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**PLANNING COMMISSION WORKSHOP AGENDA
HUMAN RESOURCES TRAINING ROOM
CITY HALL, 250 N 5TH STREET
THURSDAY, MAY 18, 2023 - 12:00 PM
*Attend virtually: bit.ly/GJPCW***

Call to Order - 12:00 PM

Other Business

1. Discussion regarding the proposed code amendments regulating Short Term Rental (STR) operations.
2. Discussion regarding the Zoning & Development Code update

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: May 18, 2023

Presented By: Nicole Galehouse, Interim Planning Supervisor

Department: Community Development

Submitted By: Nicole Galehouse, Interim Planning Supervisor

Information

SUBJECT:

Discussion regarding the proposed code amendments regulating Short Term Rental (STR) operations.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Staff proposes these amendments to the City's short-term rental (STR) regulations based on direction from the 2020 One Grand Junction Comprehensive Plan and staff recommendations related to the 2021 Grand Junction Housing Strategy report.

Short-term rentals have a growing presence in Grand Junction. STRs offer a mix of benefits and burdens to the city. The benefits include additional income for property owners and additional lodging tax revenue for the City. On the other hand, STRs may also strain the local housing market by removing housing options from local residents and weakening the social networks of local neighborhoods.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The city developed its current regulatory process for short-term rental (STR) operations in late 2018. That process consists of a permit application, building inspection, tax license, and an annual renewal process. Since that time the number of STR operations have steadily grown. In October of 2022 the City had just over 180 registered, compliant STR operations, with an estimated 40 additional STR operations in some stage of application, renewal, or non-compliance.

STR operations offer a unique option for visitors to the area and generate sales and lodging tax revenue for the City. They also provide a means for property owners to

generate additional income from their properties. In some cases, this additional income can help a home buyer pay for a home they might otherwise struggle to afford. These benefits align with the following goal from the 2020 On Grand Junction Comprehensive Plan:

5(2)(a) Housing Strategy - Develop a targeted housing strategy to facilitate and incentivize the creation of affordable housing units for low-income residents and attainable housing for the city's workforce. Update the strategy periodically to address changing needs.

STR operations can also contribute to the local affordable housing stress our city continues to endure. As a full-time commercial operation an STR operator can typically support a much higher monthly purchase payment than a potential residential home buyer can as a mortgage payment, removing the property as an affordable option for local residents. Additionally, STR operations tend to gravitate towards high activity parts of town such as downtown or around a university campus. At high concentrations STRs can damage the social fabric of existing neighborhoods by removing long term tenants and making it difficult for neighbors to build relationships. These aspects of STR operation can work against the following goal from the 2020 One Grand Junction Comprehensive Plan:

5(3)(a) Retention of Existing Housing Stock - Encourage ongoing maintenance and promote reinvestment and improvements in established neighborhoods. Support property owners, residents, neighborhood associations, and non-profit organizations in bringing substandard housing and unmaintained properties into compliance with City codes and to improve overall conditions.

City staff recently drafted a detailed set of recommendations aimed at implementing strategy 4 "Encourage Development of Accessory Dwelling Units" from the 2021 Grand Junction Housing Strategy report. Those detailed recommendations include the following regarding STR operations:

Limit Short-term rentals. Grand Junction does not have a cap or limit on the number of Short-Term Rentals (STR). To address this STR use, communities are using different tools or a combination of tools, including limiting the overall or neighborhood concentration of STRs, imposing an additional sales tax on STRs, and incentivizing homeowners to use their ADU for long term tenants. Many communities view STRs as a key economic force that is removing dwelling units from long term housing stock and affordability.

Recommendation: Limit neighborhood concentration of STRs

Timeframe: Consider as part of ZDC update

With these challenges in mind City staff reviewed a variety of local ordinances from cities such as Fort Collins, Glenwood Springs, Durango, and Colorado Springs. These ordinances provided some guidance for the proposed regulations focusing on distinguishing between the types of STR operations and requiring a minimum buffer

between the more intensive STR operations.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on May 14, 2023, in the Grand Junction Daily Sentinel.

ANALYSIS

The proposed amendments contain the following significant changes.

1. STRs have been categorized into Primary and Secondary STRs.
 - a. Short-term rental, Primary is a short-term rental that makes available for rent a full (eg. all bedrooms) principal dwelling unit, excluding accessory dwelling units (ADUs).
 - b. Short-term rental, Secondary is a short-term rental that makes available for rent a portion of a principal dwelling unit or an ADU.
2. A percentage-based limit is proposed
 - a. No more than 10% within the downtown area
 - b. No more than 3% for all other lots
3. No more than one Primary STR and one Secondary STR, or two Secondary STRs, may reside on the same lot for any residential development with 4 dwelling units or less. When a development has more than 4 units on the same lot no more than 10% of those units may have a primary or secondary STR permit.
4. Applicant must demonstrate that there is one additional parking space for each bedroom above 4 bedrooms on the lot.

Establishing these two different types of STRs allows the city to apply stricter locational standards to the more intensive primary STR operations, while allowing the less intensive secondary STRs to operate more freely. Primary STR operations tend to function more like a commercial operation and may not fit as well into existing neighborhoods. Furthermore, some neighborhoods around activity centers might experience escalating housing price pressure if the City does not regulate them.

The proposed limitations on primary STR operations includes limits of 10% within the downtown area and 3% in the rest of the City. Based on data compiled in February 2023, the 12% within the downtown area represents a potential 2.5x increase, or 80 STRs. For the remainder of the City, the 3% represents a potential 4.6x increase, or 443 STRs. There is ample room for the industry to grow, especially including the consideration that these numbers would be for primary STRs only, excluding operations that only rent out a portion of a dwelling or an ADU.

