistent with parking, septic capacity, and other applicable standards.
- d. Limit published check-in times to not later than 8pm.
- e. Inform guests of any restrictions on use of the Short-Term Rental or real property, including but not limited to private covenants, speed limits on adjacent roads, bans on burning, and fireworks restrictions.
- f. Prohibit and prevent guests from creating any nuisances in relation to the Short-Term Rental or in the neighborhood, including but not limited to trespassing, speeding, improper garbage disposal, banned burning, harassment of wildlife, and excessive noise.
- g. Limit the number of Short-Term Rentals on a parcel to the number of Principal Single-Family Dwelling Units present on the parcel (normally one).
- h. Limit Short-Term Rental lodging to inside the Principal Single-Family Dwelling Unit.
- j. Not allow Use of a Short-Term Rental for purposes other than lodging (including, but not limited to: weddings, concerts, fundraisers, or other similar functions, or operation as a Special Events Facility).

3. Advertising

- a. Advertising of a Short-Term Rental shall be presumptive evidence of the owner's operation or intent to operate the Short-Term Rental.
- b. Advertisements offering Use of a Short-Term Rental for purposes other than lodging shall be presumptive evidence of the owner's operation or intent to operate the Short-Term Rental for purposes other than lodging.

4. Revocation

- a. Violation of the Standards in Section 12.14 is grounds for revocation of the Short-Term Rental permit.
- b. Following revocation, a new permit may not be applied for or issued until 3 years have elapsed without further violation.

DISCUSSION DRAFT

BCPOA Short-Term Rental Regulation Concept

Appendix: Amendment Review Criteria

From https://gallatincomt.virtualltownhall.net/sites/g/files/vyhlf606/f/pages/adminreg_04_22.pdf

a. Review Criteria for Amendments to District Regulations. To approve an amendment to the District Regulation or official map, it shall be found that all of the following criteria are satisfied:

- i. The public necessity, convenience, and general welfare require such amendment;
- ii. The proposed amendment does not authorize potential Uses that are significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located;
- iii. The proposed amendment will benefit the surrounding neighborhood, community, and the general public and not just benefit a small area and only one or few landowners;
- iv. The proposed amendment is consistent with the District Regulation and applicable growth policy or neighborhood plan and is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
- v. The procedural requirements of [§76-2-101 et seq.](#), MCA have been followed.