

**CITY OF WOODLAND PARK SPECIAL ELECTION BALLOT QUESTION - 1**

**AN ORDINANCE OF THE CITIZENS OF WOODLAND PARK FOR THE CITY OF WOODLAND PARK, COLORADO, AMENDING TITLE 18 OF THE WOODLAND PARK MUNICIPAL CODE, CONCERNING ZONING DISTRICTS WHERE SHORT-TERM RENTALS ARE ALLOWED TO BE LICENSED AND OPERATED WITHIN THE CITY LIMITS OF WOODLAND PARK, COLORADO**

**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”) and its Citizens, 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 and its Citizens also possesses the authority to adopt and enforce zoning regulations; and

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

**WHEREAS**, pursuant to such authority, the City has previously adopted certain regulations within 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 Citizens finds and determines it is necessary to amend certain provisions of Title 18 to adopt regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

**WHEREAS**, the Citizens 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**, in response to community concerns with short-term rentals, in November 2021, the City started investigations and public outreach efforts concerning short-term rentals; and

**WHEREAS**, in the Community Engagement Report on short-term rentals published in July 2022, the top concern residents express about short-term rentals was “Community Character”; and

**WHEREAS**, without consideration to the community concern with short-term rentals, the City Council on November 17, 2022, passed Ordinance 1431 allowing short-term rentals to be licensed and operated in single family residential houses, anywhere in the City with no restrictions; and

**WHEREAS**, by a successful Referendum Petition, the Citizens stopped Ordinance 1431, sending it back to City Council for their action to Repeal or send it to a Special Election; and

**WHEREAS**, City Council repealed Ordinance 1431 on February 16, 2023, as the Citizens asked them to do; and

**WHEREAS**, the Citizens desire to maintain the character of its residential neighborhoods which enhances the quality of life for its residents, protects public peace, welfare, health, safety, and preserves housing stock for residential use; and

**WHEREAS**, there is a need to codify where short-term rentals are allowed to be licensed and operate in the City in Title 18 Zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITIZENS FOR THE CITY OF WOODLAND PARK, COLORADO AS FOLLOWS:**

**Section 1.** The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by its Citizens.

**Section 2.** A new section 18.06.480, regarding definitions pertaining to Short-Term Rentals is added as follows:

**18.06.480 – Definitions pertaining to Short-Term Rentals**

**18.06.480.1 – Non-Primary Residence Short-Term Rental Units**

Non-Primary Residence short-term rental units means the short-term rental unit is not the primary residence of the owner/operator.

**18.06.480.2 – Primary Residence**

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.

**18.06.480.3 – Primary Residence Short-Term Rental Units**

Primary residence short-term rental units means the short-term rental unit is the primary residence of the owner/operator.

**18.06.480.4 – Short-Term Rental Business**

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

**18.06.480.5 – Short-Term Rental Unit**

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.

**Section 3.** 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:

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

**Section 4.** 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 requirement

(1) All short-term rental units shall comply with Title 5 Business Requirements and Title 18 Zoning Requirements of the Woodland Park Municipal Code.

(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 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 and 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 that are permitted in a short-term rental shall be two (2) people per legal bedroom plus an additional two (2) people. Notwithstanding the foregoing, the maximum occupancy per short-term rental unit shall be twelve (12) occupants.

(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. Off-street, on-site parking shall be utilized first with no overnight, overflow parking on the street allowed.

(7) To operate a Primary Residence as a short-term rental, at least one of the primary residents must live on-site throughout the visitor's stay.

**Section 5.** Current Business Licenses Operating Short-Term Rental Businesses. No new Business Licenses or Renewal Licenses to operate a short-term rental unit will be issued or renewed that does not conform to the Zoning District Table of Permitted Uses in 18.09.090 for short-term rental units after December 31, 2024. The clear intent of this paragraph is to not allow Non-Primary Residence Short-Term Rental Units in Single Family Residential Neighborhoods within the City, Zoning Districts SR, UR, and PUD and Multi-Family Residential Neighborhoods, MFS and MFU Zoning Districts after December 31, 2024.

**Section 6.** 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 7.** Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

PASSED UNDER MUNICIPAL CODE, ARTICLE VIII, SECTION 8.1, VIA A CITIZENS INITIATIVE  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.

City of Woodland Park

ATTEST:

\_\_\_\_\_  
Hilary LaBarre, Mayor

\_\_\_\_\_  
City Clerk, Suzanne Leclercq