



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
Planning Commission Regular Meeting
Tuesday, December 06, 2022 at 6:30 PM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

UNSCHEDULED PUBLIC COMMENT

CONSENT AGENDA

1. Minutes of the Regular Meeting of November 1, 2022

NEW BUSINESS

2. Discussion regarding Elizabeth Municipal Code Review
 - a. Short Term Rentals

REPORTS

3. Staff Report
4. Commissioner Reports

ADJOURNMENT



TOWN OF ELIZABETH

PLANNING COMMISSION

PLANNING COMMISSION – RECORD OF PROCEEDINGS NOVEMBER 1, 2022

CALL TO ORDER

The Regular Meeting of the Elizabeth Planning Commission was called to order on Tuesday, November 1, 2022, at 6:32 PM by Chair Jenny Case.

ROLL CALL

Present were Chair Jenny Case, Vice Chair Barbara McGinn, Commissioners Julie Uhernik, Greg Lindbloom, Rob Porter, and Ed Beard.

Also present were Planner/Project Manager Zach Higgins, Deputy Town Clerk Harmony Malakowski, and Community Development Administrative Assistant Dianna Hiatt.

AGENDA CHANGES

No agenda changes from staff.

No agenda changes by the Commissioners.

UNSCHEDULED PUBLIC COMMENT

No Unscheduled Public Comment.

CONSENT AGENDA

Minutes of the Regular Meeting of October 18, 2022

Motion by Vice Chair McGinn, seconded by Commissioner Lindbloom, to approve the minutes from the regular meeting of October 18, 2022.

The vote of those Commissioners present was unanimously in favor. Motion carried.

NEW BUSINESS

Discussion regarding Elizabeth Municipal Code

a. Downtown District Lot Coverage

The Commissioners recommend that the under-roof lot coverage maximum be removed from the Downtown District zoning.



TOWN OF ELIZABETH

PLANNING COMMISSION

b. Downtown District Height Requirements

The Commissioners were evenly split on allowing an increase to a maximum height of 35 ft. in the Downtown District zoning area.

c. Short Term Rentals

The Commissioners are in favor of regulating short term rentals within the Town. Further discussion will occur on this item at a future meeting.

REPORTS

- Planner/Project Manager Higgins provided an update to the Commissioners regarding available training opportunities.
- Discussion regarding a possible virtual meeting December 20, 2022.
- Mr. Higgins provided an update to the Commissioners regarding the Elizabeth West rezone.
- Commissioner Lindbloom had a question regarding the legal process for rezoning. Discussion followed.
- Discussion regarding the Elizabeth Comprehensive Plan.

ADJOURNMENT

Motion by Vice Chair McGinn, seconded by Commissioner Uhernik, to adjourn meeting at 8:36 p.m. The vote of those Commissioners present was unanimously in favor. Motion carried.

Chair Jenny Case

Deputy Town Clerk Harmony Malakowski



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission
FROM: Zach Higgins, Planner/Project Manager
DATE: December 06, 2022
SUBJECT: Discussion Regarding Elizabeth Municipal Code – Short Term Rentals

SUMMARY

Staff has received some recommendations from consultants, advisory boards, and through internal reviews identified a number of code sections which staff recommends additional review. These code sections include language which may be confusing or ambiguous, are outdated, contain cumbersome processes, etc.

The focus of this meeting will be on STR's or Short Term Rentals. The Planning Commission initially reviewed some basic Short Term Rental information at their 11/01/2022 meeting. The Planning Commission requested additional code language to be reviewed at the 12/06/2022 meeting. Staff has provided three examples which include one county and two jurisdictions of comparable size in Colorado. Staff has identified a list of criteria to be considered while reviewing the code examples.

Criteria to consider for Short Term Rentals:

- Residency requirement
- License requirement
- Cap on amount of STR's per Town or area(s) within Town
- Allowed within all or specific zone districts as defined within the EMC
- Occupancy maximum
- Life/Safety Inspection Requirement
- Parking Requirement
- Property Manager / Property Owner Accessibility
- Recertification Process and period

STAFF RECOMMENDATION

Please provide feedback/comments regarding what is presented and direction on if a specific code section update should be explored further.

ATTACHMENT(S)

1. Oak Creek CO STR Ordinance
2. Larimer County CO STR Ordinance
3. Town of Mancos CO STR Ordinance

Ordinance #770
Series 2022

An Ordinance of the Town of Mancos Amending Certain Portions of Chapter 16 of the Mancos Municipal Code Known as the Mancos Land Use and Development Code Concerning Short-Term Rentals and Lifting the Temporary Moratorium on Short-Term Rentals

WHEREAS, the Town of Mancos amends the Town of Mancos Municipal Code, Adopted by Ordinance 420 in 1982, Re-codified in 2010 by Ordinance 634, as amended, from time to time (hereafter “Mancos Municipal Code”); and

WHEREAS, Section 1-3-70 of the Mancos Municipal Code allows that amendments to the Code may be made; and

WHEREAS, the regulation of Land Use, Planning and Zoning are within the proper exercise of a local government’s police power to promote public health, safety, and welfare; and

WHEREAS, proper public notice was given and public hearings were held in consideration of the text amendments to the Mancos Land Use and Development Code as set forth in Section 16-18-2 and Section 16-19-14 of the Mancos Land Use and Development Code; and

WHEREAS, after having considered the public comment and having reviewed all aspects of the proposed changes and amendments as described in the attached Exhibit A, the Planning and Zoning Commission, at a regular meeting held on April 20, 2022, recommended approval of the amendments to the Mancos Land Use and Development Code as described in Exhibit A to the Board of Trustees or with suggested modifications as dictated by the Planning and Zoning Commission in Exhibit B, if any; and

WHEREAS, a duly advertised public hearing was held by the Board of Trustees at its regular meeting on June 8, 2022; and

WHEREAS, after having considered the public comment, the Board of Trustees of the Town of Mancos has determined that amending the Mancos Land Use and Development Code as described in the attached Exhibit A is necessary in order to better achieve the purposes identified in Section 16-1-4 of the Mancos Land Use and Development Code; and

WHEREAS, in Ordinance 768, Series 2022, the Board of Trustees of the Town of Mancos extended a temporary moratorium on the submission, acceptance, processing, and approval of permits and renewals of any new short-term rental permit, but excluding renewals of short-term rental permits to allow for the development of new and amended short-term rental permitting through August 31, 2022.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mancos, Colorado, that:

1. The Mancos Land Use and Development Code is hereby amended as described in the attached hereto Exhibit A on the effective date of this ordinance.
2. The temporary moratorium on short-term rentals up to August 31, 2022, established in Ordinance 768, Series 2022 shall be deemed lifted, rescinded and of no further force and effect upon the effective date of this ordinance.

THIS ORDINANCE PASSED ON FIRST AND FINAL READING THIS 8th DAY OF June, 2022.
This ordinance shall become effective thirty (30) days after publication.

TOWN OF MANCOS, COLORADO

Ellen "Queenie" Barz, Mayor

ATTEST:

Jamie Higgins, Town Clerk

PUBLISHED THE ___ DAY OF _____, 2022 BY THE AUTHORITY OF THE TOWN
CLERK OF MANCOS, COLORADO.

ATTEST:

Jamie Higgins, Town Clerk

Sec. 16-4-4. Permitted uses and classification of unlisted uses.

(d) Primary uses. The following uses are permitted as primary uses in the zone districts identified:

- (1) Uses identified with a /P/ in a district column are allowed by right in the district subject to compliance with any applicable use-specific standards conditions and all other provisions of this LUC.
- (2) Uses identified with an /S/ in a district column are allowed in the district only upon approval of a special use permit in accordance with the procedures and standards of Section 16-19-5, Special Use Permits.
- (3) Uses identified with an /X/ in a district column are prohibited in that district.

Table 16-4.1: Primary Uses												
Use Type	Additional Standards	Zone Districts										
		AR	AR-C	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	LI	P2
Key: P= Permitted by Right, S = Special Use Permit, /X/ Prohibited												
<i>Lodging Accommodations</i>												
Bed and breakfast	16-4-6	P	S	S	S	P	P	P	P	P		
Hotel or motel								P	P	P		
Recreational vehicle park	16-4-6	S									P	P
Short-term rental	16-4-10(k); Town max: 15							P	P	P		

(e) Permitted accessory uses. The following uses are permitted as accessory uses in the zone districts identified:

Table 16-4.2: Accessory Uses												
Use Type	Additional Standards	Zone Districts										
		AR	AR-C	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	LI	P2
Short-term rental	16-4-10		P	P	P	P	P	P	P	P		

Mancos Short-Term Rental Regulations Update Public Review Draft

ARTICLE 4 - USE STANDARDS

Sec. 16-4-10 - Accessory Uses

- (k) Short-Term Rentals 1
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(k) Short-Term Rentals

(1) Purpose

The purposes of the Mancos short-term rental unit licensing program are to:

- a. Maintain the viability and affordability of owner and renter-occupied residential housing in Mancos
- b. Protect existing commercial structures and spaces from investment pressure to convert to residential short-term rental use.
- c. Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of full-time residents
- d. Prevent the creation and use of pseudo-hotels in residential neighborhoods.
- e. Ensure that short-term rental owners maintain compliance with the Town’s LUC and other relevant municipal regulations.
- f. Support the property values of all properties in a neighborhood, not just those lots with short-term rentals.
- g. Minimize public safety risks and the noise, trash, and parking problems often associated with short-term rentals.

- h. Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the Town's other policy objectives are met.
- i. Protect the health, safety, and general welfare of the community.
- j. Establish a comprehensive review and licensing process to safeguard the public health, safety, and welfare of the community by regulating and controlling use, occupation, location, and maintenance of short-term rental properties within the Town of Mancos.

(2) Business License for a Short-Term Rental (STR) Required

- a. Business License Issuance
 - 1. A business license is required for all short-term rentals. A separate license is required for each short-term rental unit on a property. It shall be unlawful for any person to operate a short-term rental without a valid business license.
 - 2. The business license must be obtained before the rental is advertised or used, except as provided in Section (k)(3), Applicability to Existing Short-Term Rental Licenses, for properties with existing short-term rental licenses.
 - 3. Business licenses for short-term rentals are not transferrable and they do not run with the property.
- b. A short-term rental business license shall only be issued to any of the following, whose name shall appear on the deed of the property:
 - 1. A natural person;
 - 2. A trust, if the beneficiary of the trust is a natural person; or
 - 3. A limited liability company or a closely held corporation with three or fewer members or shareholders who are natural persons. Please reference the definition of natural persons.
- c. The business license holder shall be responsible for payment of all taxes, including any applicable sales and lodging taxes.
- d. Renewal
 - 1. All business licenses shall be renewed annually pursuant to Mancos Municipal Code Ch.6, Art. 8.
 - 2. Renewal applications for properties that have been compliant with the short-term rental regulations and that have been submitted for renewal in a timely manner will be given priority processing over new applications.
- e. The regulations in this section apply to short-term rentals only. They do not apply to long-term leases or businesses that provide lodging services with a staffed central check-in desk, such as a hotel or bed and breakfast, when operated in a zone district that permits lodging uses.

(3) Applicability to Existing Short-Term Rental Licenses

Property owners with a short-term rental business license issued prior to the adoption of this ordinance have until the end of the current yearly license expiration period (December 31, 2022) to bring the property into compliance with the terms of this ordinance, including compliance with the residency requirement, and apply for a new business license per Mancos Municipal Code Ch. 6, Art. 8.

(4) STR Business License Cap

Up to a maximum total of 15 business licenses for short-term rentals may be issued by the Town. The Town may decide to issue fewer than the maximum total number of licenses in any year.

(5) Short-Term Rental Eligibility

- a. The following properties may qualify for use as a short-term rental:
 1. A residential property with an ADU located in a residential zone district where the property owner lives on-site as a primary residence.
 2. Residential properties in mixed-use and commercial zone districts where the property is owned by a local owner.
- b. Residency requirements shall not be eligible for exemption or variance.
- c. Permanently affordable housing, publicly-owned housing, or housing approved to serve workforce housing needs may not be used for short-term rentals.
- d. Nothing in this section shall limit the ability of a property owner; property covenants, conditions, and restrictions (CC&Rs); homeowners' association or similar association from prohibiting or further limiting the short-term rental of property where the authority to do so exists.

(6) Use and Occupancy

- a. Short-term rentals must be used for lodging purposes only. Occupancy shall be limited to 2 people per bedroom plus two additional guests.
- b. Short-term rental properties may not be used for commercial purposes or large social gatherings such as weddings or family reunions.
- c. Noise
 1. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. and no outside assembly of more than the maximum overnight occupancy shall be permitted during this period.
 2. Outdoor amplified sound (microphone or speaker system) shall not be allowed at any time. This provision does not apply to casual music from personal music devices or similar situations that are typical of residential surroundings.
 3. Pets if allowed by owner shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

(7) Structure and Site Requirements

- a. Sleeping quarters for short-term rentals shall be located in a habitable structure and not in:
 1. Non-residential areas within a building that do not contain finished living space (e.g., shed, garage);
 2. Commercial or industrial spaces; or
 3. Outdoors in temporary structures (e.g., tent) or in a recreational vehicle or tiny home on wheels.
- b. Short-term rental units must contain smoke detectors, fire extinguishers and carbon monoxide detectors; and shall remain compliant with all zoning, building, fire, noise, and other applicable Town and state codes.
- c. Guests shall be provided with instructions about where to park. On-site parking is limited to driveways and garages.
- d. The property owner shall maintain weekly residential trash collection services.
- e. No signage in addition to that allowed for the property in Article 16.13, Signs, is allowed for short-term rentals.
- f. A copy of the business license shall be posted in a prominent location within the rental. The business license shall specify the term of the license, maximum occupancy approved for the short-term rental, contact information for the property owner or manager, location of fire extinguisher(s), and any relevant conditions of the business license approval.

(8) Business License

- a. An application for a business license for a short-term rental shall include the following information:
 1. Contact information for the owner (person, trust, or corporation) of the property.
 2. Contact information for the owner's local contact person, who has authority to fix any problems or violations of this section, who is located within 30 minutes of the property and available 24 hours a day, seven days a week, at a phone number provided to both the Town and any person staying at the property.
 3. The URL (i.e., the website address) for any and all advertisements of the short-term rental of the property.
 4. Proof of building and fire code compliance.
 5. Proof of commercial general liability insurance.
- b. All properties subject to a business license application must be inspected by the Town for compliance with this LUC and all applicable life safety codes within 30 days prior to the filing of the application.
- c. The Town Administrator shall review a new or renewal application for a short-term rental business license for compliance against the criteria listed below. The Town Administrator

may deny a short-term rental business license application or renewal application if any of the following issues are found:

1. The property has any unresolved code enforcement violations, including issues unrelated to the short-term rental.
2. The property is not in compliance with all applicable Land Use Code requirements, any permit requirements, or where applicable, any fire, building and safety, or other relevant laws and ordinances.
3. The applicant has made any false, misleading, or fraudulent statements of material fact in the application, or in any report or statement required to be filed that is related to the application.
4. The property that is the subject of the application is not available for immediate rental on a short-term basis consistent with the requirements of these regulations.

d. Issuance and Renewal

Business licenses for short-term rentals shall be issued pursuant to the Mancos Municipal Code Ch. 6, Art. 8. The issuance of a business license for a short-term rental does not create a continuous right to operate a short-term rental beyond the annual term of the license.

e. Effect of Denial

1. If an application for a new or renewal short-term rental business permit is denied, the Town Administrator may not approve a new application for that applicant and location for a one-year period after the denial unless the Planning and Zoning Commission determines that the reason for the denial has been cured or no longer exists.
2. An applicant who has requested review based on cured circumstances but is denied by the Planning and Zoning Commission may appeal the denial to the Board of Trustees.

f. Violation and Revocation

1. A business license may be found in violation and revoked pursuant to Mancos Municipal Code Ch. 6, Art. 8.
2. A license holder who is in notice of violation is prohibited from taking any further or future reservations.
3. If a short-term rental license is revoked, the short-term rental of the property must cease immediately. The unit shall not be used as a short-term rental until a new business license is issued, which may not be done for a period of one year following the revocation.
4. No fee refunds shall be issued to any licensee whose short-term rental business license is revoked.

g. Abandonment

Licensed owners must notify the Town of the closure of an STR within thirty days. Once the use of property for STR occupancy is abandoned, approval of a new business license shall be required before the property may be used again for a short-term rental.

(9) Periodic Life Safety Inspections

The Town may perform periodic life safety inspections on all short-term rental units.

(10) Listing Information

All short-term rental listings shall include the STR license number and maximum occupancy information.

(11) Guest Information in the Rental Unit

The following information shall be displayed in a prominent interior and easy to access location in each rental unit:

- a. The owner's and local property management or contact information,
- b. The short-term rental license number,
- c. A copy of the Mancos Short-Term Rental Regulations, and
- d. Site-specific instructions about parking locations and trash pick-up.

(12) Violation, Enforcement, and Penalties

- a. Short-term rental business licenses shall be enforced pursuant to Mancos Municipal Code Ch. 6, Art.8.
- b. The short-term rental license holder shall be held responsible for citations for violations of the municipal code committed by persons at the property during a period when the property is rented on Short-Term rental basis.

(13) Definitions

Accessory use or structure means a use or structure naturally and normally incidental to and subordinate to the permitted primary structure or use by right of the land or lot area.

Accessory dwelling unit (ADU) means a smaller, secondary residential dwelling unit with a separate entrance from the primary one-unit dwelling on the same lot as a primary one-unit dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of living, sleeping, cooking, and sanitation.

Bed and breakfast means a commercial establishment operated in a house, or portion thereof, used by the record owner of the property as a primary residence where short-term lodging rooms and meals are provided to guests for compensation.

Boarding house means an establishment where lodging in individual rooms or units without kitchen facilities is offered to one or more roomers or boarders for direct or indirect compensation for a period of 30 days or more.

Dwelling unit means a building arranged and designed as a dwelling unit and intended to be occupied by one (1) family, which has at least one bathroom and a minimum floor area of five

hundred (500) square feet, unless otherwise specified within the appropriate zoning districts. Dwelling units shall include manufactured homes and factory-built homes.

Hotel or motel means a building or group of buildings with guest rooms in which lodging is provided and offered to transient guests for compensation.

Local Resident (for the purposes of short-term rental regulations) means a natural person who has primary residence within the 81328-zip code.

Owner means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or other person with sole or with concurrent legal and/or beneficial title to the whole or to part of a building or land. This definition also applies to any property manager or property management business.

Person means an individual, proprietorship, trust, partnership, corporation, association, or other legal entity. For purposes of short-term rentals, “person or persons” shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity unless otherwise specified in the STR regulations.

Primary residence means a dwelling unit that is owner-occupied and is the usual place of return for housing of a person as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.

Short-term rental unit means a full residential dwelling unit or accessory dwelling unit that is rented for compensation or consideration for less than 30 days at a time. This definition does not include bed and breakfasts; boarding houses; hotels; motels; dwelling units owned by the federal government, state, or Town, or any of their agencies; or facilities licensed by the state as health care facilities.

Short-term rental means the renting, or offer to make available, (by way of a rental agreement, lease, license, or any other means, whether oral or written) for compensation or consideration, of residential property, a full dwelling unit, or accessory dwelling unit for a period of 30 consecutive days or less.

Short-term rental party (or party) means one or more persons who, as a single group, rent a short-term rental unit pursuant to a single reservation and payment.

**LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF
SHORT-TERM RENTAL REGULATIONS**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY,
COLORADO:

WHEREAS the conversion of residential properties to short-term rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community, including issues such as increased noise, traffic, potential for trespassing, fire-safety concerns and trash not being disposed of properly, and

WHEREAS on June 10, 2019, the Larimer County Board of County Commissioners (hereinafter referred to as BoCC) adopted reasonable and necessary short-term rental regulations in the Larimer County Land Use Code (hereinafter referred to as LUC) which became effective September 1, 2019, but with a two-year grace period for existing operators to become compliant; and

WHEREAS on June 10, 2019, the BoCC also adopted amendments to the 2018 International Residential and Building Codes (hereinafter referred to as the "Building Codes") regarding short-term rentals which became effective September 1, 2019, but with a two-year grace period for existing operators to become compliant; and

WHEREAS said LUC and Building Code regulations set forth the criteria, development process and permitting requirements to obtain short-term rental approval; and

WHEREAS in conjunction with the aforementioned LUC regulations, Larimer County contracts with an outside monitoring company to monitor the internet spaces where short-term rentals are advertised to determine compliance with the regulations; and

WHEREAS the BoCC desires to effectively implement and enforce the regulations regarding short-term rentals with an Ordinance incorporating the existing regulations and providing additional regulations addressing the granting, enforcement, and revocation of a short-term rental approval and other code compliance measures;

NOW THEREFORE, to achieve these goals the BoCC clarifies and sets forth the following compliance measures in this Ordinance for Implementation and Enforcement of Short-Term Rental Regulations.

SECTION 1. TITLE

This Ordinance shall be titled Larimer County Ordinance for Implementation and Enforcement of Short-Term Rental Regulations.

SECTION 2. AUTHORIZATION

This Ordinance is authorized pursuant to:

Section 30-11-101(2), C.R.S.: Counties have the authority to adopt and enforce resolutions regarding health, safety, and welfare issues as otherwise prescribed by law.

Section 30-15-401(1)(a)(I)(A), C.R.S.: The Board of County Commissioners has the power to adopt ordinances to provide for procedural requirements pursuant to House Bill 20-1093 concerning County authority to grant approval and regulate short-term rentals.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION

This Ordinance shall be administered by the Larimer County Community Development Department (Authorized Enforcement Agency) or by its designee.

SECTION 4. PURPOSE/INTENT

The purpose of this Ordinance is to:

- A. Provide procedural requirements to seek approval for and regulate an Owner who rents or advertises for a short-term rental and to fix the fees, terms, and manner for issuing and revoking an approval issued therefor. For purposes of this Ordinance, short-term rental shall collectively refer to short-term rentals, large short-term rentals, vacation homes and large vacation homes.
- B. Additionally, the Ordinance ensures that short-term rentals are operated in a manner that is compliant with all applicable rules, laws and regulations, as well as to ensure it is compatible with the surrounding neighborhood and protects the overall community character.

SECTION 5. APPLICABILITY

- A. This Ordinance applies to the unincorporated area of Larimer County including unincorporated parcels within the Estes Valley Planning Area.
- B. The provisions set forth in this Ordinance shall only apply to short-term rental properties, as defined within the LUC. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, resort lodge cottages, bed and breakfast establishments, timeshares/fractional ownership units within a building operating akin to that of a hotel/motel with a central check-in located within such facility, or to properties with leases of thirty-one (31) days or longer.

SECTION 6. APPROVAL AND COMPLIANCE REQUIRED

- A. It is unlawful to lease, advertise for lease, or permit the leasing of any short-term rental in the unincorporated areas of Larimer County without approval from the Larimer County Planning Division according to standards set forth in LUC Sections 3.3.5.B and 13.6.1.B as well as the Building Codes, as amended and adopted by Larimer County, which are hereby referenced and adopted in their entirety.
- B. An application for a short-term rental shall be reviewed by the Authorized Enforcement Agency in accordance with the applicable criteria.
- C. Approvals shall be in accordance with the regulations set forth in the LUC which are hereby referenced and incorporated in their entirety, as well as building permits, inspection

approvals and Certificates of Occupancy required by the Building Codes, also hereby referenced and adopted in their entirety.

- D. Any short-term rental in operation without approval is required to cease all operations immediately until an application has been processed and an approval is issued.

SECTION 7. REQUIREMENTS

- A. Notices. Any notices or communications required or reasonably implied by this Ordinance may be sent to the Owner or Property Manager by the County via U.S. mail or via electronic mail.
- B. Property Manager. The Property Manager shall have access and authority to assume management of the short-term rental and take remedial measures and to accept service on behalf of the owner. The Property Manager shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Ordinance. The Property Manager must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Property Manager to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.
- C. Property Manager Contact Information. Owner and Property Manager shall be responsible to provide the Property Manager's contact information to all neighbors within 500 feet of the short-term rental of the Property Manager's contact information. Proof of such shall be provided to the County within ten (10) days of Planning approval and or Change in Information.
- D. Re-certification. Re-certification is required biannually upon notification by the County. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration or revocation of approval.
- E. Advertising. Any advertising shall contain the Larimer County approval number.

