



What are the occupancy limitations in the City of Columbia?

Columbia's zoning laws, found in Chapter 29 of City Ordinances, place limits on the number of people who can occupy a housing unit based on the definition of family. Essentially, not more than three unrelated people can live together in property located in R-1 zoning and not more than four can live together in other zoning districts.

When residential units exceed the occupancy limits, there is additional traffic, trash and noise that affect neighbors and the possibility of an unsafe living condition for the occupants.

What does City ordinance say about communicating occupancy limitations?

On January 7, 2013, the Columbia City Council adopted an occupancy disclosure ordinance; the ordinance was amended on October 21, 2013. This ordinance requires:

- Property owners to provide the buyer or lessee of residential property information on the zoning district of the property and the occupancy limits found in Chapter 29.
- Anyone leasing or subleasing rental property to provide the tenant with the zoning district of the property and the occupancy limits. This information can be shared in one of two ways:
 - Through the written lease
 - By use of a zoning occupancy disclosure form provided by the City of Columbia

The lease or occupancy disclosure form must be provided to a city inspector or police officer upon an investigation of an over occupancy violation.

New and renewal leases written with tenants starting February 1, 2013 should comply with this ordinance.

How do I know in what zoning district a property is located?

The City's webpage – www.GoColumbiaMo.com - contains a map that has the zoning district for each property in the City. Simply type in the address and the zoning district will be listed along with many other facts on the property. City staff is also happy to assist property owners and managers in determining their zoning district or the PUD density.

When and how is the occupancy disclosure used by the City?

Notice of occupancy limitation are to be maintained by the property owner or manager and do not need to be submitted to the City unless requested. City inspectors or police officers may request to see the certificate of compliance and notice of occupancy limitations signed by all lessees or sublessees upon investigation of an occupancy violation. The primary interest of the Office of Neighborhood Services is to enforce occupancy violations, property maintenance violations and health violations related to residences. City inspectors may request to view the leases or the disclosure forms to ensure landlords are complying with this ordinance.

What are the responsibilities property owners related to this ordinance?

The ordinance requires the owner of any building with one or more dwelling units to provide the buyer or lessee written notice of the zoning district in which the dwelling unit(s) are located and the applicable occupancy limitations contained in Chapter 29. The notice shall be contained in either the seller's disclosure, the real estate contract, the lease agreement, or on a zoning district and occupancy disclosure form provided by the Director of Community Development. This ordinance does not apply to other properties that do not have dwelling units.

What is some standard language that can be used in a lease?

The ordinance states the lease shall include the zoning district and the applicable occupancy limitations. There is no requirement on how that is achieved. As a convenience to landlords, here is language that may be used in a lease:

ZONING DISTRICT AND OCCUPANCY LIMIT: Lessee understands that the premises are located in the ____ zoning district and agrees that: (a) the maximum number of unrelated persons who may occupy the unit is ____, and (b) related occupants must be in compliance with the definition of a "family" contained in Section 29-2 of the Code of Ordinances of the City of Columbia, Missouri.

When do rental property owners need to use the occupancy form?

Rental property owners may include the lease language or have their tenants complete the Zoning Occupancy Disclosure Form. The form may be helpful in cases where you have an oral lease or as a matter of convenience. The form can be downloaded from the City's website at www.GoColumbiaMo.com and hard copies can be requested from the Office of Neighborhood Services.

What if a landlord has a more restrictive occupancy policy?

The City ordinance limiting occupancy does not prohibit property owners from further limiting the occupancy. Rental property owners may want to clarify this with their tenants and also communicate policies in writing through the lease.

When is an occupancy disclosure required on oral or month-to-month leases?

The ordinance is effective February 1 on new and renewal leases. The City considers the ordinance to apply to oral or month-to-month leases on February 1. A lease including the zoning district and occupancy limits or a disclosure form should be signed by the tenants in those instances by February 1. The ordinance, as amended, requires written notice of the zoning district of the property and the occupancy limitations.

How does the disclosure requirement affect mobile home parks?

Mobile homes that are rented must comply with the occupancy disclosure requirements added to Chapter 22 like other rental property. In cases of lots being leased to owner/occupied mobile homes, the property manager must make the home owner aware of the zoning district and limitations at the time of leasing as required in Chapter 13.

Do the number of bedrooms affect the number of people who can occupy a residential unit?

The zoning occupancy limitation is not based on number of bedrooms or square foot of living space. This issue is addressed through the Property Maintenance Code but is not regulated by zoning.

What if my zoning district is a PUD?

The City zoning map indicates when a property is in a PUD but may not list the density. PUD's with a density of 5 units or less per acre allow 3 unrelated occupants; more than 5 units per acre allows four. The City can provide you with the PUD density.

What about registered domestic partnerships and the definition of Family?

The Columbia City Council will be considering a change to the definition of Family in Chapter 29 that will include registered domestic partnerships.

City of Columbia

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