

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

February 22, 2021

Note: This meeting was held virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business and respond to the CoVid-19 Pandemic and the related public emergency orders promulgated by the President of the United States, the Governor of Colorado, and the Wheat Ridge City Council. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker called the Regular City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Janece Hoppe Judy Hutchinson Zachary Urban Rachel Hultin
Amanda Weaver Korey Stites Leah Dozeman Valerie Nosler Beck

Also present: Deputy City Clerk, Robin Eaton; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Community Development Director Ken Johnstone; Purchasing and Contracting Agent, Jennifer Nellis; Police Chief Chris Murtha; Assistant to the City Manager, Marianne Schilling, other staff, guests and interested citizens. (City Clerk Kirkpatrick was unable to attend due to illness.)

PROCLAMATIONS AND CEREMONIES

APPROVAL OF MINUTES

Without objection or correction, the City Council Study Session Notes of February 1, 2021 and City Council Minutes of February 8, 2021 were approved as published (including Councilmember Hutchinson's second of the motion on page 5).

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

CITIZENS' RIGHT TO SPEAK

Guy Nahmiach, 3650 Ward Road, called to thank Sara Spaulding, PIO, for her work on helping our citizens stay informed.

Mike Place 6670 W. 30th Ave., called to share his experience with an STR in his neighborhood, across the street from his house. He has seen an increase of traffic

ongoing since the STR opened. He has two children of pre-school age, and he is concerned about their safety. He placed a sign cautioning drivers that children are present, and a visitor towing a camper ran over the sign. He thinks these STR are creating too much traffic and too much risk for children due to the increase in traffic.

Note about Wheat Ridge Speaks:

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

Comments submitted through Wheat Ridge Speaks about a topic not on tonight's agenda appear below; two other comments appeared in Wheat Ridge Speaks, related to agenda item 6 this week, and those comments appear below in the section for item 6.

Hi,

I recently heard that a developer has been approved for the Lutheran property on 38th Ave. I and many others would very much like to stay in the loop with regard to what is being planned. My property backs up to the property, on the east side, so I am mainly interested in that area. In particular, I hope that the additions/psych clinic and the hospice will be able to remain untouched.

In general, I can see the need to redevelop some of the open areas of the property. But I hope that the entire property is not filled with apartments, for example, but developed thoughtfully, such as including:

- Open space/greenbelts
- Paths or links from Crown Hill to areas north and east
- Single family homes
- Parks/playgrounds
- Maybe another rec center
- Maybe another pool and sports fields
- Maybe small businesses (not a big box store)

I think this is a big deal, a huge property in the middle of town that could greatly affect the town's future. I hope you take the long view, don't sell out, and solicit a lot of feedback, maybe even form a committee with openings for citizens.

I apologize if this may be premature or off-topic at the moment, I thought it might be discussed at this meeting. But I wanted to put this out there as soon as possible, as it will come up eventually, the sooner the better. Please notify me, and the rest of Wheat Ridge, if possible, on opportunities to learn more.

Thanks,

John W. Shriek

02/19/2021 10:31 am

John W. Shriek
3365 Zephyr Ct.
Wheat Ridge, 80033

1. CONSENT AGENDA

Discussion began at approximately 7:08 PM

Councilmember Urban introduced the consent agenda.

- a. Motion to award On-Call Storm Sewer Maintenance services to High Country Pipe & Utility of Fort Collins, Colorado in an amount not to exceed \$40,000
- b. Resolution No. 08-2021 - a resolution approving an agreement with the Wheat Ridge Sanitation District regarding the Wadsworth Boulevard Improvement project from 35th Avenue to Interstate 70
- c. Resolution No. 09-2021 - a resolution approving an agreement with the Wheat Ridge Water District regarding the Wadsworth Boulevard Improvement Project from 35th Avenue to Interstate 70
- d. Motion to award the contract for Engineering Consulting Services for Phase III of the Wadsworth Boulevard Improvement Project to HDR Engineering, Inc., Denver, CO, in the amount of \$90,413.93
- e. Motion to approve quarterly payments to the Jefferson County Communications Authority for E-911 call-taking and police radio dispatch services not to exceed \$645,743 for 2021

Motion by Councilmember Urban to approve Consent Agenda Items a.), b.), c.), d.) and e.), Seconded by Councilmember Stites, motion carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:12 PM

2. Council Bill No. 03-2021 - An Ordinance amending Ordinance 1697, Series 2020, concerning regulation of noise.

Councilmember Nosler Beck introduced Council Bill 03-2021.

The current Code of Laws Section 16-103.C noise ordinance will apply to industrial operations as of February 28, 2021. The Rocky Mountain Bottle Company, which would be regulated by the ordinance, has developed a sound mitigation wall for its operation, which will not be completed before mid-2021. This Ordinance extends the effective date for the industrial noise standards until October 1, 2021.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1708

City Attorney Gerald Dahl spoke to the Council about the issue and

Staff report by Mr. Goff, who recapped the previous discussions and Council Actions with respect to the industrial noise regulations.

Prior action exempts only fireworks displays sponsored by the City, not fireworks for personal use.

Public Comment

Nobody came forward to speak on this item.

Council Questions and comments

Councilmember Nosler Beck asked for an update from staff on the timeline for completing the work at the Rocky Mountain Bottling Co.

Mr. Goff responded that the RMBC submitted plans that will be implemented with all feasible urgency.

Mayor Starker closed the public hearing.

Councilmembers Urban and Nosler Beck commented that the RMBC has been an exemplary neighbor throughout this process.

Motion by Councilmember Nosler Beck to approve Council Bill No. 03-2021 - an ordinance amending Ordinance 1697, Series 2020, concerning regulation of noise, on second reading, and that it take effect upon adoption, seconded by Councilmember Dozeman, motion carried 8-0.

3. Council Bill No. 02-2021 - An Ordinance amending the Wheat Ridge Code of Laws to adopt a new Article XIV in Chapter 11 entitled Short-Term Rental Licenses and in connection therewith making conforming amendments in Chapters 22 and 26
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The following comments appeared in Wheat Ridge Speaks for this Agenda item:

Dear City Council Members --

My wife, Patricia Barry Levy, and I support the short-term rentals bill, Council Bill 02-2021, for several reasons.

