



Town of
Silverton

ORDINANCE NO. 2016-04

AN ORDINANCE CLARIFYING AND RE-ESTABLISHING
MUNICIPAL REGULATIONS CONCERNING THE USE OF
RESIDENTIAL PROPERTY AS VACATION RENTALS
FOR COMPENSATION ON A SHORT-TERM BASIS

WHEREAS, pursuant to the authority conferred via C.R.S. §31-23-301, the Town of Silverton through its Board of Trustees (“Town”), is empowered to regulate and restrict the use of buildings, structures and land for use as residential or other purposes within its statutory jurisdiction, so long as such restraints are determined necessary to promote the general health, safety and welfare of the community; and

WHEREAS, through such authority, the Town has held that the use of residential property as Vacation Rentals for compensation on a short-term basis, thirty (30) days or less, may be permitted within certain zone districts only after prior approval has been granted by the Town Board through an established “Use Subject to Review” administrative process with an opportunity for a call up hearing before the Town Board; and

WHEREAS, the Town on December 10, 2012 adopted Ordinance No. 2012-02, an ordinance clarifying and establishing municipal regulations concerning the use of residential property as Vacation Rentals for compensation on a short-term basis; and

WHEREAS, the Town Board upon witnessing increased interest in Vacation Rentals by property owners along with a growing number of complaints from neighborhood residents determined that Ordinance No. 2012-02 was inadequate in fully addressing the impacts associated with Vacation Rentals; and

WHEREAS, the Town on May 4, 2015 passed emergency Ordinance No. 2015-04, an ordinance establishing a ninety (90) day moratorium on the acceptance and processing of Use Subject to Review Vacation Rental Permit applications; and

WHEREAS, the Town passed a series of emergency ordinances, Ordinance Nos. 2015-06, 2015-10, 2016-01, 2016-2 and 2016-_, extending the moratorium when it was realized there needed to be a reasonable length of time for Town staff to properly research the issues and to amend the regulations governing Vacation Rentals; and

WHEREAS, the Town conducted public work sessions with Town staff providing an updated list and map of currently approved Vacation Rentals, a review of the current

regulations and a preliminary summary of its findings and recommendations on October 26, 2015; and

WHEREAS, the Town held a second public work session on May 2, 2016 with Town staff providing an updated Vacation Rental Ordinance; and after their review and discussion, the Trustees directed Town staff to prepare the ordinance and schedule public hearings; and

WHEREAS, the Town on May 23, 2016 held a public hearing to consider First Reading of Ordinance 2106-04; and after public comment and discussion, the Trustees moved to table the proposed Ordinance and schedule a work session; and

WHEREAS, the Town held a third public work session on June 9, 2016 with Town staff providing an updated Vacation Rental Ordinance; and after their review and discussion, the Trustees directed Town staff to prepare an amended ordinance and schedule public hearings; and

WHEREAS, the Town on June 13, 2016 held a public hearing to consider First Reading of Ordinance 2106-04 as amended; and

WHEREAS, the Town on July 11, 2016 held a public hearing to consider Second Reading and adoption of Ordinance No. 2016-04.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO:

Amendment 1: Chapter 7, Article 2, Section 4, Subsection D. is hereby repealed in its entirety and the Town adopts the following language in its place:

Chapter 7, Article 2, Section 22 Vacation Rentals

1. Purpose. The purpose of this section is to preserve and strengthen the character and ambience of Silverton's neighborhoods; to allow Vacation Rentals as short-term tourist accommodations within certain zone districts; to minimize the negative impacts attributable to Vacation Rentals; and to ensure compatibility with the surrounding land uses. These provisions are intended to mitigate issues arising from the use of residential property as Vacation Rentals on a short-term basis by regulating guest turnover rates, occupancy levels, health/safety concerns, parking, noise and other neighborhood impacts.

2. Definition. Vacation Rental is defined as a dwelling unit, including either a single-family home or multiple-family unit, rented for the purpose of transient lodging or transient living accommodations with a maximum stay not to exceed thirty (30) consecutive days to the same renter in the same unit. Hotels, motels, lodges, inns, bed and breakfasts, RV spaces and campsites are not Vacation Rentals;

and bedrooms within an occupied single-family dwelling or multi-family unit are prohibited from being used as Vacation Rentals.

3. Application Procedure. All Vacation Rental Permit applications shall be submitted to the Planning Director.

a. Upon determination by the Planning Director that the application is complete, notification of the purpose, date, time and location of the public hearing shall be mailed to adjacent owners within one hundred fifty (150) feet of the property and by publication in a newspaper of general circulation in the town.

b. No public notice is required for Vacation Rental Permit applications in the B-P Business Pedestrian zone.

c. The Planning Director shall use best efforts to render a decision within twenty (20) days after the Vacation Rental Permit application is deemed complete. The Planning Director also has discretion to call up a Vacation Rental Permit application for consideration and review by the Town Board. If called up, the Vacation Rental Permit application shall be heard at the next available hearing of the Town Board for which proper notice can be made.

4. Application Requirements. Vacation Rentals require the submittal of a land use application that contains the following information:

a. A brief narrative that describes the property in terms of its location/address, dwelling type, size, number of bedrooms/bathrooms and intended use as a year-round or seasonal (summer or winter) Vacation Rental.

b. Vicinity map or aerial photo that identifies the property within the context of the local neighborhood blocks, lots, streets and alleys.

c. Site plan that includes the existing building, garage, shed, decks, walkways, trash bin, propane tank, snow storage areas, parking spaces and other site improvements within the property boundaries.

d. Floor plans that delineate the living/dining areas, kitchen, bedrooms, bathrooms, utility rooms and other areas within the Vacation Rental unit.

e. Proof of ownership.

f. Proof of liability insurance.

g. Local contact person name, address, e-mail and telephone/cell number.

h. List of all property owners that are located within one hundred fifty (150) feet of the subject property boundaries according to the current records of the San

Juan County Assessor. This requirement does not apply to applications within the B-P Business Pedestrian zone.

i. One (1) set of pre-addressed, legal size envelopes with US Mail first class postage for each of the adjacent property owners. The listed property owners will be notified that a Use Subject to Review Vacation Rental Permit application is pending and that public comment may be provided to the Town. This requirement does not apply to applications within the B-P Business Pedestrian zone.

5. Standards. Vacation Rentals shall comply with the following standards:

a. Restriction: Property owners are required to obtain a permit to operate a Vacation Rental within the Town of Silverton. The total number of Vacation Rentals in the Residential and Economic Development zones shall be limited to a total of thirty-five (35) permits; there shall be no cap on the number of permits that may be issued for Vacation Rentals in the Business Pedestrian zone.

b. Occupancy: Maximum number of occupants allowed in an individual Vacation Rental shall not exceed two (2) persons per bedroom plus two (2) additional guests. The Town may impose a lesser maximum occupancy based upon the following considerations: location, unit size, building/fire code requirements, parking and/or other site-specific neighborhood considerations.

c. Tenancy: One (1) individual tenancy (with the exception of the property owner) is permitted within seven (7) consecutive calendar days and there shall be no more than five (5) tenancies per month. Maximum stays shall not exceed thirty (30) consecutive days to the same renter in the same unit. Vacation Rentals in the B-P Business Pedestrian zone may be rented on a nightly basis with no limitation to the number of tenancies per month.

d. Registration: Guest registration is required for all residential Vacation Rentals. The registration shall include the name and address of the person that has contracted for the Vacation Rental, the number of occupants and the dates of tenancy. The guest registration shall be kept in the possession of the property manager or the property owner and shall be made available for inspection by the Town of Silverton when requested.

e. Permits and Licenses: Owners of Vacation Rentals shall be required to obtain a Vacation Rental Permit, business license, sales tax license and lodger's tax license. The required permit and licenses shall be obtained prior to operation of the Vacation Rental and shall be renewed on an annual basis.

f. Limitation: Property owners may be approved for no more than one (1)

Vacation Rental Permit; owners with other residential dwelling units shall not be permitted to obtain multiple Vacation Rental Permits.

g. Transferability: All Vacation Rental Permits shall be granted solely to the property owner for the residential dwelling unit at the address shown on the application. Vacation Rental Permits are not be transferable to any other person or legal entity and shall be terminated upon the sale or change in ownership of the property.

h. Local Contact and Guest Information: Each Vacation Rental shall have a designated local contact person. The local contact may be a property management/real estate company, rental agent or other person engaged or employed by the owner to rent, manage or supervise the Vacation Rental. The local contact must reside within a fifteen (15) minute drive of the rental property for timely response to guest questions and/or neighborhood concerns. A property owner may serve as the local contact person if this criteria is met.

(1) The local contact person's name, address and telephone/cell number shall be posted in a prominent location within the Vacation Rental and the contact information also shall be provided to the Town code enforcement officer.

(2) Any change to the local contact person's name, address or telephone/cell number shall be promptly submitted to the Town code enforcement officer.

(3) All required guest information (floor plans/exits, trash, parking, contact information for property manager, sheriff's office and fire department) and public notices, including Snow Route regulations, shall be posted in a prominent location and/or contained in a guest information binder within each Vacation Rental.

i. Insurance: Owners of Vacation Rentals shall obtain and maintain the appropriate type of liability insurance to cover the operation of the Vacation Rental. Proof of liability insurance shall be submitted as part of the Use Subject to Review Vacation Rental application and Vacation Rental Permit renewals.

j. Safety: All Vacation Rentals shall have smoke and carbon monoxide detectors and a fire extinguisher that are operational and in good working order. The fire extinguisher shall be an 8lbs. or larger type ABC fire extinguisher and shall be placed in a readily accessible location within each unit and its location shall be shown or described in the posted guest information and floor plan.

k. Appearance: Vacation Rentals shall maintain the residential character of the building and property. The following are non-exhaustive illustrations of changes in residential character that are not allowed: the use of colors, materials, signage,

lighting, etc.; the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in the underlying zoning district. Any additional exterior lighting shall be approved by the Town prior to installation to ensure that it does not create undue illumination on adjacent residential properties or create any traffic hazards.

l. Parking: Guests shall park their vehicles and trailers on-site within a designated parking area and/or on the public street directly adjacent to the Vacation Rental. Parking shall not block any fire hydrant, alleyway or through traffic lanes. Guests shall be subject to the Snow Route parking regulations. Snow Route regulations shall be clearly posted in a prominent location within each Vacation Rental.

m. Signage: Vacation Rentals shall not have any advertising or contact information signage. Vacation Rentals in the B-P Business Pedestrian zone shall be allowed signage that complies with Section 7-2-19 Signs and Outdoor Advertising Devices. .

n. Inspections: Vacation Rentals are subject to annual safety and health inspections and shall be in compliance with all applicable building, fire and zoning codes.

o. Fees: Use Subject to Review Vacation Rental Permit Application fee and Annual Renewal Permit fees will be established by resolution by the Board of Trustees.

p. Violations: It is unlawful for any person to use or allow the use of property in violation of the provisions of this Section. Failure to be in complete compliance with this Section shall be grounds for suspension or revocation of the Vacation Rental Permit and business license.

q. Termination: Vacation Rental Permits shall be terminated for the following actions: 1) Failure to commence operation of a Vacation Rental within one (1) year of approval; 2) Failure to obtain all necessary licenses prior to operating a Vacation Rental; 3) Failure to pay all applicable taxes including sales tax, lodging tax and lodging fees; 4) Failure to comply with the terms and conditions of the Permit; 5) Failure to obtain an Annual Renewal Permit; or 6) Failure to operate a Vacation Rental for a period of one (1) calendar year.

r. Appeal Process: Hearings and appeals shall be made in accordance with Town of Silverton Municipal Code.

Amendment 2: Chapter 7, Article 2, Section 5, Definitions, is hereby amended and the Town adopts the following amended and added language:

6. Bed and Breakfast: A single-family residential dwelling used as a commercial lodging establishment for transient guests staying thirty (30) days or less, and which has a common guest area, contains at least three (3) guest rooms and no more than five (5) guest rooms and is operated by the on-site owner or resident manager.

31. Hotel/motel: A commercial building that provides overnight lodging in rooms for transient guests and includes on-site reservations and check-in, on-site management/guest services, combined utilities, daily maid service and accessory facilities including lodges but not hospitals, nursing homes or Vacation Rentals.

71. Vacation Rental: A dwelling unit, including either a single-family home or multiple-family unit, rented for the purpose of transient lodging or transient living accommodations with a maximum stay not to exceed thirty (30) consecutive days to the same renter in the same unit. Hotels, motels, lodges, inns, bed and breakfasts, RV spaces and campsites are not Vacation Rentals; and bedrooms within a single-family dwelling or multi-family unit are prohibited from being used as Vacation Rentals.

Amendment 3: Chapter 7, Article 2, Section 8, R-1A Single Family Residential District is hereby amended and the Town adopts the following amended language:

- C. Uses Subject to Review
 - 4. Vacation Rental
 - 5. Bed and Breakfast

Amendment 4: Chapter 7, Article 2, Section 8, R-1 Single Family Residential District is hereby amended and the Town adopts the following amended language:

- C. Uses Subject to Review
 - 4. Vacation Rental
 - 5. Bed and Breakfast

Amendment 5: Chapter 7, Article 2, Section 9, R-2 Multiple Family Residential District is hereby amended and the Town adopts the following amended language:

- C. Uses Subject to Review
 - 6. Vacation Rental

Amendment 6: Chapter 7, Article 2, Section 10, B-P Business Pedestrian District is hereby amended and the Town adopts the following amended language:

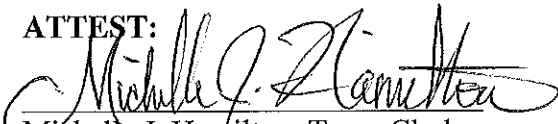
- B. Uses Permitted by Right
 - 19. Bed and Breakfast
 - 20. Vacation Rental

Amendment 7: Chapter 7, Article 2, Section 12, E-D Economic Development District is hereby amended and the Town adopts the following amended language:

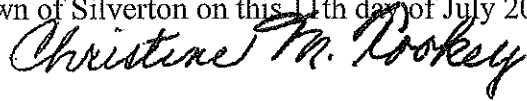
- C. Uses Subject to Review
 - 12. Vacation Rental

THIS ORDINANCE was introduced, read and tabled at First Reading by the Board of Trustees of the Town of Silverton on the 23rd day of May, 2016; re-introduced, read and approved by the Board of Trustees of the Town of Silverton on the 13th day of June 2016; and read, approved and adopted at Second Reading following a public hearing and ordered published by the Board of Trustees of the Town of Silverton on this 11th day of July 2016.

ATTEST:



Michelle J. Hamilton, Town Clerk
Town of Silverton, Colorado



Christine M. Tookey, Mayor
Town of Silverton, Colorado

7/11/2016
Date

7/11/2016
Date