



MEMO – Revision to attachments on Agenda Item No. 8A.

The “Preamended-Showing Amendments Engrossed STR Ordinance” and “STr Ordinance First Reading Amendments” documents, included in the Agenda packet for the 10/20/22 City Council meeting were revised on 10/19/22 from the previous version posted on 10/18/22.

The revision is in Section 7. Instead of deleting Section 7 in its entirety, it provides for the option of a temporary provisional license for current business license holders operating a short-term rental business within the SR, UR, MFS, MFU, MHP, HSCLI and PUD zoning districts. This would allow such businesses to carry on with their current STR use until July 31, 2023.



City of Woodland Park

City Council

October 20, 2022 at 7:00 PM

AGENDA

5:00 PM - Presentation and Council discussion of the 2023 Budget.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. Recognition of Brady Warner, Woodland Aquatic Center Manager as the CPRA Aquatics Professional of the Year. (A)
(Presenter, Parks and Recreation Director, Cindy Keating)
 - B. Presentation of the City Manager's Budget Message and Budget for the 2023 year. (A)
(Presenter, City Manager Michael Lawson)
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the Special Meeting Minutes from September 28, 2022 and the regular City Council Meeting Minutes from October 6, 2022. (A)
(Presenter, Deputy City Manager/City Clerk, Suzanne Leclercq)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
7. **UNFINISHED BUSINESS**
(Public Comment may be heard)
8. **ORDINANCES ON INITIAL POSTING**
(Public comment may be heard)
 - A. Approve ORDINANCE 1431, SERIES 2022, on initial posting, An Ordinance Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short-term Rentals, and set the public hearing for November 3, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)
9. **PUBLIC HEARINGS**
(Public comment may be heard)
10. **NEW BUSINESS**
(Public comment may be heard)
11. **REPORTS**
(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report

12. ADJOURNMENT

Key to agenda abbreviations:

(A) Administrative- matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

(L)Legislative- typically in the policy arena; legislative matters affect large areas and large groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

(QJ)Quasi-Judicial- apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial



City of Woodland Park

September 29, 2022 at 5:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor LaBarre called the Special Meeting to order at 5:30 PM.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Ott, Councilmember Zuluaga. Councilmember Nakai appeared via zoom and Councilmember Neal was absent.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Jerry Penland addressed the Council regarding slash piles located in the woods on Highway 67.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

Approve Ordinance No. 1429, Series 2022 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-term Rental Licenses and setting the Public Hearing for October 6, 2022.

Motion: To approve Ordinance No. 1429, Series 2022 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-term Rental Licenses and setting the Public Hearing for October 6, 2022. Connors/Ott. Motion carried 6-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

10. NEW BUSINESS

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report

12. ADJOURNMENT

Mayor LaBarre adjourned the Council Meeting at 5:42 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

Hilary LaBarre, Mayor



City of Woodland Park

October 6, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session on STR policies, Mayor LaBarre called the City Council Meeting to order at 7:15 PM.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Nakai, Councilmember Neal, Councilmember Ott and Councilmember Zuluaga.

The following staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Finance Director Vassalotti, Planning Director Schminke, Assistant to the City Manager Johnson and Deputy City Clerk Minton.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of minutes from the September 16, 2022 regular City Council Meeting.
(A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Motion: To approve the September 16, 2022 City Council Minutes. Ott/Connors. Motion carried 7-0.

- B. Council endorsement of DOLA Planning Grant Program for Housing Needs Assessment. (A)
(Presenter Assistant to the City Manager Grace Johnson)

Assistant to the City Manager, Grace Johnson, reviewed the Planning Grant Program for a Housing needs Assessment with the City Council. Johnson shared that a Housing Needs Assessment will help the City to better understand housing needs, barriers, and opportunities in Woodland Park. The Planning Grant Program will allow the City to access funds needed to procure a consultant to perform a Housing Needs Assessment. Individual Planning Grant Program awards are expected to be approximately \$50,000-\$200,000. A minimum of 25% local match of the total project cost is required. The City of Woodland Park will be requesting funding from DOLA in the amount of \$85,000 with a \$21,250 match proposed from the remaining American Rescue Plan Act dollars.

