

ORDINANCE NO. 2022-13

AN ORDINANCE AMENDING SECTION 17.09.060 (I) OF THE FRUITA LAND USE CODE CONCERNING THE LIMITATION ON ISSUANCES OF SHORT-TERM RENTAL PERMITS.

WHEREAS, Title 17 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth Land Use and Zoning policies commonly referred to as the Fruita Land Use Code; and

WHEREAS, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community; and

WHEREAS, Section 17.09.060 of the Land Use Code establishes procedures and standards related to Short-Term Rentals that promote opportunities to support the local economy and protect the long-term residential character of Fruita’s neighborhoods; and

WHEREAS, City staff has proposed amendments to Section 17.09.060 of the Land Use Code for consideration; and

WHEREAS, the purpose of the proposed amendments is to increase the limitation on issuances of Short-Term Rental Permits within a specified area in the City of Fruita due to the increase of long term rental opportunities currently under construction; and

WHEREAS, this Ordinance was introduced at first reading on March 1, 2022 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

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

Section 2. Amendments to Chapter 17.09.060 (I). The text contained in Chapter 17.09.060 (I) is hereby amended to read as follows:

1. Limitation on Issuances of Short-Term Rental Permit

- 1. Notwithstanding anything in this Chapter, there shall not be more than sixty-five (65) active and valid Short Term Rental Permits within the Licensing Restriction Area Map 17.09.060.I shown below (the “Licensing Restriction”). Once the Licensing Restriction has been reached, the City shall continue to accept applications for Short*

Term Rentals which shall be approved or denied in the order received by the City if the Licensing Restriction has been increased or eliminated. In calculating the Licensing Restriction, the City shall include Conditional Use Permits for Bed and Breakfasts issued prior to the enactment of this Section; provided, however, the Licensing Restriction shall not include Accessory Dwelling Units or units currently occupied by the property owner.

Section 3. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita City Charter.

Section 6. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
5TH DAY OF APRIL 2022.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk