

Vacation Home Rental Task Force Committee Meeting No.1

September 3, 2009 @ 1:30 P.M.
City Administration Building – 30 South Nevada Avenue – Room 303

Agenda

1. Welcome
2. Introductions
3. Background / Purpose
4. Process / Timeline
5. What is a "Vacation Home Rental"?
6. Opportunities, Issues and Concerns
7. Standards
8. Staff and Committee Homework Assignments
9. Next Meeting Date (two weeks out?)
10. Adjournment

Draft No.1
August 5, 2009

Vacation Home Rental Task Force Committee

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September 3, 2009

VACATION RENTAL HOME
ZONING CODE PROVISION
PROCESS OUTLINE

Investigation and Research

Stakeholder Identification and Invitation

Committee Worksession: Opportunities, Issues and Concerns

Committee Worksession: Draft No.1 Proposed Zoning Code Provision

Committee Recommendation: Proposed Zoning Code Provision

Planning Commission Staff Report and Recommendation

Planning Commission Informal Discussion

Planning Commission Public Hearing

City Council Memo and Recommendation

City Council Public Hearing

City Council Final Ordinance Adoption

June 24, 2009

Submitted for consideration for inclusion in the OWN Newsletter...

Vacation Homes in Residential Neighborhoods

A new and growing business is evolving throughout the Country. City Community Development Land Use Review Staff has recently become aware that houses within residential neighborhoods are being rented out to vacationers by the property owner or a rental management company. The "Vacation Home" travel option has been popular in Europe for a number of years for visitors who choose a slower-paced stay in a residential neighborhood over a fast-paced rush from hotel to destination. The vacation home concept is now catching on throughout the world. Several tourist destinations within the United States have already passed ordinances addressing the vacation home use type. Some cities prohibit the use outright while other cities limit and/or regulate the use.

These occupancies occur in periods of generally less than 30 consecutive days and, in some instances, may adversely impact the neighborhood in which they are located.

City Staff will begin the process of identifying the appropriate City Zoning Code sections to address this new type of use as part of the 2009 / 2010 City Code Scrub process. Code Scrubs have been introduced to the City by the City Land Use Review Division. The purpose of the scrubs is to identify existing and new zoning code provisions that are in need of revision, elimination or inclusion into the City Code. Over 115 provisions were modified and approved during the first 2008 / 2009 scrub session.

Neighborhood Impacts and Concerns

Although vacation homes look like single-family residences and are generally located within established residential neighborhoods, the increased tenant turn-over associated with them tends to adversely impact surrounding neighbors. Residents living adjacent to or near vacation rentals often cite increased traffic, parking problems, and public health, safety and welfare as concerns. In Steamboat Springs, Colorado, one resident spoke at a public meeting about the "erosion of the neighborhoods" caused by short-term rentals¹. Other main complaints include that vacationers forget their manners, forget to take out the trash, drive through neighborhoods at dangerous speeds, and are often disrespectful to the full-time residents of the neighborhood. Another concern is neighborhood quality and safety; residents worry about increased crime and decreased stability that could result from transient occupants. Not all of these concerns are or will be evident in every neighborhood with a vacation rental, but rather are problems that have occurred and may occur in the future.

Regulations to be Considered

During the next Code Scrub process City Staff will research and analyze Vacation Rental provisions that may include:

- A definition and classification of the vacation home/transient occupancy use type;
- Occupancy limitations;
- Time limitations;
- Parking requirements;
- Management; of impact mitigations
- Identification of zoning districts where use would be an allowed use;
- Approval process and public notification
- Permit, signage, business licensing and tax collection considerations; and
- Availability of an in-town property manager or representative, to mitigate neighborhood impacts.

Your input and concerns are welcomed. Contact your OWN representative to forward collective comments to the CONO representatives who serve on the Code Scrub Committee. Thanks.

Larry Larsen
Senior Planner
Land Use Review
City of Colorado Springs



CITY OF COLORADO SPRINGS

Date: August 22, 2008
 To: Dick Anderwald, Land Use Review Manager
 From: Ginna Sanders, Land Use Inspector
 Erin McCauley, Planner I
 Subject: Vacation Rentals in Residential Zoning Districts

Background

Staff has recently become aware that houses within residential neighborhoods are being rented out to vacationers by the property owner or a rental management company. The "Vacation Home" travel option has been popular in Europe for a number of years for visitors who choose a slower-paced stay in a residential neighborhood over a fast-paced rush from hotel to destination. The vacation home concept is now catching on throughout the world. Several tourist destinations within the United States have already passed ordinances addressing the vacation home use type. Some cities prohibit the use outright while other cities limit and/or regulate the use.

These occupancies occur in periods of less than 30 consecutive days and, in some instances, adversely impact the neighborhood in which they are located. The following sections provide information on the impacts of short-term rentals, as well as applicable Code provisions in other cities and the City of Colorado Springs.

Neighborhood Impacts and Concerns

Although vacation homes look like single-family residences and are generally located within established residential neighborhoods, the increased tenant turn-over associated with them tends to adversely impact surrounding neighbors. Residents living adjacent to or near vacation rentals often cite increased traffic, parking problems, and public health, safety and welfare as concerns. In Steamboat Springs, Colorado, one resident spoke at a public meeting about the "erosion of the neighborhoods" caused by short-term rentals¹. Other main complaints include that vacationers forget their manners, forget to take out the trash, drive through neighborhoods at dangerous speeds, and are often disrespectful to the full-time residents of the neighborhood. Another concern is neighborhood quality and safety; residents worry about increased crime and decreased stability that could result from transient occupants. Not all of these concerns are or will be evident in every neighborhood with a vacation rental, but rather are problems that have occurred and may occur in the future.

Regulations in Other Cities and Counties

The cities listed in Table 2 provide, at the least, a definition of the vacation home/transient occupancy use type. Many of the included cities also provide specific regulations, including occupancy limitations, parking requirements, and availability of an in-town property manager or representative, to mitigate neighborhood impacts.

Table 2: Vacation Home Rental Regulations in Other Cities and Counties.

City	Classification	Regulations	Permit Required	Business License Required	Tax Collected
Estes Park, CO	Short-Term Rental (less than 30 days)	<ul style="list-style-type: none"> Permitted as accessory uses in all residential zones. Occupancy limitations based on number of bedrooms in the home. Two guests permitted per bedroom plus two guests, not to exceed eight guests at one time. Other requirements apply including number of vehicles allowed, signage, etc. 	No	Yes	Yes
<i>Table 2 cont'd</i>					
City	Classification	Regulations	Permit Required	Business License Required	Tax Collected
Telluride, CO	Short-Term Rental	<ul style="list-style-type: none"> Private home rentals allowed up to 3 times 	No	Yes	Yes

¹ See "City Council gets an earful" at http://m.steamboatpilot.com/news/2007/mar/28/working_vacations/.

		<ul style="list-style-type: none"> per year but cannot exceed 30 days in total. Rental units can contain no more than 4 bedrooms. A representative must live in the town and be available to address problems should they arise. 			
Sonoma, CA	Vacation Rental	<ul style="list-style-type: none"> Vacation rentals are limited to no more than two complete residential units. Visitor occupancy limited to no more than 29 consecutive days. 	Yes	Yes	Yes
South Lake Tahoe, CA	Vacation Home Rental	<ul style="list-style-type: none"> Appear to be permitted as long as operators meet all requirements. Rental agents and operators must be registered. Number of occupants limited by the number of designated, on-site parking spaces. Vacation home rentals are required to have posted a legal sign with information such as rental agent name and phone number, maximum number of occupants and parking spaces, time and day of refuse collection, etc. 	Yes	Yes	Yes
San Luis Obispo County, CA	Residential Vacation Rental	<ul style="list-style-type: none"> Applicable only to those rentals within the Cambria and Cayucos urban reserve lines. Rental shall not exceed one individual tenancy within 7 consecutive calendar days. Maximum number of occupants limited to 2 per bedroom plus 2 additional. Availability of rental to the public cannot be advertized on-site. Traffic cannot exceed 10 trips per day, or normal residential traffic. Property manager must be in town. Designated a "Special Use" in Zoning Code. 	Yes	Yes	Yes
Coronado, CA	Transient Occupancy (25 days or less)	<ul style="list-style-type: none"> Limited to dwellings or habitable units within R-4 Zone motels or lodging houses within the "P" Overlay Zone. These uses the Code classifies as "hotels." 	No	Yes	Yes
Mammoth Lakes, CA	Transient Rentals or Occupancies (30 days or less)	<ul style="list-style-type: none"> Can be classified as "Fractional Use" and permitted in zones where transient lodging is permitted or by conditional use in zones where transient lodging is prohibited. Can also be classified as "Resort Condominium Lodges" and must provide linen service and a front desk operating on a 24-hour basis. 	Yes	No	Yes
Paso de Robles, CA	Vacation Rental	<ul style="list-style-type: none"> Classified as "Transient Occupancy." Conditional in all residential zones. 	Yes	Yes	Yes
Solana Beach, CA	Short-Term Vacation Rental	<ul style="list-style-type: none"> Occupancy limited to between 7 and 30 days. Occupancies less than 7 days are prohibited. Number of occupants based on square footage. 	Yes	Yes	Yes
Big Bear Lake, CA	Transient Private Home Rental (less than 30 days)	<ul style="list-style-type: none"> Permitted as long as standards are met: <ul style="list-style-type: none"> Unit must be inspected. Rental agent must register. Sign must be posted with relevant information including rental agent's name, phone number, etc. Occupancy limited to 1 person per every 200 square feet. Occupancy limited to not less than 1 night and not more than 30 nights (other than month-to-month rental to one person in same unit). 	No	Yes	Yes
Table 2 (continued)					
City	Classification	Regulations	Permit Required	Business License Required	Tax Collected
Canon Beach, OR	Short-Term Rental of Dwelling Unit	<ul style="list-style-type: none"> Maximum occupancy is to be 2 persons per bedroom plus 2 additional persons, not to exceed 12 persons at any one time. 	Yes	Yes	Yes

		<ul style="list-style-type: none"> The use of a dwelling for vacation rental occupancy shall not exceed one individual tenancy within 14 calendar days. One off-street parking space required per 3 persons of dwelling occupancy. City will only issue and maintain a total of 92 transit occupancy permits. 			
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Colorado Springs Municipal Code Provisions

The City Code includes provisions that govern the administration and tax collection surrounding lodging in Chapter 2, Article 7 and several definitions that could possibly include the vacation home use type in Chapter 7, Article 2. The definitions are as follows:

FAMILY: As used in this Zoning Code, an individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five (5) persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one dwelling unit. The definition of "family" shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability. (§7.2.201)

RESIDENTIAL USE TYPES: Residential use types include uses providing wholly or primarily permanent living accommodations [emph. added]. They include institutional living arrangements providing twenty four (24) hour skilled nursing or medical care or therapeutic settings. (§7.2.302)

BOARDING HOUSE, DORMITORY, FRATERNITY OR SORORITY: A building which may have the residential capacity for more than five (5) adults where meals and lodging are provided. (§7.2.302)

ROOMING HOUSE: A residential dwelling, other than a hotel, where, for compensation, lodging and meals are provided for longer than a temporary period of time [emph. added] for not more than fifteen (15) roomers in addition to members of the family. No continuous medical or personal care is provided by the operators of the home. This land use type does not include the term bed and breakfast inn. (§7.2.302)

COMMERCIAL USE TYPES: Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types. (§7.2.302)

BED AND BREAKFAST INN: A dwelling unit that provides temporary accommodations [emph. added] and breakfast to overnight guests for a fee with up to fifteen (15) guestrooms or suites. (§7.2.302)

HOTEL/MOTEL: An establishment which provides guestrooms or suites for the temporary occupancy [emph. added] of more than fifteen (15) individuals. Accessory uses can include a restaurant and meeting facilities.

Table 1: Allowable Uses in Residential Zones (Modified from §7.3.103).

Use Types	A	R	R1-9000	R1-6000	R2	R4	R5	PUD	SU	TND
Boarding House...						P	P (DP)		P (DP)	P (DP)
Rooming House							P (DP)	P (DP)	P (DP)	P (DP)
Bed and Breakfast Inn							P	P	P	P (DP)
Hotel/Motel							C (DP)			P (DP)

Possible Solutions

1. Issue a Zoning Interpretation to define Vacation Home Rentals as "Bed and Breakfast Inns" for the purposes of Zoning Code administration and enforcement.
2. Draft comprehensive standards for the vacation home use type. Consider a permitting process to work jointly with the Sales Tax Office to ensure these rentals comply with all applicable codes and standards.
3. Study the impacts more thoroughly and revise the Zoning Code to include a definition, use type and allowable zones for "Vacation Home."