



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
WORK SESSION
Thursday, September 8, 2022, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.city-woodlandpark.org).

1. **CALL TO ORDER & ROLL**
2. **PLEDGE OF ALLEGIANCE**
3. **WORK SESSION**
 - A. Short Term Rental Draft Ordinance - Discussion
4. **ADJOURN**

For more information, please contact the Planning Department 719.687.5202



City of Woodland Park Memo for Planning Commission

Meeting Date: September 8, 2022

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
WORK SESSION 3. A.	Planning	Karen Schminke, AICP Planning Director

AGENDA ITEM

WORK SESSION regarding a proposed Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. A copy of the proposed Ordinance is attached to this memo.

HISTORY

Over a year ago the Planning Commission identified short term rentals (STR) as an issue that should be reviewed and possibly addressed with a Code change. Short term rentals can best be explained as the renting of either a part of a residence or the whole residence for less than 30 consecutive days.

The City's current zoning regulations do not explicitly address this type of rental in any zoning district. Within Title 3 – Revenue and Finance, lodging tax and its applicability is clearly outlined:

3.38.010 - Lodging tax levied; use of revenues.

A. There is levied a tax of five and seven-tenths per cent on the purchase price paid for the short-term (less than thirty consecutive days) leasing or rental of any hotel room, motel room, apartment, lodging or inn room, motor hotel, guest house, mobile home, trailer court, bed and breakfast, or any other place that furnishes sleeping accommodations under any concession, permit, right of access, license to use or other agreement or otherwise within the city.

B. The revenues from said tax shall be used for the payment of activities associated with economic enhancement and sustainability of the city, to include without limitation capital projects and annual operating and maintenance expenses for beautification and streetscape purposes throughout the city and for advertising, marketing, and promotion of the city.

As with any other business in the City, business licenses (as detailed in Title 5) have been required for those who are operating an STR.

Over the past year this topic gained considerable traction and a variety of meetings and community input/engagement activities have taken place:

- November 2021 – Staff started one-on-one interviews with stakeholders.
- May 5th – City Council and Planning Commission Joint work session.
- June – Online community questionnaire.
- July 6th – Two community conversation events at Ute Pass Cultural Center.
- July 7th – City Council adopted a 90-day moratorium (Ordinance 1426) on the issuance of business licenses for short term rentals.
- July 21st – City Council and Planning Commission Joint work session.
- August 18th – City Council and Planning Commission Joint work session.

All these activities have been chronicled on the City’s community engagement website What’s Up Woodland Park. This website can be accessed through this link:

[Short-term Rentals | What's Up Woodland Park \(whatsupwoodlandpark.com\)](https://www.whatsupwoodlandpark.com/Short-term-Rentals)

The purpose of these various community engagement activities and joint work sessions was to develop a thorough understanding of the benefits and impacts of short term rentals, and to build consensus on addressing the use in City Code.

PROPOSED ORDINANCE

The attached proposed ordinance is a direct result of the community engagement activities and joint work sessions. Also, it includes the modifications identified at the August 18th joint work session.

The WHEREAS statements on the first page describe the objectives and the need for the ordinance:

- protect residential integrity and community character within the City
- adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days
- ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers
- the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City

The body of the ordinance contains the specific language that would be added into the City Code book. The proposed language includes:

- definitions necessary to clarify what a short term rental is (Titles 5 & 18);
- standards for who can obtain a license for a short term rental businesses (Title 5);
- provisions for renewing or revoking a license (Title 5);
- clearly identify the use in the zoning regulations (Title 18);
- the locations where an STR may be permitted; and
- standards for the use (Title 18).

NEXT STEPS

The objective for the September 8th work session is to finalize the content of the proposed ordinance. The Planning Commission public hearing on the ordinance has been scheduled for September 22nd at 6:30 PM.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. _____, SERIES 2022**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLES 5 AND 18 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS AND ZONING,
TO LICENSE AND REGULATE SHORT-TERM RENTALS**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 and Title 18 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Council finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Chapter 5.22, concerning Short Term Rentals, is hereby added to

Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

CHAPTER 5.22 – SHORT TERM RENTALS

5.22.010 - Definitions.

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Titles 5 and 18 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the beneficiary of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a residential dwelling unit that is rented or used for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a license from the City Clerk with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Licenses may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the beneficiary of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado and whose registered agent or natural person controlling the corporate ownership resides in Teller County.
- (c) Upon approval of a short-term rental license pursuant to this Chapter, the City Clerk shall issue a license number specific to the subject property and the licensee.
- (d) Short-term rental businesses shall include their business license number in the title of the listing for all public advertising, including but not limited to webhosting services such as Airbnb, Home Away, Trip Advisor, VRBO, Kayak, Orbitz, etc.
- (e) Applications for a short-term rental license shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the license applicant must match either the name of the owner on the deed for the property, or the name of the person controlling the corporate ownership of the property.