First, short term rental (STR) of properties best occurs when the practice is well regulated. We believe the current bill will provide the necessary regulatory authority and tools to provide accountability of property owners offering STR and minimize if not eliminate off site impacts.

Second, we believe there are positive secondary economic and fiscal effects within the City of Wheat Ridge that occur in addition to the direct revenue to STR property owners. City licensing fees may completely offset the cost of enforcement of STR regulations and perhaps provide additional city revenue. Visitors staying in STRs may very well shop locally. This is a plus for local businesses and for city sales tax revenue.

Third, on a personal note, our house in Wheat Ridge is adjacent to the existing Roost Farm STR. The way Roost Farm runs its STR units represents the kind of well-regulated ancillary business practices that I would expect from virtually all STRs in Wheat Ridge once this bill is enacted and fully enforced.

So, for these reasons, we repeat our support for this bill and urge you to pass it.

02/22/2021 11:01 am

Lloyd E. Levy
3275 Upham St.
Wheat Ridge, 80033

I am a WR resident & have provided short term rentals (STR) in my home for over three years. I have hosted guests from all over the world, from 1-night stays to several weeks. I have hosted traveling nurses, artists, yoga instructors, geologists, parents of students attending the School of Mines, parents visiting children who have moved to Colorado, PHD graduates who attended school together who meet up once a year at a different place to explore our country, business conference attendees, gig workers, veterinarians and students here to learn at the WR Animal Hospital, individuals attending concerts at Red Rocks, skiing at local resorts, exploring Rocky Mountain National Park and more. I have had guests cook me meals from their native country, send me photos from their trips to Colorado and leave me heart felt notes of gratitude for their stay here. One group of guests even left me a bouquet of white roses! I share these examples because they are contrary to the stereotypical STR guest(s) who are rabble rousers and partiers who disrupt the peace and quiet of our neighborhoods. I recognize that those types of renters are out there, but in my experience, they are not the majority. I've actually had the opposite experience in which my neighbors, who frequently have people over, play loud music & party until well past midnight have disturbed my guests. The regulations that currently exist for all property owners in WR in terms of maintaining one's property, adhering to noise regulations and being decent citizens should be adequate.

I believe the goals of City Council members and STR operator/owners are the same - to be good community members and neighbors, and yet the regulations being drafted seem to play into the 80/20 rule where 20% of the people get 80% of the attention. Again, I know there are certainly renters who may be disruptive and cause issues with their neighbors, but as a STR owner/operator, it's my responsibility to screen my renters and manage issues as they arise, as positive experiences for me and my guests are important for my business as well as my neighbors.

I know there has been discussion about prohibiting one-night stays, so I'd like to comment on this as well. Given that WR is the gateway to the Rockies, I frequently have guests who fly into Denver late and need a one night stay somewhere homey and comfortable before heading into the mountains. It's naïve to think all 1-night bookings are for the purpose of a party and that by prohibiting them, parties will no longer be a problem. I encourage City Council members to consider ways to recognize, reward and feature STR properties that are good stewards of the community. Like many of my fellow STR property owners, I regularly refer my guests to local businesses and venues, and it would be nice if the city could do something comparable for us! Collaboration is the key to positive and neighborly relations.

The licensing fee and lodging taxes are also a concern. Not all STR rake in big bucks. I started out offering STR to pay for health insurance since my employer didn't provide it. When COVID hit, I suspended my listing for 7 months as it was the safe thing to do and took a hit to my income. Piling on additional fees and taxes, particularly during this "unprecedented time," feels poorly timed and punitive to those of us who are trying to provide a home-like experience for our guests while bringing in a little extra income.

Your consideration of my feedback and your service to the City of Wheat Ridge, is appreciated.

With gratitude, Joanna Morken

02/22/2021 10:21 am

Joanna Morken
3870 Oak Street
Wheat Ridge, 80033

Hi Council Members and Wheat Ridge citizens. I've been a citizen of Wheat Ridge for 7 years and I was just afforded the opportunity to buy a home in Wheat Ridge. The reason I had this opportunity is I own Gleam, a short-term rental cleaning company. I started my company in January of 2019. We did six figures in revenue our first year because Colorado is a hot short-term rental market. I paid around \$11,000 in federal tax and

just over \$3000 in local tax my first year. Short term rentals equal revenue for everyone involved including govt.

My company employs six people. Short term rentals create jobs for property managers, cleaners, and lawn care people to name a few. I've cleaned up after thousands of short-term rental guests in Wheat Ridge. I've never seen anything that would cause me to believe that short term rentals bring the wrong crowd or are dangerous. Quite the opposite actually. I mostly see families on vacation or couples on a romantic getaway. Short term rentals are safe, create jobs and bring revenue to Wheat Ridge. I'm looking forward to our city adopting regulations that benefit its citizens like myself. Thank you for your time.

02/21/2021 7:45 pm

Katherine Case
4645 Dudley St
Wheat Ridge, 80033

End of comments entered into Wheat Ridge speaks for this item.

Councilmember Hoppe introduced Council Bill 02-2021.

The City of Wheat Ridge does not currently define or regulate short-term rentals (STRs) in the Code of Laws. Short-term rentals are dwelling units, or portions of dwelling units, that are used for lodging accommodations for transient occupancy for a period of less than 30 consecutive days. STRs have existed in one form or fashion for decades but have become much more prevalent as a land use phenomenon in the last 10 years. They are commonly listed on web-based platforms including Airbnb, VRBO, and Expedia. The purpose of this ordinance is to define STRs and allow, license and regulate them.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures,

Deputy City Clerk Robin Eaton assigned Ordinance No. 1709

Community Development Planner Scott Cutler spoke to the Council about the issue, presenting items that included:

- Process by Council
- Current Code
- Proposed code items
- Requirements for application and fees
- Operational Requirements
- District Cap
- Enforcement

Public Comment

David Bondarchuck, 6440 W 31st Ave., spoke against this legislation. He recalled that he had communicated with Council via email prior to this meeting to express his concerns. In his opinion the proposed ordinance is poorly worded and needs further work.

Specifically, he discussed Sec.11-503-2 that requires posting of the owner's contact information within the STR. He believes that this requirement should address the legal issues that will arise because of the way services like Air BnB operate and provide insurance to property owners, as well as providing remedies like collecting for tenant damages and insuring the owner's property.

He also opposes the language in Section 11-504, paragraph 3, which in his view basically allows the city to conduct inspections of the STR premises. He proposed a grandfather clause, to exempt from changes those properties in historical neighborhoods. He is concerned that such inspections might lead to complex and expensive renovations to these historic dwellings.

Jay Harris, 7425 W. 34th Ave., bought his house in 1995 and is against the proposed Ordinance. His family has operated STR for many years, and his experience is that the STR guests present fewer problems than long-term renters. He often refers short-term renters to Wheat Ridge restaurants and businesses.

Elected officials are not dictators and cannot tell residents what to do with their own homes and properties. An attorney with Holland and Hart reviewed the new regs and opined that the proposed ordinance blatantly discriminates against, landlords who offer both long- and short-term rentals according to Federal housing statutes. The City of Avon lost a federal lawsuit and was ordered to pay a landlord a \$500,000 judgement under the Fair Housing Act. The City of Colorado Springs stopped working on a similar effort when threatened with a similar lawsuit. He asserted that if this Ordinance passes, he will consult with his attorney and file a class action lawsuit against the City of Wheat Ridge to recoup any injury or pecuniary damages to any landowner as a result of this prejudicial and unlawful ordinance.

Cary Whitaker 6630 W 30th Ave. He thanked Council for taking on this challenge and appreciates all of the efforts. This is a difficult subject, with a variety of views. He believes that the current proposal is a good sign of listening to different policy proposals and viewpoints. Councilmember Hoppe listened earnestly, and was forthright, and honest in providing help. He supports the minimum 2-night stay and the general direction of this new ordinance.

Guy Nahmiach 3650 Ward Rd. He called to support the idea of regulating STR and two-night minimum stays but thinks the age restrictions are illegal under fair housing laws. He believes that the \$200 for one-year license is crazy. He also doubts that inspections of only the rooms/spaces STR clients occupy will be feasible and will simply drive up home prices and discourage first time home buyers from locating in Wheat Ridge and drive up home prices. Please, make this simple in order to attract more people and attract more revenue and business to the City.

Connie Lane, 3200 Vance St., Wheat Ridge. She said hats off to the City for addressing STR and she appreciated the formal PowerPoint presentation. She is speaking for a neighbor who has an STR and who supports this proposed ordinance.

Ms. Lane supports the ordinance as well because it will allow our Council to serve as stewards of our fine City and supporting our legitimate business. She stated she has not been impacted by guests to STR in her neighborhood and urges Council to move forward.

Chris McCune 7395 W. 32nd Ave. Wheat Ridge - We are roost farms. He thanked previous speaker and also supports the city taking the next step. The McCune's moved to WR in 2014 to start a city farm, because Wheat Ridge basically offers the best option for urban farming. He felt fortunate to find the old property with legacy original out buildings. We sell agricultural products, home baked goods and flowers. We have 8 years' experience operating a local business. A few years ago, we started offering STR in some of our outbuildings, and we often refer guests to Wheat Ridge business, bars and restaurants. People who come to stay love our accommodations and love WR with all of its special businesses and they take their hospitality seriously. We believe that STR are good for the City.

Joanna Morken 3870 Oak St. WR submitted comments on Wheat Ridge Speaks as well. She opposes the regulation of 1-night stays because it is unfair to assume those guests are somehow more likely to be problematic. Thinks it's unfair to regulate to whom she may rent space in her own home. She manages responsibility. She has made extensive improvements to her home. During this CoVid pandemic this income is extremely important to me. She has the support of her neighbors. She also refers guests to Wheat Ridge businesses.

Heather Vandeburgh 7185 W. 48th Ave., WR. She operates STR in the City and enjoys renting short term. She has 347 reviews on Air BnB, all very positive. By using STR she and her family are able to keep up on the property and earn income. She wants to ask for a lower short-term tax instead of a lodging tax of 10% which is very high compared to other cities.

Jerry DiTullio 32nd and Newland – thanks Council for taking up work on STR. He reminded us that Wheat Ridge has a lot of good landlords, but there are many STRs that essentially operate as little hotels, with lots of people coming and going that you don't know. He believes that the proposed Ordinance is a good, common sense approach. He reminds us that the lodging tax was approved by the voters. Local municipalities have the authority impose age requirements on renters, to prevent teens from using an STR for a loud and raucous party such as a graduation celebration. He hopes the proposed ordinance passes.

Mayor Starker closed the public comment period.

Council Questions and comments

Councilmember Hoppe asked staff to comment on the proposal that complaints go through the STR platform through which landlords rent to guests.

Mr. Cutler commented that these services do have complaint functions, but those are more maintenance issues, like plumbing leaks or air conditioning problems.

Councilmember Hoppe asked what happens when someone needs an emergency contact, in case of a serious problem.

Councilmember Weaver asked Mr. Dahl to comment on the legal issues and lawsuits mentioned by one of the speakers.

Mr. Dahl stated that STR are widespread across the country, that there have been numerous legal challenges, many including reference to the Fair Housing Act. The courts have consistently rejected these assertions, because the Fair Housing Act addresses long-term residences, not STR. Legally speaking, STR are more like hotels or motels than long-term rentals. For a variety of legal reasons these challenges have been rejected and indeed recent Federal court decisions have allowed these kinds of ordinances.

Councilmember Hultin asked for clarification as to whether the STR standards like fire extinguishers and smoke detectors are subject to on-site inspections or whether the City will accept the applicant's statement that those requirements have been met. Another speaker tonight expressed concerns that historic homes will be inspected for code violations. What kind of inspections will we have?

Mr. Cutler stated that there will be no inspections of properties, the person making the STR application attests that the required conditions, notices and equipment are present. We will not send City inspectors unless there are sustained complaints.

Councilmember Hultin asked about the process of passing this ordinance. This proposal has been in progress for a while. If we do not pass this ordinance tonight, what would happen to the status of STR?

Mr. Goff recalled that STR are not mentioned in current code. Currently the City does not enforce any limits on STR.

Councilmember Hultin supports the Ordinance but wonders what our options would be going forward should we decide to make changes. Mr. Dahl replied in detail.

Councilmember Hoppe noticed that section 11-503 will require some renumbering, as there are two paragraphs numbered 2.

Mr. Dahl said that the codifiers will remedy the cross referencing when they review it.

Councilmember Weaver asked whether a licensee who rents one room for most of the year but rents the entire home in certain seasons will need a new license if they expand the STR from one or two rooms to the entire dwelling.

Mr. Cutler said that a landlord who anticipates renting the entire home even occasionally should just apply for the license to rent the whole house and not worry about trying to amend the license later.

Councilmember Weaver expressed concern that the 2% rule in the ordinance will encourage homeowners to apply for an STR even if they have no current plans to use it. Mr. Dahl opined that cities often learn from their experiences with ordinances like this one and later amend it based on that experience.

Councilmember Nosler Beck asked how the education of homeowners will proceed, to acquaint them with the details of the STR ordinance. She is concerned that we need to be very proactive. Mr. Goff explained that there is planning for this very issue, among others, in terms of the STR and licensing process. He also noted that there is an item later on tonight's agenda concerning hiring an STR management company.

Ms. Scheck explained the detailed plans the staff have in place to implement this ordinance is passed. A team is working on all aspects of the roll-out process. Mr. Cutler discussed the details of the services the lodging representative company will provide to the City and our homeowners.

Councilmember Dozeman had several detailed questions about specific details in the proposed Ordinance, including age limits for renters, fees structures, etc. Staff and Mr. Dahl provided detailed answers.

Mayor Starker closed the public hearing.

Motion by Councilmember Hoppe to approve Council Bill No. 02-2021 - an ordinance amending the Wheat Ridge Code of Laws to adopt a new Article XIV in Chapter 11 entitled Short-Term Rental Licenses and in connection therewith making conforming amendments in Chapters 22 and 26, on second reading, and that it take effect on May 1, 2021, seconded by Councilmember Hutchinson, motion carried 8-0.

Motion to amend by Councilmember Urban to the Ordinance to include a new subsection in Section 26, 645, d, 7, to read, "Short-Term Rentals located in any residential zone district shall be restricted to a minimum 2-night stay per individual reservation;" seconded by Councilmember Hoppe.

Councilmembers discussed the history of this issue and why residents have different viewpoints on the ordinance as a whole and short-term rental limited to minimum 2-night stays.

Councilmember Hultin spoke in opposition to the amendment because it restricts the ability of STR to book reservations. Councilmember Hoppe responded that there have been a number of different consensus on the minimum stay, and her district residents are strongly in favor of the minimum stay restriction.

Councilmember Urban posited that we should start with the 2-night minimum stay and then look at adjusting that and other provisions in 6 months to a year.

Councilmember Hutchinson agrees with the two-night stay, based not only on her District residents' desires but also as a matter of public safety.

Councilmember Nosler Beck opposes the minimum 2-night stay, because people need options for housing right now.

Motion to amend passed 5-3, with Councilmembers Nosler Beck, Hultin and Dozeman voting no.

Motion to the amend Section 11 – 506, subsection 1 and subsection 3 of the original motion by Councilmember Hultin to reinstate the initial city staff recommendation that the Ordinance is effective May 1, that the initial registration period extend for 90 days to August 1, 2021, and that the City begin collecting fees and lodging taxes on August 1, 2021 and that the limitations on the numbers of STR take effect November 1, 2021. Motion to Amend second by Councilmember Stites.

A discussion ensued of the specific language in specific sections, subsections and paragraphs that will be impacted by this proposed Amendment. Following a short recess, City Attorney Dahl suggested that the Council agree on how the operational details Council wants to change and then write the language necessary to effectuate the proposal amendment.

Following a detailed discussion and deliberation on the Council's legislative intent and how to craft language in the ordinance.

Mr. Dahl stated his suggested language for a proper motion:

Motion to amend the main motion to direct the City Attorney and city staff to prepare revisions to the proposed Amendment to accomplish the following:

1. That both current STR operators and persons wishing to become STR operators must obtain an STR license and begin to collect lodgers' tax on or before August 1, 2021.
2. In the event that such operators do not obtain a proper STR license before August 1, 2021, those operators will be subject to the enforcement provisions under Section 11 and as well shall not be permitted to apply for a license for one year following the date on which they were found to be operating improperly after August 1, 2021.
3. To the extent necessary, the City Treasurer is authorized to promulgate such rules and regulations as may be necessary to implement the changes put into effect by this ordinance.

Motion by Councilmember Hultin (who withdrew her earlier amendment language) to direct staff to prepare the language for this Ordinance in line with Mr. Dahl's recommended wording. Councilmember Stites renewed his second for this version of the motion to amend. Motion Amend passed 8-0.

Council took up the original motion as amended twice. Main motion carried 8-0.

Note from City Clerk Kirkpatrick – to avoid any confusion, the final version of the STR Ordinance, in its entirety, as approved by Council and confirmed by our City Attorney Mr. Dahl, appears at the end of these minutes.

ORDINANCES ON FIRST READING

None

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 9:27 PM

4. Motion to approve appointments to Boards and Commissions

As of March 2, 2021, the terms of twenty current Board and Commission members of the City of Wheat Ridge will expire. Included with that, two vacancies in the Parks and Recreation Commission District II and District IV, and the Cultural Commission District IV with one At Large position. These positions are to be filled or re-appointed

Councilmember Weaver introduced the item

Motion by Councilmember Hoppe, seconded by Councilmember Hutchinson, as Councilmembers from District I, to appoint to District I

Dan Bradford to the Board of Adjustment, term ending March 2, 2024

Celia Daily to the Cultural Commission, term ending March 2, 2024

Jerry DiTullio to the Liquor Licensing Authority, term ending March 2, 2024

Kimberly Rollo to the Parks and Recreation Commission, term ending March 2, 2024

Ari Kirchiver to the Planning Commission, term ending March 2, 2024

Motion carried 8-0

Motion by Councilmember Urban, seconded by Councilmember Hultin, as Councilmembers from District II, to appoint to District II

Meghan Schneckenburger to the Cultural Commission, term ending March 2, 2024

Juanita Stites to the Liquor Licensing Authority, term ending March 2, 2024

Karen Stanley to the Parks and Recreation, term ending March 2, 2024 (vacant)

Motion carried 8-0.

Motion by Motion by Councilmember Weaver, seconded by Councilmember Stites, as Councilmembers from District III, to appoint to District III

Janet Bell to the Board of Adjustment, term ending March 2, 2024

Ron Avo to the Building Code Advisory Board, term ending March 2, 2024

Kim St. Martin to the Cultural Commission, term ending March 2, 2024

Edward Volk to the Liquor Licensing Authority, term ending March 2, 2024

Guy Nahmiach to the Parks and Recreation Commission, term ending March 2, 2024

Motion carried 8-0

Motion by Councilmember Dozeman, seconded by Councilmember Nosler Beck, as Councilmembers from District IV, to appoint to District IV:

Michael Griffith to the Board of Adjustment, term ending March 2, 2024

John Kello to the Building Code Advisory Board, term ending March 2, 2024

Maria Garcia to the Cultural Commission, term ending March 2, 2024

Michael Gay Betterton to the Liquor Licensing Authority, term ending March 2, 2024

Pat Servera to the Parks and Recreation Commission, term ending March 2, 2023 (vacant)

Janet Leo to the Planning Commission, term ending March 2, 2024

Motion carried 8-0

Motion by Councilmember Hoppe, seconded by Councilmember Stites, to appoint:

Nancy Diregani Alternate to the Cultural Commission, term ending March 2, 2024

Motion carried 8-0

5. Motion to approve the appointment of the District I seat to the Wheat Ridge Housing Authority Board

Discussion began at approximately 9:24: PM

Councilmember Hutchinson introduced the item.

The members of the Wheat Ridge Housing Authority are appointed by the Mayor subject to approval by a majority of the entire City Council. The term for the District I seat, currently held by Cheyanne Kinghorn, expires March 2, 2021. Cheyanne Kinghorn has reapplied for term renewal and submitted a new application for this position.

Mayor Starker is recommending that Cheyanne Kinghorn be re-appointed to the Housing Authority Board representing the District I seat.

Motion by Councilmember Hutchinson, to ratify the Mayoral re-appointment of Cheyanne Kinghorn to the District I seat of the Wheat Ridge Housing Authority Board, term ending March 2, 2026, seconded by Councilmember Weaver, motion carried 8-0.

6. Motion to approve the appointment of the District IV seat to the Wheat Ridge Urban Renewal Authority Board

Councilmember Dozeman introduced the item

The members of Wheat Ridge Urban Renewal Authority (the "Authority") are appointed by the Mayor subject to approval by a majority vote of the entire City Council. The term for the District IV seat, currently held by Chris Bird, expires on March 2, 2021. Mr. Bird has reapplied for term renewal and submitted a new application for this position.

Mayor Starker is recommending that Chris Bird be re-appointed to the Authority Board, representing the District IV seat.

Motion by Councilmember Dozeman, to ratify the Mayoral re-appointment of Chris Bird to the District IV seat of the Wheat Ridge Urban Renewal Authority Board, term ending March 2, 2026, seconded by Councilmember Nosler Beck, motion carried 8-0.

7. Resolution 10-2021 - a resolution amending the fiscal year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$13,450 for short-term rental program management.

Discussion began at approximately 9:35 PM

Councilmember Hultin introduced the item

City Council is considering an ordinance to license and regulate short-term rentals (STRs). Staff conducted a competitive solicitation process to select a vendor to manage a portion of the licensing, compliance and tax collection work. As this program had not been solidified at the time the 2021 budget was developed, fees in the amount of \$13,450 for the selected vendor, LodgingRevs, have not been appropriated.

Staff reports – nothing further except to answer Councilmembers' questions.

Prior action and financial impact where on a pricing table given, implementation costs will be \$6,450 and monthly subscription fees will be \$875 per month for the selected modules. Assuming the City will pay for eight months in 2021, the total budget supplemental required is \$13,450. Staff recommends an annual STR license fee of \$200. Due to the pandemic, it is prudent to conservatively project revenues, therefore staff recommends amending 2021 revenues for the same amount. Staff will monitor license and lodgers' tax remittance to better inform the 2022 budget.

At the November 2, 2020 study session, Council reached consensus that staff concurrently work on selecting a program management vendor while finalizing the STR ordinance. A staff team conducted a Request for Proposal (RFP) solicitation. Five firms provided proposals. Staff interviewed and participated in software demonstrations of four firms. After careful review and analysis, LodgingRevs was chosen as the vendor.

Public Comment

No one came forward to speak.

Council Questions

Councilmember Hultin asked questions about details with respect to how the vendor will provide its services, and specifically how the online complaint form will be employed and to what uses the data from those complaint forms will be put.

Ms. Scheck summarized the vendors process and procedures, which include a separate module that the City may deploy if needed at a later date, that tracks properties that have a history of complaint tracking entries by complaint types.

Councilmember Nosler Beck reads that the vendor helps us gather data and process STRs. She wants to make sure that the data collected through vendor's services will help us educate Council about the STR program. She asked how we will inform STR operators of their responsibilities and liabilities for taxes.

Ms. Scheck replied that staff are creating a host guide to include best practices on the web page as a resource for both STR hosts and neighbors. We will use this data for many appropriate purposes, including extensive public and STR operator education.

Motion by Councilmember Hultin to approve Resolution 10-2021, a resolution amending the fiscal year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$13,450 for short-term rental program management, seconded by Councilmember Weaver, motion carried 8-0.

8. Resolution No. 11-2021 - A Resolution amending the Fiscal Year 2021 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$22,500 for the facilitation of the Race and Equity Task Force

Discussion began at approximately 9:44 PM

Councilmember Stites introduced the Resolution.

In September 2020, City Council directed staff to develop a Race and Equity Task Force to review city policies and services that may contribute to discrimination. As part of that discussion, Council also provided direction for a professional facilitator to support the task force.

Staff Presentation

The facilitation will be led by Dr. Nita Mosby Tyler, who specializes in the development and delivery of leadership, equity, diversity, cultural responsiveness and inclusiveness training programs and strategies. Dr. Mosby Tyler will provide four months of facilitation services for the Race and Equity Task Force.

Since the cost of the facilitation was not appropriated in the 2021 Budget, a budget supplemental is required to appropriate the designated funds of \$22,500.

Public Comment

No one came forward to speak.

Council Questions

Councilmember Dozeman noted that the facilitation is covered for 4 months and asked how many sessions or hours of facilitation and preparation are covered.

Ms. Shilling explained that all sessions are covered for the first four months, to include prep in advance of meeting and the actual meetings.

Motion by Councilmember Stites, to approve Resolution No. 11-2021, a resolution amending the Fiscal Year 2021 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$22,500 for the facilitation of the Race and Equity Task Force, seconded by Councilmember Hoppe, motion carried 8-0.

CITY MANAGER'S MATTERS

In the Wheat Ridge Speaks portal there was a question about the future of the Lutheran Legacy Campus. The citizen asked whether a developer has bought the property and is ready to begin work. That is not the case; we are still in the early stages of a lengthy process. The first stages will include and involve the neighborhood residents and other stakeholders with the interest in the future of the property. More information will follow in the Connections newsletter.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

Councilmember Nosler Beck thanked all who have worked so hard on the strategic planning retreat. She also commented that the Rocky Mountain Bottling Co. will soon send a notice to its neighbors concerning the milestones and details for constructing a sound dampening wall at the RMBC facility. She invited citizens to contact her and she will respond to their questions or attend meetings to discuss the project plan.

Councilmember Dozeman echoed Councilmember Nosler Beck's thanks for the work staff did on the retreat. She is also glad that STR has finally passed and now we have a plan and implementation procedures going forth.

Councilmember Stites echoed his peers' comments above and thanked everyone who applied for membership on the Boards and Commissions, including those who were not selected as well as those who have asked for a reappointment.

Councilmember Weaver also echoed the foregoing comments. She also asked if the new, red button on the Wheat Ridge Speaks webpage indicates anything. Staff agreed to research that and get back to Council.

Councilmember Hultin echoed her peers' previous comments. The District II meetings have gone very well, and she thanked the participants. She has a .PDF document with notes and resources which she will happily share. She congratulated Mayor Starker for his work on our pedestrian and cycling lane efforts, that other mayors in Colorado noticed and applauded.

She urged residents to communicate their experiences and questions with the STR going forward.

Councilmember Urban also thanked everyone for their work during the retreat. He asked that a study session item be scheduled to discuss returning to in-person Council

meetings. He also asked about an email he received concerning reports to the State on our 2020 budget and carry-overs to the 2021 budget. Mr. Goff replied that there will be future discussions of this item and reports to Council.

Councilmember Hutchinson also thinks we had a very productive meeting tonight and a good retreat. She thanked Danitza Sosa for her work on the retreat logistics. Thanks also to those who applied for seats on Boards and Commissions.

Councilmember Hoppe thanked everyone for their hard work at the retreat and for bringing the STR to fruition.

Mayor Starker thanked everyone for a great turnout and good work at the retreat. He also thanked our citizens who applied for seats on our Boards and Commissions. He thanked the speakers who came this evening to help us tonight.

He thanked our residents for helping one another and take care when driving to watch for children on our streets.

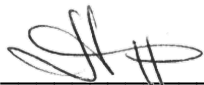
ADJOURNMENT

The meeting adjourned at 10:04 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON March 8, 2021



Janece Hoppe, Mayor Pro Tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing by contacting the City Clerk's Office, as well as copies of Ordinances and Resolutions.

Addendum

Below is the full text of the Ordinance concerning STR that passed this evening and has been reviewed, edited per Council's motion tonight and approved by Mr. Dahl.

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
COUNCIL BILL NO. 02
ORDINANCE NO. 1709
Series 2021**

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF
LAWS TO ADOPT A NEW ARTICLE XIV IN CHAPTER 11
ENTITLED SHORT-TERM RENTAL LICENSES AND IN
CONNECTION THEREWITH MAKING CONFORMING
AMENDMENTS IN CHAPTERS 22 AND 26**

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council finds that it is necessary to adopt regulations concerning the operation of short-term rental of residential dwelling units.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Chapter 11 of the Wheat Ridge Code of Laws is hereby amended to add a new Article XIV to read as follows:

Article XIV – Short-Term Rental Licenses

Sec. 11-500. - License required – license fees.

No person shall operate a short-term rental, as defined in Section 26-123, without first having obtained a short-term rental business license.

Sec. 11-501. - Taxes.

Each short-term licensee shall collect and remit lodgers' tax on all short-term rentals according to the provisions of chapter 22 of this Code and any regulations issued pursuant thereto.

Sec. 11-502. - Application; fees.

An application for a short-term rental business license shall only be submitted for an eligible property meeting the requirements of Sec. 26-645, as confirmed by the Community Development Director, and shall include the following:

- a. The name, address, telephone number, and email address of one emergency contact capable of physically responding to the property within sixty (60) minutes.
- b. A certification that the dwelling unit is equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher.
- c. A certification that adequate egress is in place per the requirements of the International Residential or Building Code, as applicable, from the dwelling unit and all sleeping quarters.
- d. A certification that the dwelling unit is not deed-restricted affordable

housing, income-restricted housing, age-restricted housing, and/or rent stabilized or rent-controlled housing.

e. A certification that the property meets the parking requirements for the underlying zone district as defined in Sec. 26-501 or Sec. 26-1109, whichever applies, and Sec. 26-645. D.6.

f. A certification that if approved, the licensee acknowledges the obligation to comply with the operational requirements of Section 11-503.

g. Proof of ownership of the property. Only the legal owner of the property may apply for the short-term rental business license. A renter/tenant of a property may not apply for a license nor operate a short-term rental.

h. A current certificate of property and liability insurance from a company licensed to provide such insurance in the State of Colorado.

i. A description of the space on the property intended to be used as a short-term rental, including number of bedrooms, baths, kitchens, living areas, and whether the property will be owner-occupied or non-owner occupied.

j. The applicable license fee if the license is approved.

