

ORDINANCE NO. 18-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AMENDING THE CITY'S ZONING ORDINANCE TO PROHIBIT USE OF RESIDENTIAL DWELLINGS FOR SHORT TERM RENTALS WITHIN THE CITY

WHEREAS, the City of Castle Pines (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the City has broad, local authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City Council has adopted, by Ordinance No. 08-02, as amended by Ordinance No. 08-04, zoning and subdivision regulations known as the City of Castle Pines Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, the City's 2016 Comprehensive Plan acknowledges that the community identifies as a stable single family area with invested homeowners and that "[t]o many community members, neighborhoods composed primarily of single-family homes support the character of the community;" and

WHEREAS, based on the experience in other Colorado jurisdictions, it is known that short term vacation rentals create or have the potential to create negative land use impacts for neighboring residential uses and the community at large; and

WHEREAS, identified negative impacts to the character of the City resulting from short term rentals within the City's residentially zoned areas include, but are not limited to, noise disturbances due to late night arrivals and parties with numerous guests; insufficient parking; trash accumulation; lack of investment in the property; and the regularity of transient occupants and guests; and

WHEREAS, the City Council finds that short term rentals of residential properties will negatively impair the stability of the residential character of the City; and

WHEREAS, the use of residential dwellings for transient occupancy poses building safety and health risks to members of the public who stay in these dwellings; and

WHEREAS, the use of a residential dwelling for transient occupancy is substantially similar to a commercial hotel, motel, or boarding house and that the use of a single family dwelling for short term transient occupancy is not a residential use of property; and

WHEREAS, persons seeking short term rental of a residential property have a reasonable expectation that such rental will include amenities customarily associated with commercial short term rental such as commercial-level fire safety systems and emergency egress improvements; and

WHEREAS, in accordance with Section 109 of the Zoning Ordinance, the proposal to prohibit the use of residential property for short term rentals within the City through an amendment to the Zoning Ordinance has been referred to the Planning Commission, which has recommended its approval; and

WHEREAS, in accordance with Sections 109 and 111 of the Zoning Ordinance, notice of public hearing on this Ordinance held before the Planning Commission and before the City Council prior to adoption hereof was duly published at least fifteen days prior to each such hearing.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Section 114 of the Zoning Ordinance, entitled “Penalties”, is hereby amended to read in full as follows:

114 Penalties

Any person, firm, or corporation, or other entity, whether as principal, agent, employee, lessor or otherwise, who violates any provision of this Ordinance or any landowner who allows the use of his or her land by another in violation of this Ordinance, shall be fined an amount not to exceed \$2650 for each such violation. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

Section 3. Section 206 of the Zoning Ordinance, entitled “Exclusion of Uses” is hereby repealed and reenacted to read in full as follows:

206 Exclusion of Uses; Prohibited Uses

206.01 Excluded Uses as Prohibited. Uses not specifically listed or reasonably similar to those uses listed in any particular zoning district shall be deemed to be prohibited in the particular zoning district. Uses listed in any particular zoning district shall be deemed to be prohibited in any other zoning district, unless such use is specifically listed as a permitted use in such other zoning district.

206.02 Marijuana Businesses. Use of any land within the City as a Medical Marijuana Business or Marijuana Establishment is prohibited in all zoning districts or on any land within the City.

206.03 Short Term Rental of Dwellings. Use of any residential dwelling or any portion thereof within the City for Short Term Rental is specifically prohibited in all zoning districts or on any land within the City.

Section 4. Section 3602 of the Zoning Ordinance, entitled "Definitions" is hereby amended to add the following new definition:

Consideration: Soliciting, charging, demanding, receiving or accepting any legally recognized form of payment including but not limited a promise or benefit, a quid-pro-quo, rent, fees, or thing of value.

Short Term Rental: The rental or lease of a Dwelling for a period of less than ~~thirty (30)~~ twenty-eight (28) consecutive days for Consideration.

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 11th day of September, 2018.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 9th day of October, 2018.

ATTEST:

DocuSigned by:
Tobi Basile

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Tobi Basile, City Clerk



DocuSigned by:

Tera Stave Radloff

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Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:

Linda C. Michow

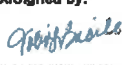
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed public hearing of the Castle Pines City Council on September 11, 2018; published by reference by title only in the *Douglas County News-Press*, together with the statement that “the complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on October 9, 2018 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on September 27, 2018.

ATTEST:

DocuSigned by:

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Tobi Basile, City Clerk