

CITY OF EDGEWATER

**ORDINANCE 2016 - 24
SERIES OF 2016**

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ALL APPLICATIONS AND REQUESTS TO THE CITY FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR RESIDENTIAL OR LODGING RENTALS OF LESS THAN THIRTY (30) DAYS IN DURATION AND DECLARING AN EMERGENCY

WHEREAS, the City of Edgewater, Colorado (“City”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate land use, businesses and occupations within its territory; and

WHEREAS, pursuant to this authority, the Edgewater City Council (“Council”) previously adopted local land use regulations, codified as Chapter 16 of the Edgewater Municipal Code (“Code”), and business and occupation regulations, codified in Chapter 6 of the Code; and

WHEREAS, under current Code language, “minor home occupations,” defined to include enterprises that host no more than one (1) guest vehicle at a time, are permitted in every residential district and do not require a home occupation license from the City; and

WHEREAS, in contrast, “major home occupations,” defined to include bed and breakfast operations of two (2) or fewer rooms, are permitted in residential districts only upon the acquisition of a City home occupation license; and

WHEREAS, current Code language does not define various types of occupancies and lodging uses by reference to length-of-stay; and

WHEREAS, all businesses and occupations operating in the City, including home occupations, must obtain a general City business license, excepting from this requirement, however, City-licensed major home occupations and properties registered under the City’s Rental Property Registration Code; and

WHEREAS, as a result, the current Code lacks clarity and detail concerning the types of short term rental activities that may occur in residential zone districts as well as the licensing and permitting requirements that apply to the varying fact-specific details of such activities; and

WHEREAS, the Council finds that short term rental activities may cause land use impacts in residential zone districts that are different than those caused by other uses

permitted in such districts, such impacts to include but not be limited to traffic, parking needs, noise, trash generation and other demands on public utilities and facilities; and

WHEREAS, in response to the increase in number and popularity of short term rentals in and around the City, evidenced by resources such as www.airbnb.com and www.vrbo.com, the Council finds and determines that it is necessary and desirable to examine the City's current zoning laws and business and occupational requirements to ensure that short term rental activities are appropriately licensed and located within the City; and

WHEREAS, to prevent the further location of short term rentals in potentially inappropriate locations and without adequate regulatory safeguards while the Council studies the issue, the Council desires to impose a moratorium on the submission, acceptance, processing and approval of all City applications and requests for a permit, license, land use approval or other approval for residential and lodging rentals that are less than 30 days in duration, commencing upon the effective date of this Ordinance and expiring one-hundred eighty days thereafter; and

WHEREAS, the imposition of a moratorium on the submission, acceptance, processing, and approval of all such applications and requests is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium. A temporary moratorium is hereby imposed on the submission, acceptance, processing and approval of all applications and requests to the City for a permit, license, land use approval or other approval for any residential or lodging rental that is less than thirty (30) days in duration. City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for approval for such activities during the moratorium period.

Section 3. Duration. The moratorium imposed by this Ordinance shall commence on the effective date of this Ordinance and shall expire on the one-hundred eightieth (180th) day thereafter.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this Ordinance, City staff shall review and analyze the City's existing regulations governing short term rental activities and present any proposed amendments thereto to the Council and the City's Planning and Zoning Commission ("Planning Commission"), as appropriate. The Council declares that it will give due and timely consideration to recommended changes to the Code and requests the Planning Commission to do the same.

Section 5. Emergency Declaration; Effective Date. Pursuant to Subsection 6.5(7) of the Edgewater Home Rule Charter, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, welfare, peace and safety as it prevents the future location of short term rentals in locations throughout the City that may not be appropriate in regards to compatibility with neighborhood land uses and the operation of which may not be subject to the licensing supervision necessary to ensure the safety and habitability of rented spaces. The Council finds that the moratorium enacted hereby is reasonable in duration and does not work an undue hardship on current or future applicants that may be affected by it. This ordinance shall be effective immediately upon its adoption.

INTRODUCED, READ, AND FINALLY ADOPTED AS AN EMERGENCY MEASURE by not less than five (5) affirmative votes on this 1st day of December, 2016, as permitted by Subsection 6.5(7) of the Edgewater Home Rule Charter, and ordered published as soon thereafter as practical.

Kris Teegardin, Mayor

ATTEST:

Pamela Anderson, City Clerk

APPROVED AS TO FORM:

Thad Renaud, City Attorney