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PLANNING COMMISSION WORKSHOP AGENDA
PLANNING CONFERENCE ROOM, CITY HALL, 250 N 5TH STREET
Virtual Meeting link: <https://bit.ly/GJPCW>
THURSDAY, FEBRUARY 9, 2023 - 12:00 PM

Call to Order - 12:00 PM

Other Business

1. Discussion on Potential Short Term Rental Regulations

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: February 9, 2023
Presented By: Felix Landry, Planning Supervisor
Department: Community Development
Submitted By: Felix Landry, Planning Supervisor

Information

SUBJECT:

Discussion on Potential Short Term Rental Regulations

RECOMMENDATION:

EXECUTIVE SUMMARY:

Staff will present to the Planning Commission an updated draft of Short Term Rental regulations. These regulations have been amended to reflect feedback from recent public input meetings and discussions with the Planning Commission.

BACKGROUND OR DETAILED INFORMATION:

City staff initiated further discussion with Planning Commission members at the January 24th, 2023 workshop regarding potential changes the city's existing short-term rental regulations. The potential changes discussed included:

- Retaining the definitions for Primary and Secondary short-term rentals.
- Applying overall percentage caps as the only limit to the total number of primary short term rental operations using a percentage for the city overall and then a higher percentage for the downtown area.
- Applying the overall percentage caps for primary short-term rental operations only to properties with residential zoning districts. Those districts include: R-R, R-E, R-1, R-2, R-4, R-5, R-8, R-12, R-16, R-24.
- The following districts are considered commercial and would not have any sort of cap applied to short-term rentals within them: R-O, B-1, B-2, C-1, C-2, CSR, M-U, BP, I-O, I-1, I-2
- Installing a default maximum number of bedrooms for short-term rental operations except where the Director finds it's appropriate to exceed that limit.

Staff has incorporated the discussed changes into a draft ordinance format and will present the language to the Planning Commission for discussion. Items needing further discussion include:

- Whether or not the R-O district is classified as a residential or non-residential district for purposes of this regulation
- Maximum percentage caps for the downtown area and the remaining municipal jurisdiction
- Maximum number of bedrooms allowed by right in an STR

SUGGESTED MOTION:

Discussion and direction only

Attachments

1. STR Code Strike and Underline Feb 2023

STR Regulations:

Chapter 21.10 Definitions

Short-term rental is a type of lodging wherein a residential dwelling unit, on a permanent foundation, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 30 consecutive days. A bed and breakfast and a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. is, for purposes of this title, a type of short-term rental. Likewise, a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging as defined as a community service use.

Short-term rental, Primary is a short-term rental that makes available for rent ~~the~~ a full (eg. all bedrooms) principal dwelling unit — Primary STR – means when an entire residential dwelling unit is available for short term rental and the property owner a permanent resident long-term tenant does not live on site.

Short-term rental, — Secondary STR is a ~~— means when a residential short-term rental that makes available for rent a portion of a principal dwelling unit or an accessory dwelling unit. is provided for STR operations, and a long term long-term tenant the owner of the property lives on site.~~

(h) **Short-Term Rentals.**

- (1) Purpose. The purpose of this regulation is to allow short-term rentals in certain zone districts in the City with a permit and with regulation to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- (2) Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the City or any employee or agent thereof, to ensure compliance with restrictive covenants.
- (3) ~~Definitions. Short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 30 consecutive days. A bed and breakfast is, for purposes of this title, a type of short-term rental. Likewise, a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging as defined as a community service use.~~

(4) Permit Required. No person or entity shall sell lodging to a temporary occupant(s) of a dwelling unit for fewer than 30 consecutive days without first having obtained a short-term rental permit issued by the City and complying with any conditions or restrictions thereof. A short-term rental permit is valid for a period of one year and is the life of the short-term rental use, subject to annual permit renewalre-registration in a form prescribed by the City. A separate short-term rental permit is required for each short-term rental unit and will be issued for either a primary or a secondary short-term rental. A short-term rental permit may be issued only to the owner of the property used for short-term rental. A short-term rental permit may be issued by the Director upon finding that the requirements of this subsection (h) are met. A permit may contain conditions and restrictions.

(i) Within the downtown area, defined as south of North Avenue, West of North 17th Street, North of Interstate 70 Business, and East of Highway 50, primary short term rentals may not operate on more than XX% of residentially zoned lots with less than twenty residential units. A primary short-term rental permit shall not be issued for a location that would allow more than two Primary Short-Term Rentals to be located within 500 feet. The 500-foot distance is measured from the property boundaries of the proposed location.

(ii) Outside of the downtown area defined in (i) primary short term rentals may not operate on more than XX% of the residentially zoned lots with less than twenty residential units.

(ii) A permit may be issued for either one primary and one secondary short-term rental per lot, or no more than two secondary short term rentals per lot. when the dwelling unit type is single-family detached, single-family attached, duplex or triplex.

(iii) A residentially zoned property with more than 20 units -permit- shall not operate any type of short term rental, primary or secondary, in more than 10% of the units on the lot. may be issued for primary and/or secondary short-term rentals in a multi-family development (greater than 3 attached units) so long as the combined total short term rental permits do not exceed ten percent of the total units within the development. (8) Bulk Standards

(5) Occupancy.

(i) The number of occupants at any given time in a short-term rental unit shall not exceed two persons per bedroom plus two additional occupantsrenters, including the operator, except where the Director determines that the size, configuration and/or structural features of the unit allow greater or lesser occupancy.

(ii) The number of bedrooms available for short-term rental occupancy in a single unit shall not exceed X bedrooms, except where the Director determines that the

size, configuration and/or structural features of the unit allow greater or lesser occupancy.

(iii) The permit shall specify the maximum occupancy of the unit.

(6) Designated Local Responsible Party.

(i) The property owner shall designate one or more local person(s) who will be permanently available and responsible for immediately responding to complaints about or violations of law or of permit terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number.

(ii) The designated local responsible party may be the owner of the property if he or she meets the *local* criteria.

(iii) The designated local responsible party must be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements for and/or of the short-term rental permit.

(7) General Requirements. The owner of a dwelling used or to be used as a short-term rental shall:

(i) Obtain a tax license from the City of Grand Junction and comply with all applicable local, State, and federal taxes;

(ii) Demonstrate and certify that the unit contains the following on the premises at all times:

(A) A smoke detector in good working order;

(B) A carbon monoxide detector in good working order;

(C) Adequate and functional building egress from each sleeping room in the unit;

(D) Posted notice providing in detail the following information in a highly visible location and readily accessible form:

a. Location of building exits and fire extinguishers;

b. Twenty-four-hour emergency contact information;

- c. Parking areas and parking restrictions, including a notice that parking on lawns is not allowed;
 - d. Noise restrictions and quiet hours;
 - e. Trash disposal instructions including trash pickup location and schedule;
 - f. Maximum occupancy restrictions;
 - g. City permit number;
 - (iii) Certify all units maintain a fire extinguisher in good working order;
 - (iv) Permit inspection of the premises by the City or its agent ~~or employee~~ during the pendency of the permit application, and thereafter upon reasonable notice;
 - (v) Provide with its application a sketch or drawing of the unit that depicts all rooms, doors and windows, including dimensions, and shows on-site areas available for guest parking;
 - (vi) If the short-term rental ~~unit~~ is accessed by a shared driveway, provide the City with a copy of a written instrument authorizing use of the driveway for short-term rental purposes;
 - (vii) Provide the name, address and phone number of the designated local responsible party to the City, and update such information with the City whenever it changes;
 - (viii) Re~~new permit~~gister annually with the City, certifying that the permit terms and requirements are still being met and updating any material changes to the unit or property;
 - (ix) Where food is prepared and served to guests/lodgers on the premises, demonstrate compliance with Mesa County Health Department regulations.
- (8) Revocation, Suspension, and Appeal.
- (i) A short-term rental permit may be suspended or revoked for any of the following reasons:
 - (A) The owner or designated responsible party has failed to comply with a requirement of this subsection (h).~~h~~

(B) The owner or designated responsible party has failed to comply with a condition of or restriction set forth in the short-term rental permit.

(C) The owner has failed to collect or remit lodging taxes or otherwise comply with local, State and/or federal tax requirements.

(D) Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.

(E) The City has received excessive and substantial complaints by neighbors or affected persons that were not adequately and timely addressed by the owner or designated responsible party.

(ii) Notice of [permit](#) revocation shall be provided to the owner, who shall then be given an opportunity to respond within 10 days. The Director will issue any decision to revoke or suspend a permit within 10 days of the response date.

(iii) Any aggrieved person may appeal the issuance, denial, suspension, or revocation of a short-term rental permit to the Zoning Board of Appeals within 10 days of the issuance of the decision.