Sec. 11-503. - Operational requirements.

1. *Notice to adjacent property owners.* Within seven (7) days of issuance of a short-term rental business license, the short-term rental host, as defined in Sec. 26-123, shall notify adjacent property owners within one hundred (100) feet of the subject property with through a written notice by regular mail or personally delivered. The notice shall include the emergency contact information required by Section 11-502.1.a.

2. *Posting.* A copy of the issued short-term rental business license and the emergency contact information shall be conspicuously posted on the subject property within the area rented for use as a short-term rental.

3. *Non-Assignable.* A short-term rental business license may not be transferred or assigned to any other party or any other property. A short-term rental business license does not transfer to a new property owner if a property with an approved short-term rental is sold.

4. *Age Restriction.* A short-term rental shall not be rented to a person under twenty-one (21) years of age.

5. Any advertisement for a short-term rental shall be subject to the following requirements:

a. The license number as provided by the City shall be posted within the advertisement, including on any hosting platform. For the purposes of this subsection, a hosting platform shall mean a person or entity that facilitates reservations or payments between a short-term rental host and a person seeking lodging accommodations, including a website with short-term rental listings.

b. Advertisements may not promote the use of cannabis or other controlled substances on the property.

Sec. 11-504. Accountability.

1. A short-term rental host may not simultaneously rent a short-term rental to more than one group under separate contracts, bookings, or appointments.

2. The short-term rental shall be the legal responsibility of the legal owner(s) of the

subject property, and the short-term rental host shall agree to accept notice of violation either in person, upon posting upon the property, or by mailed notice.

3. The City shall maintain the right to conduct an inspection of the property at any time, upon proper notice, to determine compliance with this Article and Section 26-645.

Sec. 11-505. – Renewal; Suspension; Revocation.

1. A short-term rental business license may be suspended, conditionally suspended, or revoked by the city treasurer pursuant to Section 11-32 for the reasons described in Section 11-31. A short-term rental business license may be cancelled at any time pursuant to Section 11-30, for the reasons listed in that section. In addition, a short-term rental business license may be modified, suspended, conditionally suspended, or revoked by the city treasurer if found in violation of this article and/or Section 26-645.

2. *Renewal.* All short-term rental business licenses shall be available for renewal, upon application for the same, on an annual basis. All renewal applications shall include updated emergency contact information, if applicable, and current liability insurance. At the time of renewal, the city treasurer shall consider any violations of this article at the property over the previous year, and any violations of the Wheat Ridge Code of Laws. A review of violations may also take place at any time at the City's discretion.

3. *Suspension; revocation.* If the licensee is found to have been in violation of this article, Section 26-645 and/or any of the grounds listed in Section 11-31, the city treasurer may act to suspend or revoke the short-term rental business license.

Sec. 11-506. – Failure to register.

1. All persons wishing to operate a short-term rental within the city on and after May 1, 2021 must apply for a short-term rental business license under this Article XIV.

2. On and after August 1, 2021, short-term rental hosts operating short-term rentals prior to August 1, 2021 must have applied for a short-term rental business license pursuant to this Article XIV.

3. On and after August 1, 2021, short-term rental hosts must collect lodger's tax on such rentals pursuant to Code Section 22-100.

4. Persons operating a short-term rental within the city without the required short-term rental business license as of August 2, 2021 shall be subject to enforcement under this Chapter and as a municipal code violation under sections 1-5 and 1-6 of this Code. Such persons are not eligible to apply for a short-term rental business license for one (1) year following the date after August 2, 2021 upon which they are found to be operating a short-term rental without the required license.

5. The city treasurer is hereby authorized to adopt rules and regulations, if needed, to implement the requirements of this Section 11-506.

Section 2. Section 22-21 of the Wheat Ridge Code of Laws, defining certain terms applicable to taxation, is hereby amended, as follows:

Lodging services: The furnishing of rooms or accommodations by any person, partnership, association, corporation, estate, representative capacity or any other combination of individuals by whatever name known to a person who for a consideration uses, possesses or has the right to use or possess any room in a hotel, inn, bed and breakfast residence, apartment, hotel, lodging house, motor

hotel, guesthouse, **short-term rental**, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park or similar establishment for a period of less than thirty (30) days under any concession, permit, right of access, license to use, or other agreement or otherwise. "Lodging services" does not include the furnishing of rooms or facilities for purposes other than personal accommodations such as banquets and receptions.

Section 3. Section 22-100.a of the Wheat Ridge Code of Laws, pertaining to Lodgers' Tax, is hereby amended, as follows:

Tax imposed; conditions. There is hereby imposed an excise tax on the price paid or charged for the lease, rental or on the transaction of furnishing rooms or accommodations to any person who for a consideration uses, possesses or has the right to use or possess any room or rooms or other accommodations in any **lodging services, as defined in Section 22-21 of the Wheat Ridge Code of Laws**, hotel, apartment hotel, guesthouse, guest ranch, mobile home, auto camp, trailer, court or park, or any other place furnishing rooms or other accommodations under any concession, permit, right of access, license to use or other special agreement. Such tax on accommodations shall be subject to the following conditions: [...]

Section 4. Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code concerning zoning, is hereby amended, as follows:

Hotel/motel. A building containing sixteen (16) or more transient guest rooms **for transient occupancy** in which lodging for compensation is provided, with or without meals, **for a period of less than thirty (30) consecutive days**.

...

Rooming/boarding. An accessory use to a dwelling, where in addition to a family, as defined herein, not more than two (2) persons not related to the family are provided lodging and meals for compensation, **with or without meals**, either paid directly or indirectly, and on a contract basis for not less than seven (7) **thirty (30)** days.

...

Short-term rental. A dwelling unit or portion thereof used for lodging accommodations for transient occupancy, for compensation, for a period of less than thirty (30) consecutive days.

Short-term rental host. Any person, as defined in this section, as owner of a property, who offers or provides lodging in a short-term rental.

Section 5. The "Table of Uses – Residential" set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in residential zone districts, is hereby amended as follows:

Uses Notes R-1 R-1A R-1B R-1C R-2 R-2A R-3 R-3A

Short-term rental See

§ 26-645

P P P P P P P P

...

Accessory Uses for Residential Zone Districts Notes

Short-term rental See § 26-645

Section 6. The “Table of Uses – Agricultural and Public Facilities” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in agricultural and public facility zone districts, is hereby amended as follows:

Uses Notes A-1 A-2 PF

Short-term rental See § 26-645 P P

...

Agricultural and Public Facilities Districts

Accessory Uses Notes

Short-term rental See § 26-645.

Section 7. The “Table of Uses - Commercial and Industrial Districts” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in commercial and industrial zone districts, is hereby amended as follows:

Uses Notes NC RC C-1 C-2 I-E

Short-term rental See § 26-645 P P P P

...

Commercial and Industrial District Accessory

Uses Notes

Short-term rental See § 26-645.

Section 8. Section 26-608.B.4 of the Wheat Ridge Code of Laws, concerning supplementary regulations pertaining to Bed and Breakfast Rooms, is hereby amended by amending the section set forth therein as follows:

Additional rooming and boarding are excluded as an accessory use where a bed and breakfast use **has been approved** is permitted.

Section 9. Section 26-645 (Short-term rentals) is hereby added to Article VI, Supplementary Regulations:

Sec. 26-645. – Short-term rentals

Short-term rentals, as defined in Section 26-123, are subject to the following requirements:

A. Licensing and Permitting Required. It shall be unlawful for any person, as defined in Section 26-123, to offer or provide lodging in the form of a short-term rental within the City without having first obtained a short-term rental business license pursuant to Chapter 11, Article XIV of the code. Only owners of the affected real property may obtain short-term rental licenses.

B. Permitted locations:

1. Short-term rentals are permitted as primary or accessory uses in all residential, agricultural, commercial, and mixed-use zone districts, including planned development districts.

2. Short-term rentals are prohibited in industrial zone districts including planned industrial developments.

C. Maximum number per short-term rental host: A short-term rental host, as defined in Section 26-123 (“short-term rental host”), may operate a short-term rental in up to one (1) dwelling unit not occupied by the host, and in up to one (1) dwelling

unit occupied by the host where a portion of the dwelling unit, such as a room or rooms, functions as a short-term rental, so long as the host continuously resides in the dwelling unit through the duration of the rental. This maximum shall apply to all types of dwelling units in all zone districts, except for the following:

1. *Apartments and mixed-use developments:* A short-term rental host, as the owner of an apartment or mixed-use development in the Mixed Use – Neighborhood (MU-N), Mixed Use – Commercial (MU-C) series, and Commercial-One (C-1) zone districts, may operate a maximum of four (4) dwelling units as short-term rentals within that development. For apartment and mixed-use developments with greater than forty (40) dwelling units in these zone districts, additional short-term rentals are permitted at a rate of five (5) percent of the total number of dwelling units, in addition to the four already permitted by this section. For the purposes of this subsection, an apartment or mixed-use development shall mean one or multiple contiguous properties under one ownership with one or more multifamily or mixed-use buildings.

2. *Condominium developments:* For condominium developments (those which have a recorded condominium plat allowing for individually owned dwelling units) in any zone district, each individual dwelling unit owner is eligible, as a short-term rental host, to operate a short-term rental as provided by subsection C of this section, provided that the maximum number of such rentals allowed by subsection C.1 is not exceeded in the development.

D. Requirements:

1. A short-term rental owner must obtain a short-term rental license pursuant to Chapter 11, Article XIV.
2. A short-term rental must be located within a legal dwelling unit as defined in Section 26-123.
3. The building or portion of building used as a short-term rental shall continuously meet the standards of all applicable International Residential and Building codes adopted or amended by the City of Wheat Ridge as set forth in Chapter 5 of the Code of Laws.
4. Short-term rentals are prohibited in temporary structures and buildings or structures without a residential certificate of occupancy, including but not limited to recreational vehicles, sheds, tents, and campers.
5. Short-term rentals are prohibited in deed-restricted affordable housing, income-restricted housing, age-restricted housing, and rent-stabilized or rent controlled housing. A short-term rental host shall be required to attest to compliance with this provision as part of the registration process.
6. If the property does not meet the minimum parking requirements in Section 26-501 for the zone district in which it is located, one (1) additional parking space per short-term rental is required to be installed prior to approval of a short-term rental license. A short-term rental host shall be required to attest to compliance with the parking requirements as part of the registration process.
7. Short-term rentals located in any residential zone district shall be restricted to a minimum two-night stay, per individual reservation.

E. Maximum number of short-term rentals per City Council district:

1. There shall be a limit on total number of non-owner-occupied short-term rentals that are licensed in each city council district. The limit per council district shall be established by the community development director on an annual basis and shall be calculated as two (2) percent of the total number of units within single- and two-family dwellings in each district (single-family attached townhomes units shall be included in the total number of units). This restriction shall not apply to owner-occupied short-term rentals and shall not apply to short-term rentals in non-residential and non-agricultural zone districts, including Mixed Use districts and Commercial zone districts.

2. If the maximum number for any district is reached, any subsequent application shall be placed on a waiting list until such time that the total number of short-term rentals in that district falls under the maximum number allowed.

Section 10. The "Permitted Uses" Chart set forth in Section 26-1111 of the Wheat Ridge Code of Laws, concerning permitted uses in mixed use zone districts, is hereby amended by inserting new rows concerning short-term rentals as follows:

Permitted Uses

Use Group *MU-C MU-C Int MU-C*

TOD

MU-N

Residential

Short-term rental (see § 26-645) P P P P

Ancillary Uses

Short-term rental (see § 26-645) P P P P

Section 11. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 12. Effective Dates; Compliance Required. This Ordinance shall take effect on May 1, 2021, as provided by Section 5.11 of the Charter, with the exception of Section 26-645.E which shall take effect on November 1, 2021.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of February 2021, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for February 22, 2021 at 7:00 p.m., as a virtual meeting.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 22nd day of February 2021.

SIGNED by the Mayor on this 22nd day of February 2021.

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

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