Councilmember Neal asked what other expenses are competing for this in the City's budget. City Manager Lawson reported that these dollars would be coming out of the

American Recovery Dollars received. Lawson shared that the City has received \$1.9 million dollars and there is currently a balance of \$700,000. Lawson reported that the City had reserved a placeholder for this expense.

Councilmember Zuluaga asked if any other municipalities have applied for this and were there any actionable items as a result of the study?

Johnson replied that there were over 60 municipalities that applied for this assessment. Lawson shared that this is pretty routine for other cities. Lawson shared that these happen all over the country every day. Lawson shared that you live by it...it becomes your blueprint to understand the problem and put together a strategy.

Councilmember Ott asked if it is used to determine zoning. Lawson shared he wasn't sure what they would recommend as far as zoning. Planning Director Schminke shared that it helps identify the problem, and what action we would like to take as a community.

Motion: To approve the endorsement of the DOLA Planning Grant Program for a Housing Needs Assessment. Case/Makai. Motion carried 6-1 with Ott voting no.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Kathleen Wekamp shared that she loves her home and loves living in Woodland Park. Wekamp shared that she hopes that short-term rentals do not get abused. Wekamp shared that people need to remember that there is a lot of income to be made and that the people who stay in short-term rentals spend money in the community.

Jerry Penland shared that there is currently no process for conflict of interest in the short-term rental process. Penland voiced his opinion that he felt there were those on the Council that may have a conflict of interest and should say so. Penland shared that they should force our honor system to work.

Linda Martin shared that she picked up a short-term-rental list yesterday and went through each address line by line. Martin shared that there are a lot of mistakes in the data. Why is the ambulance barn listed as an STR? Why are there addresses in Divide and other areas not in the City of Woodland Park? Martin also expressed her disappointment in allowing STR's so close to the school. Martin was concerned there could be sexual predators living in them, that there was no mechanism for checking this type of thing.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

- A.** Recommendation regarding proposed Phase 3 of the E911 Consolidation Study.
(A)
(Presenter Police Chief Chris Deisler)

Chief Deisler shared his recommendation of not moving forward with Phase 3 of the E911 consolidation study.

Councilmember Neal shared that the most important factor in this decision was that the City would be losing operational control of dispatch if we moved forward with the consolidation.

Motion: To NOT proceed with Phase 3 of the E911 Consolidation study. Connors/Neal. Motion carried 7-0.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approve Ordinance No. 1429, series 2022 an Ordinance Accepting Conveyance of Tract A of The Highlands In Paradise, Woodland Park, Colorado, to The City of Woodland Park (A)
(Presenter, Planning Director Karen Schminke, AICP)

Planning Director Schminke reviewed Ordinance No. 1429, Series 2022, with the Council. There being no Council discussion or Public Comment, the following motion was made.

Motion: To approve Ordinance No. 1429, Series 2022, an Ordinance Accepting Conveyance of Tract A of the Highlands in Paradise, Woodland Park, Colorado to the City of Woodland Park. Ott/Case. Motion carried 7-0.

- B.** Approve Ordinance No.1430, Series 2022, an Ordinance of the City Council for the City of Woodland Park, Colorado, extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Application for All Short-Term Rental Licenses.(A)
(Presenter, City Attorney Geoff Wilson)

City Attorney Wilson reviewed Ordinance No. 1430, Series 2022 with the Council reporting that this Ordinance continues the moratorium until December 15, 2022.

Mayor LaBarre opened up the public comment portion of the public hearing.

Patricia Stinner shared that she disapproves of the STR Moritorium and that the public has lost confidence in the City leadership. Stinner shared that the leadership needs to uphold the municipal codes. There being no further public comment, Mayor LaBarre closed the public hearing. The following motion was made.

Motion: Approve Ordinance No. 1430, Series 2022, an Ordinance of the City Council for the City of Woodland Park, Colorado, extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-Term Rental Licenses. Connors/Ott. Motion carried 5-2 with Case and Neal voting no.

10. NEW BUSINESS

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

- A.** Mayor’s Report

Mayor LaBarre shared the events for upcoming next two weeks.