The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder. The applicant must possess at least a fifty percent (50%) fee simple ownership interest in the property.

- (g) Cap: The maximum number of short-term rentals within the SR, UR and PUD zoning districts shall not exceed six percent (6%) of the total number of residential dwelling units within in those SR, UR and PUD zoning districts, a running tally of which will be kept in the City Planning Department office, and open and available for public inspection during business hours. This number shall be based on the survey of dwelling units in the SR, UR and PUD zoning districts completed in the calendar year, with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. No caps or maximum number licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rentals are prohibited within the MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts.
- (h) In the event the maximum number of licensed short-term rentals has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the SR, UR and PUD zoning districts exists, new licenses, once available, will be issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18 on a first come first serve basis.
- (i) Short-term rental businesses must have a designated local contact person who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. The local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (j) Short-term rental businesses shall comply with all requirements and guidelines listed on the short-term rental license and the application materials at all times.
- (k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving short-term rental business licenses: accessory dwelling units (ADUs), apartment buildings, multi-family housing, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers and other temporary structures.
- (l) A maximum of one (1) short-term rental is permitted per five hundred (500) foot radius within in the SR, UR and PUD zoning districts.
- (m) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

5.22.030 - Application, issuance and renewals.

- (a) Any person desiring a license to engage in the short-term rental business shall apply to the City Clerk, on application forms provided by the City Clerk. New license applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental prior to issuance of a license is permitted. Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New license application fees shall not be pro-rated or reduced.
- (b) The City Clerk may issue a new short-term rental business license upon all the following conditions:
 - (1) The applicant has submitted a complete application form and provided all required information regarding the short-term rental unit and business.
 - (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
 - (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all documentation provided for the application is provided.
 - (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.
- (c) The City Clerk may renew a short-term rental business license upon all the following conditions:
 - (1) The applicant has submitted a complete renewal application form and provided all required information regarding the short-term rental business and unit.
 - (2) The applicant has paid the appropriate fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.
 - (3) There are no outstanding health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
 - (4) There have been no violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the license over the past year.
 - (5) Within the last twelve (12) months, there have been no more than one violation of any of the license or application requirements or there have been no more than one violation of the Good Neighbor Guidelines listed on the short-term rental license or application materials created by the City Manager and their designee(s) and updated from time to time.

- (6) All applicable requirements in Section 5.22.020 are met.
- (d) It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.
- (e) No license issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

5.22.040 - Revocation and suspension.

Any license issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax pursuant to this Chapter 3.38 of this Code, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license; or
- (e) Violation of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license, including any of the requirements and Good Neighbor Guidelines listed on the short-term rental license or application materials created by the City Manager and their designee(s) and updated from time to time.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in the short-term rental business within the City without a license shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. A new section 18.06.480, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.480 – Short-term rental business.

“Short-term rental business” means the occupation of leasing or renting one (1) or more short-term rental units.

Section 4. A new section 18.06.481, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a privately owned residential dwelling unit, or portion thereof, that is rented or used for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Section 5. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

18.09.090 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HSC LI	PUD
...													
L. Lodgings.													
...													
<u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u>	<u>PC</u>	<u>PC</u>						<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>

Section 6. A new section 18.78.050, concerning Short Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 - Short term rentals.

Short term rentals shall be subject to the following regulations:

- (a) Registration and licensing requirements
 - (1) All short-term rental units shall comply with Chapter 5.22 of the Woodland Park Municipal Code, which establishes conditions under which a property owner may apply for a short-term rental business license.
- (b) Conditions and standards.

- (1) Short-term rentals are not permitted in an apartment building or in multi-family housing at any time in any zoning district.
- (2) Short-term rentals are not permitted in accessory dwelling units (ADUs), bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers and other temporary structures at any time in any zoning district.
- (3) No short-term rental shall be operated in such a way as to constitute a nuisance.
- (4) The maximum number of occupants permitted in a short-term rental shall be established at the time of initial licensing.
- (5) Events, such as concerts, parties and weddings, are prohibited.
- (6) The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage, and shall meet the off-street parking standards for that particular unit identified in Chapter 18.39.

Section 7. Current Business Licensees. If the amount of short-term rental license applications submitted upon the adoption of this ordinance exceed the cap imposed by the ordinance, the City Clerk shall process short-term rental license applications submitted by current business licensees (only to those who hold a valid and active business license with the City) and who operate a short-term rental first, before processing subsequent short-term rental license applications.

Section 8. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 9. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ___ DAY OF _____, 2022.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq