

Ordinance No. 9

Series of 2019

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING THE GLENWOOD SPRINGS MUNICIPAL CODE REGARDING THE REGULATION AND PERMITTING OF ACCESSORY TOURIST AND SHORT-TERM RENTALS IN THE CITY.

WHEREAS, the City of Glenwood Springs (the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, the number of vacation rentals in the City has increased by over 1000% since 2013; and

WHEREAS, the Regional Housing Study concluded that the City currently has a shortage of 2000 housing units; and

WHEREAS, vacation rentals may have adverse impacts on the character of residential neighborhoods and the availability of long-term housing options; and

WHEREAS, in keeping with the goal of the City’s Comprehensive Plan to preserve small town character while maintaining livability, the City desires to minimize the adverse effects of vacation rentals on residential neighborhoods and the supply of housing in the City; and

WHEREAS, by Ordinance No. 23, Series of 2018, the City Council of the City of Glenwood Springs imposed a temporary moratorium on the acceptance and processing of new vacation rental permits and associated business license applications and directed City staff to develop a robust public engagement process to gather information on the topic; and

WHEREAS, the moratorium applied to all vacation rentals as defined in Section 070.030.030(e)(7) of the Glenwood Springs Municipal Code (Accessory Tourist Rentals) and Section 070.030.030(e)(9) of the Municipal Code (Short Term Rentals); and

WHEREAS, during the moratorium City staff engaged in a robust public engagement process which included an online survey regarding community perception of vacation rentals and feelings toward specific regulations; a public work session to discuss the online survey results and expand further into certain topic areas; and research into how other municipalities in Colorado regulate vacation rentals; and

WHEREAS, the Planning and Zoning Commission received and considered the information gathered through the public engagement process, as well as comments from the public, during a Special Meeting held on February 25, 2019; and

WHEREAS, the Planning and Zoning Commission recommended amending the Municipal Code to reduce the percentage of units that can be vacation rentals in a single owner multifamily building from 25 to 10%, with at least one unit in the building still being eligible for a vacation rental permit; limit the total number of Short Term Rentals outside the City’s GID in the City to 10% of the City’s free market residential units or one unit for every block face or every 500 lineal feet in areas where the block face standard does not apply, whichever is less; specify

that a violation of the vacation rental regulations in the Code is subject to a \$250 fine for the first offense and a fine of not less than \$100 per day and up to \$1,000 per day for subsequent offenses; and clarify that the Community Development Director may revoke a vacation rental permit without following the hearing process in Section 070.010.080(e)(2); and

WHEREAS, at its regular meetings on March 7, 2019, March 21, 2019, May 16, 2019 and June 27, 2019, City Council received and considered the information gathered through the public engagement process, the recommendations of the Planning and Zoning Commission, comments and recommendations from City staff, and testimony from the public; and

WHEREAS, City Council desires to amend Sections 070.030.030(e)(7) and (9) to reduce the percentage of permissible vacation units in a single-owner multifamily building; impose limitations on the total number of Short Term Rental Permits that may be issued within the City; impose a 250 foot buffer between Short Term Rental Units not located within the City's General Improvement District, as it may be amended; specify that a violation of 070.030.030(e)(7) or (9) is subject to a fine of \$250 for the first offense and a fine that increases by \$250 for each subsequent offense, up to a maximum fine of \$1,000 per offense; specify grounds for revocation and/or nonrenewal of a vacation rental permit; and amend Section 070.010.080(e) to clarify that the penalties and remedies set forth therein apply unless another section of Title 070 states otherwise; and

WHEREAS, City Council finds and declares that the amendments to the Municipal Code regarding vacation rentals set forth herein are proper in light of the needs and desires of the City and in the promotion of the public health, safety and welfare of the City's residents and visitors.

NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals hereinabove are hereby adopted as findings and incorporated herein.

Section 2. Section 070.030.030(e)(7) of the Glenwood Springs Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

c. Use and Occupancy Restrictions

8. In a multifamily building under single ownership, no more than 10 ~~(25)~~ percent but at least one unit may be permitted as an accessory tourist rental provided the owner of the resident manager occupies the accessory tourist rental.

e. Permit Procedures

4. Revocation of Permit

An accessory tourist rental permit may be revoked at any time by the Director without following the hearing process in Section 070.010.080(e)(2) should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.

An accessory tourist rental permit shall be revoked automatically upon the property owner's third conviction of a violation of a provision in Articles 100.010 or 100.020 with respect to the accessory tourist rental.

5. Penalties for Violations

Any violation of this Section shall be subject to a fine of \$250 for the first offense, \$500 for the second offense, \$750 for the third offense, and \$1,000 for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

A permit holder who fails to collect lodging taxes on an accessory tourist rental during the permit period shall not be permitted to renew the permit for the next two year permit cycle.

Section 3. Section 070.030.030(e)(9) of the Glenwood Springs Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

c. Owner Responsibilities

1. The owner shall designate a natural person ~~There shall be a designated responsible party, located within a 30 minute distance of the short term rental the local region, who is available 24 hours per day, seven days per week, to serve as the local responsible party for the short term rental for and to immediately responding to any issues arising from the short-term rental.~~ The designated responsible party may be the owner of the property. The owner shall notify the Director in writing of the designation of the responsible party within five days of such designation or modification of any such designation.

d. Use and Occupancy Restrictions

3. In a multifamily building under single ownership, no more than 10 ~~(25)~~ percent but at least one unit may be permitted as a short-term rental.
4. In all areas outside the City's General Improvement District (GID), as the GID may be amended from time to time, the total number of short-term rentals shall be limited to 5 percent of the City's total free market residential units as determined by the State Demography Office. In addition, a short- term rental unit shall be located a minimum of 250 feet from any other short-term rental unit. This 250 foot limitation shall not apply to units in a multifamily building under single ownership, to parcels whose boundaries are not entirely contained within the 250 foot buffer distance, or to units that received permits prior to the effective date of this subsection or to timely renewals of such permits. However, the 5 percent cap on short term rentals includes existing permitted units.
5. Within the GID, as it may be amended from time to time, the total number of short-term rentals shall be limited to 18 percent of the GID's total free

market residential units as determined by the Garfield County Assessor. In a multi-family building under single ownership, no more than two units may be permitted as a short-term rental. GID short term rental permits shall not count towards the total permit number limit identified under Paragraph 4 above.

e.a.Operation

f.d.Permit Procedures

4. Neighborhood Notification

Upon issuance of short-term rental permit, the property owner shall be responsible for mailing public notification of the permit to owners of all real property within 250 feet of any boundary or edge of the subject property or parcel. The property owner shall provide certification to the Director that proper notice has been provided, including a signed affidavit. The format of such certification shall be established by the Director.

5 Revocation of Permit

A short-term rental permit may be revoked at any time by the Director without following the hearing process in Section 070.010.080(e)(2) should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code. A short-term rental permit shall be revoked automatically upon the property owner's third conviction of a violation of a provision in Articles 100.010 or 100.020 with respect to the short-term rental.

6. Penalties for Violations

Any violation of this Section shall be subject to a fine of \$250 for the first offense, \$500 for the second offense, \$750 for the third offense, and \$1,000 for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

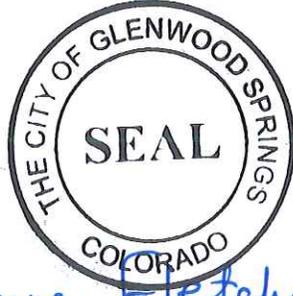
A permit holder who fails to collect lodging taxes on a short-term rental during the permit period shall not be permitted to renew the permit for the next two year permit cycle.

Section 4. Section 070.010.080(e) of the Glenwood Springs Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

(e) Penalties and Remedies

Unless otherwise provided in this Code, the ~~The~~ Director, Building Official, or City Engineer, or such other person as may be designated by the Director, shall have the power to enforce this Code subject to the following penalties:

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY THIS 27TH DAY OF JUNE, 2019.



CITY OF GLENWOOD SPRINGS, COLORADO

Jon Godes
Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher
Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND PUBLICATION THIS 18TH DAY OF JULY, 2019.



CITY OF GLENWOOD SPRINGS, COLORADO

Shelley Kaup
Shelley Kaup, Mayor Pro-Tem

ATTEST:

Catherine Fletcher
Catherine Mythen Fletcher, City Clerk