- B.** Council Reports

Councilmember Connors shared a photo of 107 year old First Sergeant Harold A. Nelson, recipient of a Silver Star Medal for his service during WWII. He was honored at a recent ceremony that Councilmember Connors had the pleasure of attending.

Councilmember Neal shared a DDA update.

Councilmember Ott shared a Historical Preservation Committee update.

Councilmember Zuluaga shared a Keep Woodland Park Beautiful update.

C. City Attorney's Report

No report.

D. City Manager's Report

City Manager Lawson shared an update on the tourism workshop that the City hosted this past week.

12. ADJOURNMENT

There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 8:23 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

Hilary LaBarre, Mayor



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: October 20, 2022

SUBJECT: Approve ORDINANCE 1431, SERIES 2022, on initial posting, An Ordinance Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short-term Rentals, and set the public hearing for November 3, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)

BACKGROUND: 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 short-term rentals in any zoning district.

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. Since then this topic gained considerable traction and a variety of meetings and community input/engagement activities have taken place. These were followed by several joint work sessions between City Council and Planning Commission where strategies to address the impacts of this use were reviewed and Planning Commission was directed to prepare an ordinance to regulate this use.

The attached proposed ordinance is the result of the community engagement activities, joint work sessions, and the Planning Commission's own work session and public hearing process.

RECOMMENDATION: Approve on initial posting, ORDINANCE 1431, SERIES 2022, on initial posting, An Ordinance Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short-term Rentals, and set the public hearing for November 3, 2022.

ATTACHMENTS:

1. Ord 1431 STR ord
2. STR Ord First Reading Amd 2 REVISION
3. STR Ord Preamended Engrossed REV AMD

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1431, 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 trustee 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.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

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 dwelling unit, or a portion thereof, that is rented or utilized 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 Short-Term Rental Business License (“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) Short-Term Rental Business License 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 trustee 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.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City Clerk shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business 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 Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning 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.
- (g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR – 4%; UR – 8%; PUD – 4%. The City of Woodland Park Short-Term Rental Unit Inventory is a running tally of the number of licensed short-term rental units, which will be kept in the City Clerk’s office, and open and available for public inspection during business hours. This number shall be based on the survey of all existing dwelling units located within each of the SR, UR, and PUD zoning districts completed in the most recent 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 of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts.
- (h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City Clerk. In each such waiting list, applications for short-term rental units located at an owner’s primary residence shall be given priority over short-term rental units which are not the owner and applicant’s primary residence. New Short-Term Rental Business Licenses, once available, will be processed and 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.
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit 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. During periods of applicable occupancy 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, as listed on the Short-Term Rental Business 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), rental apartment units, apartment buildings, dormitories, 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) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

(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.

(n) A person renting or utilizing only a portion of a dwelling unit which is their primary residence, as such term is defined in Section 5.22.010, for furnishing lodging accommodations for periods of less than thirty (30) consecutive days, and where the person owns and occupies the dwelling unit during the same periods as such rental or utilization of the dwelling unit, shall not be subject to the provisions of this Chapter.

5.22.030 - Application, issuance and renewals.

(a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City Clerk, on application forms provided by the City Clerk. New Short-Term Rental Business 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 unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business 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 Short-Term Rental Business 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 both 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 applicable application documentation has been 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 shall require the annual renewal of 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 both the short-term rental business and the unit.
 - (2) The applicant has paid the appropriate renewal 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) Within the last twelve (12) months there has been no more than one violation 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 Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than one violation of any of the Short-Term Rental Business License or application requirements or there have been no more than one violation of the Good Neighbor Guidelines listed on the Short-Term Rental Business 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 business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business 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 and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business 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 short-term rental business 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 provide 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 Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business 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 Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business 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 a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business 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 unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a 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 Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

- (a) 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) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:
 - (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
 - (2) Short-term rental units are not permitted in accessory dwelling units (ADUs), bed and breakfast establishments, dormitories, 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 two (2) people per legal bedroom plus an additional two (2) people.
- (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
- (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom.
- (7) The number of short-term rental units shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts as established in Chapter 5.22.
- (8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.* For the first two months after the effective date of this Ordinance, if the number of Short-Term Rental Business License applications submitted exceed the cap imposed by the Ordinance, the City shall process applications from current and valid business license holders operating a short-term rental business first, before processing other Short-Term Rental Business License applications. Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business license application within 2 months of the effective date of this Ordinance, the distance restrictions within Section 5.22.020(1) and 18.78.050(b)(8) shall not apply to such new Short-Term Rental Business License application and subsequent renewals for the same short-term rental unit.

