

CITY OF WOODLAND PARK SPECIAL ELECTION BALLOT QUESTION - 2

CITY OF WOODLAND PARK, COLORADO

ORDINANCE NO. 1462, SERIES 2023

**AN ORDINANCE OF 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.

Resident-owner short term rental unit means the short-term rental unit is the primary residence of the owner of the dwelling.

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 leased for furnishing lodging accommodation or 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 from the City 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 shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/short-term rental business 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 and UR zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR- 1.0 % of the total number of lots within this zoning district; UR- 1.0 % of the total number of lots within this zoning district. Exclusions to the SR & UR cap count are Resident-Owner Short-term rental units. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the AG, NC, CC, and CBD zoning districts. Short-term rental units are prohibited within the MFS, MFU, SC, MHP, P/SPL and HSCLI zoning districts. No Cap numbers are established for PUD zones, which will be governed by the Deeded Restrictions established at the time of each individual subdivisions' creation and enforced in accordance with the covenants of the respective Home Owners' Association (HOA) or court order. Those STRs that are covered by Section 18-78-060 will not be included in any cap and will be governed by Section 18-78-060..

- (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. 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) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, 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 and/or sewer facilities, tents, teepees, campers and other temporary structures.
- (l) All short-term rental units within the SR, UR or PUD zoning districts must comply with the distance restrictions established in Section 18.78.050.
- (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) All short-term rental units shall be covered by appropriate liability insurance, which shall be attested to by the short-term rental owner upon completion of the business license application each year.

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, on application forms provided by the City. 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 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 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 or pending 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 two cited 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 Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than two violations of any of the Short-Term Rental Business License or application requirements or there have been no more than two violations 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 short-term rental business licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax, 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) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12) months 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. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

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 leased for furnishing lodging accommodation or 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/SP L	NC	CC	SC	CBD	HSC LI	PU D
...													
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. The following new sections concerning Short-Term Rentals are 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) which are not located on the short-term rental business licensee’s primary residence, as that term is defined in section 5.22.010, 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/or sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.

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- (3) No short-term rental unit shall be operated in such a way as to constitute a nuisance.
 - (4) The maximum number of occupants permitted in a short-term rental unit 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 minimum of one (1) parking space per bedroom.
 - (7) The number of short-term rental units in a zoning district shall not exceed the established cap for such zoning district 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.

Sec 18-78-060--Current Business Licensees Operating Short-Term Rental Businesses.

Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business License within two (2) months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in certain zoning districts, the distance restrictions within Section 18.78.050(b)(8), and the caps established in Chapter 5.22 shall not apply to such new Short-Term Rental Business License applications or to subsequent renewals for the same short-term rental unit made by the same license holder.”

Sec. 18-78-070--- Biennial Review of Caps.

Within two (2) years after the effective date of this Ordinance, and for every two (2) years thereafter, the City Council shall review, if applicable, the established caps for the maximum number of short-term rental units permitted within certain zoning districts.

Sec. 18-78-080---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.

Sec. 18-78-90--Effective Date.

This Ordinance shall be in full force and effect from and after its publication as required and following its approval by the voters at a special election to be held on December 12, 2023.