The ordinance also proposes to limit the number of STRs that can be on one property. For lots that have 4 dwelling units or less, this limit is two STRs, with only one being able to be a primary operation. For lots with greater than 4 dwelling units, the limit is 10% of the lots. It also requires that for units with more than 4 bedrooms, an additional parking space over the code minimum is provided for each bedroom.

These proposed amendments attempt to minimize the potential negative impacts of primary STR operations while also minimizing unnecessary burdens on secondary STR

operations and the benefits they may provide for residents. In accordance with Section 21.02.140(c), a proposed Code amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. The proposed amendments allow for the short-term rental use with appropriate regulation that increases visitor options & provides an income source for homeowners while also providing regulations that protect the neighborhood fabric of our community and limit the impact of the use on the long-term housing market.

RECOMMENDATION AND FINDINGS OF FACT

The 2020 One Grand Junction Comprehensive Plan identifies “Strong Neighborhoods and Housing” choices as one of its eleven principles. The proposed revisions are found to be consistent with Principle 5 and its goals, specifically goal 5(1)(c), 5(1)(e), 5(2)(a), 5(3)(a), and 5(4)(b).

Staff recommends approval of this request.

SUGGESTED MOTION:

Discussion only

Attachments

1. Exhibit 1 - STR Existing Code
2. Exhibit 2 - STR Code Clean
3. Exhibit 3 - STR Draft Ordinance

21.10.020 Terms defined.

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.

(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 the life of the short-term rental use, subject to annual re-registration in a form prescribed by the City. A separate short-term rental permit is required for each short-term rental unit. 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.

(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 renters, 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 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) Register 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).
 - (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 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.

21.10.020 Terms defined.

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 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*. *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 all bedrooms in a dwelling unit in a principal structure, excluding accessory dwelling units attached to a principal structure.

Short-term rental, Secondary is a short-term rental that makes available for rent less than all the bedrooms in a principal dwelling unit, or an accessory dwelling unit.

21.04.030 Terms defined.

(h) Short-Term Rentals.

(1) Purpose. The purpose of this regulation is to allow short-term rentals with a permit within the regulatory boundaries established by the City. These regulations are 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.

(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 subject to annual permit renewal 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) Primary short term rental permits shall not be issued for more than 10% of residentially zoned lots 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,

(ii) Primary short-term rental permits shall not be issued for more than 3% of the residentially zoned lots outside of the downtown area as defined in (i) above.

(iii) No more than two STR permits shall be issued on a residentially zoned lot with four dwelling units or less. Only one of the two permits issued may be a primary short term rental permit.

(iv) A residentially zoned lot with more than 4 dwelling units shall not be issued short term rental permits for more than 10% of the units on the lot.

(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 occupants, 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) A short-term rental permit shall only be issued and/or renewed in a residential zoning district when an applicant demonstrates that there is one additional parking space for each bedroom above 4 bedrooms on the lot. No additional required parking may be located between the front facade of the principal structure and the public street or private access way.

(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 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 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) Renew permit 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),

(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.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE SECTION 21.04.030 USE SPECIFIC STANDARDS, SPECIFICALLY SUBSECTION (h) SHORT-TERM RENTALS, AND SECTION 21.10.020 TERMS DEFINED IN THE GRAND JUNCTION MUNICIPAL CODE.

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendments to the Zoning and Development Code eliminate (1) requirements that have been proven, over time, impractical, difficult, or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions; (2) inconsistencies within the Code; (3) unnecessary regulations; or (4) duplicative information.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Section 21.04.030 Use Specific Standards, specifically item (h) Short Term Rentals, and section 21.10.020 Terms Defined in the Grand Junction Municipal Code are amended as follows (deletions struck through, added language underlined):

21.04.030 Use-specific standards.

...

(h) Short-Term Rentals.

(1) Purpose. The purpose of this regulation is to allow short-term rentals with a permit within the regulatory boundaries established by the City. ~~in certain zone districts in the City with a permit and with regulation~~ These regulations are 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.

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(i) Primary short term rental permits shall not be issued for more than 10% of residentially zoned lots 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,

(ii) Primary short-term rental permits shall not be issued for more than 3% of the residentially zoned lots outside of the downtown area as defined in (i) above.

(iii) No more than two STR permits shall be issued on a residentially zoned lot with four dwelling units or less. Only one of the two permits issued may be a primary short term rental permit.

(iv) A residentially zoned lot with more than 4 dwelling units shall not be issued short term rental permits for more than 10% of the units on the lot.

(5) Occupancy.

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(ii) A short-term rental permit shall only be issued and/or renewed in a residential zoning district when an applicant demonstrates that there is one additional parking space for each bedroom above 4 bedrooms on the lot. No additional required parking may be located between the front facade of the principal structure and the public street or private access way.

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

(6) Designated Local Responsible Party.

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- 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) Register Renew permit 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;

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Short-term rental, Secondary is a short-term rental that makes available for rent less than all the bedrooms in a principal dwelling unit, or an accessory dwelling unit.

...

All other provisions of Title 21 Chapter 4 and Chapter 10 shall remain in full force and effect.

INTRODUCED on first reading this ____ day of _____, 2023 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction Planning Commission

Workshop Session

Item #2.

Meeting Date: May 18, 2023

Presented By: Nicole Galehouse, Interim Planning Supervisor

Department: Community Development

Submitted By: Nicole Galehouse, Interim Planning Supervisor

Information

SUBJECT:

Discussion regarding the Zoning & Development Code update

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

SUGGESTED MOTION:

Discussion only

Attachments

None