Section 8. *2022 Application and Fees.* Notwithstanding the requirements of new Code section 5.22.030(a), Short-Term Rental Business License granted, and application fees paid, within the last three months of the year 2022 shall be effective until and through December 31, 2023.

Section 9. *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 10. *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

Ordinance No. 1431, Series 2022

First Reading Amendment

Amend the bill as introduced on First Reading as follows:

Strike subsection 5.22.020(g), as follows; reletter succeeding subsections accordingly,

~~(g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR—4%; UR—8%; PUD—4%. The City of Woodland Park Short-Term Rental Unit Inventory is a running tally of the number of licensed short-term rental units, which will be kept in the City Clerk's office, and open and available for public inspection during business hours. This number shall be based on the survey of all existing dwelling units located within each of the SR, UR, and PUD zoning districts completed in the most recent 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 of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCL zoning districts.~~

Amend Subsection 5.22.020(h) as follows:

~~(h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City Clerk. In each such waiting list, applications for short-term rental units located at an owner's primary residence shall be given priority over short-term rental units which are not the owner and applicant's primary residence. New Short-Term Rental Business Licenses, once available, will be processed and 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.~~

Amend Subsection 5.22.020(k) as follows:

(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), rental apartment units, apartment buildings, dormitories, 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), **cabins and other structures without installed water, power or sewer facilities**, tents, teepees, campers and other temporary structures.

Strike Subsection 5.22.020(l) as follows:

(l) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Amend Section 18.09.090- Table of Uses, as follows:

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>		<u>PC*</u>

***Use permitted only in non-residential portions of PUD, if any.**

Amend Section 18.78.050(b)(2) as follows:

(2) Short-term rental units are not permitted in accessory dwelling units (ADUs), bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), **cabins and other structures without installed water, power or sewer facilities**, tents, teepees, campers and other temporary structures at any time in any zoning district

Strike Section 18.78.050(b)(7), as follows:

~~(7) The number of short-term rental units shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts as established in Chapter 5.22.~~

Strike Section 18.78.050(b)(8), as follows:

~~(8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.~~

Amend Section 7, as follows:

Section 7. Current Business Licensees Operating Short-Term Rental Businesses. ~~For the first two months after the effective date of this Ordinance, if the number of Short-Term Rental Business License applications submitted exceed the cap imposed by the Ordinance, the City shall process applications from current and valid business license holders operating a short-term rental business first, before processing other Short-Term Rental Business License applications. Provided a current and valid business license holder operating a short-term rental business~~ **within the SR, UR, MFS, MFU, MHP, HSCLI and PUD zoning districts** ~~applies for a Short-Term Rental Business license application within 2 months of the effective date of this Ordinance,~~ **and provided such application is approved by the City upon all of the conditions and requirements of this Ordinance, such business shall be issued a temporary provisional Short-Term Rental Business license, which shall be valid and effective only until July 31, 2022. Effective August 1, 2022, all short-term rental businesses shall be prohibited within the SR, UR, MFS, MFU, MHP, P/SPL and HSCLI zoning districts, and within the residential portions of PUDs.** ~~the distance restrictions within Section 5.22.020(l) and 18.78.050(b)(8) shall not apply to such new Short-Term Rental Business License application and subsequent renewals for the same short-term rental unit.~~

**PREAMENDED-SHOWING
AMENDMENTS ENGROSSED**

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1431, 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 trustee 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.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

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 dwelling unit, or a portion thereof, that is rented or utilized 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 Short-Term Rental Business License (“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) Short-Term Rental Business License 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 trustee 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.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City Clerk shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business 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 Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning 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.
- ~~(g) Established Cap: The maximum number of short term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR—4%; UR—8%; PUD—4%. The City of Woodland Park Short Term Rental Unit Inventory is a running tally of the number of licensed short term rental units, which will be kept in the City Clerk’s office, and open and available for public inspection during business hours. This number shall be based on the survey of all existing dwelling units located within each of the SR, UR, and PUD zoning districts completed in the most recent 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 of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts.~~
- ~~(h) In the event the maximum number of licensed short term rental units for a zoning district has been met, no new applications for short term rental units will be accepted for that zoning district. A City of Woodland Park Short Term Rental Business License Application Waiting List for short term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City Clerk. In each such waiting list, applications for short term rental units located at an owner’s primary residence shall be given priority over short term rental units which are not the owner and applicant’s primary residence. New Short-Term Rental Business Licenses, once available, will be processed and 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.~~
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit 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. During periods of applicable occupancy 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, as listed on the Short-Term Rental Business 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), rental apartment units, apartment buildings, dormitories, 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), cabins and other structures without installed water, power or sewer facilities tents, teepees, campers and other temporary structures.

~~(l) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.~~

(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.

(n) A person renting or utilizing only a portion of a dwelling unit which is their primary residence, as such term is defined in Section 5.22.010, for furnishing lodging accommodations for periods of less than thirty (30) consecutive days, and where the person owns and occupies the dwelling unit during the same periods as such rental or utilization of the dwelling unit, shall not be subject to the provisions of this Chapter.

5.22.030 - Application, issuance and renewals.

(a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City Clerk, on application forms provided by the City Clerk. New Short-Term Rental Business 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 unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business 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 Short-Term Rental Business 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 both 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 applicable application documentation has been 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 shall require the annual renewal of 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 both the short-term rental business and the unit.
 - (2) The applicant has paid the appropriate renewal 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) Within the last twelve (12) months there has been no more than one violation 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 Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than one violation of any of the Short-Term Rental Business License or application requirements or there have been no more than one violation of the Good Neighbor Guidelines listed on the Short-Term Rental Business 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 business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business 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 and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business 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 short-term rental business 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 provide 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 Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business 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 Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business 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 a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business 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 unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a 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>		<u>PC*</u>

***Use permitted only in non-residential portions of PUD, if any.**

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 Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) 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) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:

- (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
- (2) Short-term rental units are not permitted in accessory dwelling units (ADUs), bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), **cabins and other structures without installed water, power or sewer facilities** 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 two (2) people per legal bedroom plus an additional two (2) people.
- (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
- (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom.
- ~~(7) The number of short term rental units shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts as established in Chapter 5.22.~~
- ~~(8) No short term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short term rental unit. No short term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short term rental unit to the nearest property line of another short term rental unit.~~

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.* ~~For the first two months after the effective date of this Ordinance, if the number of Short Term Rental Business License applications submitted exceed the cap imposed by the Ordinance, the City shall process applications from current and valid business license holders operating a short term rental business first, before processing other Short Term Rental Business License applications. Provided a current and valid business license holder operating a short-term rental business~~ **within the SR, UR, MFS, MFU, MHP, HSCLI and PUD zoning districts** applies for a Short-Term Rental Business license ~~application~~ **application** within 2 months of the effective date of this Ordinance, **and provided such application is approved by the City upon all of the conditions and requirements of this Ordinance, such business shall be issued a temporary provisional Short-Term Rental Business license, which shall be valid and effective only until July 31, 2022. Effective August 1, 2022, all short-term rental businesses shall be prohibited within the SR, UR, MFS, MFU, MHP, P/SPL and HSCLI zoning districts, and within the residential portions of PUDs.** ~~the distance restrictions within Section 5.22.020(1) and 18.78.050(b)(8) shall not apply to such new Short Term Rental Business License application and subsequent renewals for the same short-term rental unit.~~

Section 8. *2022 Application and Fees.* Notwithstanding the requirements of new Code section 5.22.030(a), Short-Term Rental Business License granted, and application fees paid, within the last three months of the year 2022 shall be effective until and through December 31, 2023.

Section 9. *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 10. *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