

ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS ENUMERATED) OF PART 2 (DEFINITIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS); SECTION 105 (THRESHOLD OF REVIEW) OF PART 1 (PURPOSE, REVIEW AUTHORITIES) AND MULTIPLE SECTIONS OF PART 17 (SHORT TERM RENTAL UNIT) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SHORT TERM RENTAL UNITS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

7.2.201: DEFINITIONS ENUMERATED:

* * *

OWNER OCCUPIED: the property is actually occupied by the owner for not less than one hundred and eighty (180) days each year.

* * *

Section 2. Section 105 (Threshold of Review) of Part 1 (Purpose, Review Authorities) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.105: THRESHOLD OF REVIEW:

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* * *			
Administrative permits:			
Temporary use permit	CD	Administrative	PC (10 days)
Home occupations permit	CD	Administrative	PC (10 days)
Non-owner occupied short term rental unit permit within single-family zoning district	PC	Quasi-judicial	CC (10 days)
Owner occupied short term rental unit permit or non-owner occupied short term rental permit not within single-family zoning district	CD	Administrative	PC (10 days)
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Section 3. Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

7.5.1702: SHORT TERM RENTAL UNIT PERMIT REQUIRED:

A. It shall be unlawful for any person to operate any short term rental unit without a valid short term rental unit permit, ~~as approved by the Manager.~~

* * *

7.5.1703: APPLICATION:

A. Applicants for a short term rental unit permit, including applicants for renewal, shall submit a completed application form which contains such information as required by the Manager, and shall pay all fees required for a permit application. ~~The application shall be reviewed administratively by the Manager who shall approve or deny the application within ten (10) days of submittal.~~

B. * * *

C. Each application for a non-owner occupied short term rental unit permit within the R, R1-6000, or R1-9000 single-family zoning districts or single-family PUD zoning districts shall be reviewed by the Planning Commission at a public hearing.

The provisions for the public hearing, the notice, and the appeals of the Planning Commission decision shall be in accord with part 9 of this article.

D. Each application for an owner occupied short term rental unit permit or for a non-owner occupied short term rental permit outside of a single-family zoning district shall be reviewed administratively by the Manager who shall approve or deny the application within ten (10) days of submittal.

E. Each application for renewal of a short term rental unit permit shall reviewed administratively by the Manager who shall approve or deny the application within ten (10) days of submittal.

7.5.1704: SHORT TERM RENTAL UNIT PERMIT REVIEW CRITERIA:

A. The Manager may, **without a hearing**, approve or approve with conditions an application for **an owner occupied short term rental unit permit outside of a single-family zone district**, or renewal of ~~an~~ **any** short term rental unit permit, if the following criteria and specific regulations are met:

A1. * * *

B2. * * *

3. No non-owner occupied short term rental unit shall be located within five (5) lots of another non-owner occupied short term rental unit in any direction. The distance between lots shall be measured by selecting the route with the fewest number of adjoining lots separating non-owner occupied short term rental units, without regard for lot size or ownership and ignoring rights-of-way. Where an owner occupied short term rental unit is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive this requirement for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County.

C4. * * *

D5. * * *

E6. * * *

F7. * * *

G8. * * *

H9. * * *

B. The Planning Commission may approve or approve with conditions an application for a non-owner occupied short term rental unit permit application in a single-family zone district only if the criteria and specific regulations set forth above in this Section are met and if the Planning Commission additionally finds that the value and qualities of the neighborhood surrounding the Short Term Rental Unit are not injured.

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Section 4. Any person violating Section 1704 (Short Term Rental Unit Permit Review Criteria) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) shall be subject to the remedies provided in Section 1005 (Remedies) of Part 10 (Zoning Enforcement) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Section 5. This ordinance shall be in full force and effective five (5) days from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2019.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk