

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2888

AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING SECTIONS 238, 300, 302, 306, 307, AND 802 TO PERMIT A NEW TEMPORARY SHORT-TERM RENTAL USE, TO AMEND THE DEFINITIONS OF SHORT-TERM RENTAL, HOSTED SHORT-TERM RENTAL, DWELLING UNIT, AND LONG-TERM RENTAL, AND TO ADD A NEW DEFINITION FOR PRIMARY RESIDENCE, PL20220493.

WHEREAS, the City Council adopted the Community Development Code as Ordinance No. 2624 on November 14, 2017; and

WHEREAS, the City is committed to regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, in accordance with Section 720 of the Steamboat Springs Community Development Code, the City of Steamboat Springs adopted the Short-Term Rental Overlay (STR) overlay zone; and

WHEREAS, the City Council finds that the operation of a Temporary Short-Term Rental in a dwelling unit by the primary resident of the dwelling unit does not reduce the supply of housing units available to long-term residents of the community due to the fact that the Temporary Short-Term Rental use may occur only in dwelling unit that is being used as a long-term residence; and

WHEREAS, the City Council finds that the operation of a Temporary Short-Term Rental in a dwelling unit that is the primary residence of a resident of the Steamboat Springs community does not impact neighborhood or community character in the same manner or degree as does a Short-Term Rental because the person who is the primary resident of the Temporary-Short Term Rental can create and maintain traditional neighborhood relationships with other residents and can participate in the community in ways that transient occupants of Short-Term Rentals do not; and

WHEREAS, the City Council finds that impacts of Short-Term Rentals resulting from violations of the City Code are less likely to occur in a Temporary Short-Term Rental because the person who is the primary resident of the Temporary Short-Term Rental has a greater incentive to discourage irresponsible behavior in their primary residence by Temporary Short-Term Rental guests and also due to the restriction of the duration of Temporary Short-Term Rental uses; and

WHEREAS, the City Council finds that the greatest impacts of short-term rental uses on the supply of housing for long-term residential uses, neighborhood character, and community character occur in dwelling units that are occupied solely or primarily on a transient basis and are not occupied principally as a long-term residential use, and that therefore, the regulations established by the Short-Term Rental Overlay Zone should apply to Short-Term Rentals and not to Temporary Short-Term Rentals.

WHEREAS, the Planning Commission of the City of Steamboat Springs considered the same at a public hearing held on November 10, 2022, found that the request is in compliance with all of the criteria of Section 723.B of the Community Development Code, and recommended approval of the proposed ordinance; and

WHEREAS, the City Council of the City of Steamboat Springs has considered the Planning Commission recommendation and finds that the request is in compliance with all of the criteria of Section 723.B of the Community Development Code.

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

SECTION 1. Amend Sections 238, 302, 306, 307, and 802 as described in attached Exhibit A.

SECTION 2. Amend Table 300-3 as described in attached Exhibit B.

SECTION 3. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

SECTION 4. A public hearing on this ordinance shall be held on December 13, 2022 at any time after the meeting is called to order at approximately 5:00 p.m. in the City Council Chambers at Centennial Hall, at the corner of 10th Street and Oak Street, Steamboat Springs, Colorado, or by remote attendance at <https://us02web.zoom.us/j/985289877>.

SECTION 5. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

SECTION 6. If any section, subsection, clause, phrase or provision of this Ordinance is, including but not limited to the provisions relating to Temporary Short-Term Rentals, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to

any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 7. The City Council finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

SECTION 8. This Ordinance shall take five effect (5) days after its publication following final passage, as provided in Section 7.6 of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Steamboat Springs at its regular meeting held on December 6, 2022.

Robin Crossan

Robin Crossan, City Council President

ATTEST:

Julie Franklin, CMC, City Clerk

FINALLY READ, PASSED, ADOPTED, AND APPROVED this 13th day of December, 2022.

Robin Crossan

Robin Crossan, City Council President

ATTEST:

Julie Franklin, CMC, City Clerk

EXHIBIT A

- **Amend Section 238, Overlay Zone: Short-Term Rental Overlay (STR), as follows:**

238 OVERLAY ZONE: SHORT-TERM RENTAL OVERLAY

238.A Purpose

The Short-Term Rental Overlay zone is intended to provide areas for short-term rental uses that are complementary to and supportive of the community's downtown and resort areas and minimize potential negative impacts of short-term rentals on the community's housing supply and residential neighborhoods.

238.B Subzones

The Short-Term Rental Overlay zone includes the following zones and subzones:

1. Zone A: Unrestricted
2. Zone B: Restricted
 - a. Subzone B1: Sunlight
 - b. Subzone B2: Fairway / Clubhouse
 - c. Subzone B3: Walton Creek / Whistler
 - d. Subzone B4: Shadow Run
 - e. Subzone B5: Walton Creek / Village / Columbine
 - f. Subzone B6: Alpenglow
3. Zone C: Prohibited

238.C Applicability

All property located within the Short-Term Rental Overlay zone is subject to the standards of the underlying zone district and the standards of this overlay zone.

238.D Standards

1. All short-term rentals, ~~and all~~ hosted short-term rentals, [and temporary short-term rentals](#) are subject to the Short-Term Rental License regulations set forth in Article IX, Chapter 12 of the Steamboat Springs Municipal Code.
2. In Zone A:
 - a. Short-term rentals are allowed as a By-Right Use.
 - b. Hosted short-term rentals are allowed as a Limited Use subject to the use standard in Section 306.D.4.
 - ~~c. Temporary short-term rentals are allowed as a Limited Use subject to the use standards in Section 307.A.9.~~
2. In Zone B:
 - a. Short-term rentals are allowed as a By-Right Use subject to the Short-Term Rental License regulations set forth in Article IX, Chapter 12 the Steamboat Springs Municipal Code.
 - b. Hosted short-term rentals are allowed as a Limited Use subject to the use standard in Section 306.D.4 and are exempt from Subzone caps.
 - ~~c. Temporary short-term rentals are allowed as a Limited Use subject to the use standards in Section 307.A.9 and are exempt from Subzone caps.~~
3. In Zone C:
 - a. Short-term rentals are prohibited.

- b. Hosted short-term rentals are allowed as a Limited Use subject to the use standard in Section 306.D.4.

c. [Temporary short-term rentals are allowed as a Limited Use subject to the use standards in Section 307.A.9.](#)

- **Add Section 302.E.4 as follows:**

302 COMMERCIAL PRINCIPAL USES

302.E Lodging Accommodations Category

Lodging Accommodations include sleeping or housing establishments intended to be occupied on a short-term, transient basis. Payment for occupancy is typically on a daily or weekly basis, and a ~~an~~ [average-typical](#) length of stay is ~~30 days or less~~ [than 30 days](#).

4. Short-Term Rental

A dwelling unit offered, provided, used, or operated as a lodging accommodation to guests in exchange for remuneration [or other consideration](#) for a period of less than 30 consecutive days while the owner or other permanent resident does not reside in the dwelling unit. The term short-term rental shall only apply to periods of time when the owner or other permanent resident is not residing in the dwelling unit. [Short-term rental does not include temporary short-term rental.](#)

- **Amend Section 306.D.4 as follows:**

306 ACCESSORY USES

306.D Uses Accessory to Residential Uses

4. Hosted Short-Term Rental

The use of one guestroom located within a dwelling unit offered, provided, used, or operated as a lodging accommodation to guests in exchange for remuneration [or other consideration](#) for a period of less than 30 consecutive days while the owner or other permanent resident is residing and present in the dwelling unit.

Use Standard:

- a. The guestroom shall not exceed 400 square feet net floor area.

- **Add Section 307.A.9 as follows:**

307 TEMPORARY USES

307.A Definition of Temporary Uses

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

9. Temporary Short-Term Rental

[A primary residence that is offered, provided, used, or operated on a temporary and limited basis as a lodging accommodation to guests in exchange for remuneration or other consideration for a period of less than 30 consecutive days while the owner or other permanent](#)

resident is not present in the dwelling unit. The term temporary short-term rental shall only apply to periods of time when the dwelling unit is being used as a lodging accommodation.

Use Standards

- a. The temporary short-term rental use shall be limited to:
 - i. A maximum of two occurrences per year; and
 - ii. A maximum of 30 cumulative days per calendar year.

- **Amend Section 802 to amend and add definitions as follows:**

802 DEFINITIONS OF TERMS

Dwelling Unit. A building or portion of a building used or intended to be used as the residence of one family. An individual dwelling unit has independent access and living, sleeping, kitchen, and sanitary facilities for the exclusive use of the occupants of the dwelling unit. Dwelling unit does not include temporary or transient accommodations, such as rooms within hotels ~~or other lodging uses~~, tents, recreational vehicles, or similar structures.

Long-Term Rental. The use of a dwelling unit by a tenant for ~~more than~~ 30 days or more.

Primary Residence. A dwelling unit that is the place in which a person's habitation is fixed for the term of a temporary short-term rental license and is the person's usual place of return. A person can have only one primary residence.

EXHIBIT B

Table 300-3. Permitted Use Matrix – Temporary Uses

Use Category	Required Parking ^{1,2} (spaces)	Zone Districts											TND Transects													
		OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CK-1	CK-2	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD		
Temporary Uses ³	n/a	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Construction Trailer	n/a	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Farmers' Market	n/a							R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Garage Sale	n/a	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Keeping of Goats, Temporary	n/a	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Real Estate Sales Office, Temporary On-Site	n/a	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Real Estate Sales Trailer	3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Seasonal Outdoor Sales	n/a																L-P	L-P	L-P	L-P	L-P	L-P	L-P	L-P	L-P	
Temporary Event	per Limited Use Permit	L-P															L-P	L-P	L-P	L-P	L-P	L-P	L-P	L-P	L-P	
Temporary Short-Term Rental ⁴		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	

¹ Parking standards contained in the Permitted Use Matrix are minimum requirements except in the CY-1, CC, and CS zone districts. In the CC and CS zone districts, parking standards for commercial uses are maximum requirements unless a parking study demonstrates additional parking is necessary to serve the use. In the CY-1 zone district, parking requirements are waived for all uses except one-family residential, two-family residential, and their accessory uses. Refer to Section 406 for additional off-street parking standards, credits, and reductions.

² sf=square feet net floor area

³ Temporary uses that are not specifically listed in Table 300-3 may be permitted as Conditional Uses in all zone districts. Temporary uses specifically listed in Table 300-3 shall be permitted as indicated in the Table and subject to the applicable standards in Section 307.

⁴ [Per Section 238 STR Overlay zone.](#)