SECTION 8. VIOLATIONS, ENFORCEMENT and REVOCATION

- A. On-going Compliance Obligation of Owner.
- a. Approval of an application is expressly contingent upon the Owner maintaining compliance with all requirements set forth in this Ordinance, the LUC and the adopted building codes. If at any time an Owner fails to maintain such compliance as required, the Owner shall be in violation of this Ordinance.
- B. Complaints.
- a. Complaints concerning a short-term rental shall first be directed to the Property Manager. The Property Manager shall respond to the complaint, including visiting the site if necessary. Failure of a Property Manager to affirmatively respond to a complaint

and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.

- b. The County may investigate any complaint received, to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violation(s) are not corrected or if there are repeat offenses, Larimer County may pursue action as provided for herein.
- c. If upon review at any time, Larimer County determines the Owner has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this Ordinance, Larimer County may take such action as is deemed necessary to remedy the non-compliance, including but not limited to, revocation of the approval as set for in Section 8D below.

C. Suspension or Revocation.

- a. An approval granted pursuant to this Ordinance may be revoked or suspended by the Authorized Enforcement Agency following a Show Cause Determination for any violation of the Ordinance, or violation of the short-term rental regulations in the LUC and Building Codes, as amended. The Authorized Enforcement Agency may commence revocation proceedings if any of the following occurs:
 - i. An Owner has had three (3) substantiated complaints; or
 - ii. An Owner has violated or is currently violating this Ordinance in a manner that significantly endangers the public health, safety and/or welfare.

D. Suspension or Revocation Determination:

- a. The Show Cause Determination shall be made by the Larimer County Community Development Director or their designee.
- b. A Notice of Violation shall be given to the Owner or Property Manager setting forth the date and substance of the alleged violation(s).
- c. Within fifteen (15) days of receipt of the Notice of Violation, the Owners and/or Property Manager may submit a response and present evidence disputing the allegations to the Director.

The Director shall consider the following when determining whether to suspend or revoke the short-term rental approval:

- i. The nature and seriousness of the violation
- ii. Impact of the violation on the neighborhood and/or community
- iii. Corrective action, if any, taken by the Owner or Property Manager
- iv. Prior violations
- v. The likelihood of reoccurrence of the violation or violations
- vi. Entirety of the circumstances surrounding the violation

- vii. Willingness, or lack thereof, to rectify the violation
 - viii. Length of time the Owner has been approved
 - d. Following receipt of any evidence that may be provided to the Director, if it is determined that good cause exists for the imposition of a sanction against the Owner, the Director may impose the following sanctions:
 - i. Suspension of the approval for a time period not to exceed six (6) months; or
 - ii. Revocation of the approval
 - e. Any action taken pursuant to this Section shall be commensurate with the seriousness of the violation(s) and the action, or lack thereof, taken by the Owner to resolve the violation(s).
 - f. The Director shall provide their decision in writing to the Owner and Property Manager within fifteen (15) days of receipt of the evidence disputing the allegations.
 - g. An Owner whose short-term rental approval has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension.
 - h. An Owner whose short-term rental approval has been revoked must immediately cease all operations. All advertising shall cease immediately.
- E. Appeals of License Revocations.
- a. Any determination made by the Director related to the suspension or revocation of the approval may be appealed to the BoCC pursuant to Section 6.7.2 of the LUC.
- F. Costs of Enforcement, Revocation and Appeal. In the event it is necessary for the County to act for enforcement of this Ordinance, there shall be added to any fees due, all reasonable costs and fees incurred by the County, including reasonable attorney fees. If any action is brought in a Court of law, by or against the County relating to the enforcement, interpretation, or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution of such action.
- G. Violations subsequent to January 1, 2022. Any short-term rental in operation after January 1, 2022, without the required approvals, shall be deemed in violation and subject to fines, increased fees and injunction proceedings.
- H. Penalties. All penalties are subject to existing state statutes.
- I. Advertising. Any advertising listing the short-term rental for rent, such as online rental sites i.e. VRBO, AirBnB, etc., or published to solicit rental of a short-term rental, without prior approval from the Authorizing Enforcement Agency, is a violation.

SECTION 9. REMEDIES NOT EXCLUSIVE

A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local laws. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 11. PUBLICATION AND EFFECTIVE DATE

A. Following its adoption, this Ordinance shall be published in a newspaper of general circulation of Larimer County once by title only with the date of the initial publication and containing any section, subsection or paragraph of the Ordinance which was amended following the initial publication and shall take effect thirty (30) days after the date of publication in said newspaper.

Upon motion duly made and seconded, the foregoing Ordinance was adopted on the 8th day of November, 2021.



BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: John Kefalas
Chair

ATTESTATION:

I, Kelly Bryant, Larimer County Clerk, attest that the foregoing LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF SHORT-TERM RENTAL REGULATIONS was read at a meeting of the Board of County Commissioners and has been published in a newspaper of general circulation for Larimer County at least ten (10) days prior to the date of its adoptions, in compliance with Section 30-15-406 D.R.S. 1973 as amended.

[SEAL]

Kelly Bryant
Larimer County Clerk/Deputy Clerk

Approved as to Form: Tad As... 1/11/2021
Deputy County Attorney

TOWN OF OAK CREEK

ORDINANCE NO. 661

AN ORDINANCE ADDING CHAPTER 5.14, LICENSING OF SHORT-TERM RENTALS, TO THE OAK CREEK MUNICIPAL CODE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Trustees of the Town of Oak Creek (Board) has determined that the type and numbers of short-term rentals within the Town of Oak Creek (Town) should be regulated and licenses; and

WHEREAS, the Board of Trustees of the Town of Oak Creek (Board) held work sessions to review and discuss regulations and licensing standards on January 10, 2019, June 13, 2019, July 8, 2021, July 22, 2021, August 12, 2021 and August 26, 2021; and

WHEREAS, the Board wishes to move forward and adopt short-term rental regulations as Chapter 5.14, Licensing of Short-Term Rentals; and

WHEREAS, a draft of this Ordinance No. 654 adding Chapter 5.14 was provided at the regular meeting of the Board on September 12, 2019. Public comment was received at said meeting; and

Whereas, a draft was provided at the regular meeting of the Board on July 22, 2021 and on August 12, 2021. Public comment was received at said meetings; and a Work Session was held on August 26, 2021 where public comments were received; and

WHEREAS, Trustee Gagne made a motion to approve Ordinance No. 661 as written. Trustee Turati seconded the motion. The motion passed unanimously.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

SECTION 1. ADDITION. Chapter 5.14, Licensing of Short-Term Rentals, is hereby added to the Oak Creek Municipal Code as follows:

A. Chapter 5.14 LICENSING OF SHORT-TERM RENTALS

Sections:

- 5.14.010 Intent and scope.
- 5.14.020 Definitions.
- 5.14.030 License required.
- 5.14.040 License restrictions.
- 5.14.050 License; application; contents; inspection; issuance.
- 5.14.060 Fees.
- 5.14.070 Sales tax license.
- 5.14.080 Limitations; occupants, vehicles and noise.
- 5.14.090 Permitted locations.

- 5.14.100 Renewal.
- 5.14.110 Property owner responsibility.
- 5.14.120 Posting.
- 5.14.130 Advertising.
- 5.14.140 Notice to owner.
- 5.14.150 Enforcement; revocation; appeal.
- 5.14.160 Penalty for violation.

5.14.010 Intent and scope.

- A. This chapter is intended to establish comprehensive regulations to safeguard public health, safety and welfare by requiring licensing of short-term rental properties in the Town of Oak Creek.
- B. This chapter applies to accommodations for rent or lease for a period of less than thirty (30) consecutive days, but only when the accommodation is assessed in the residential property classification system for property tax purposes.
- C. This chapter is not intended to supersede any private conditions, covenants or restrictions application to a short-term rental unit.

5.14.020 Definitions

As used in this chapter, unless the context clearly indicates otherwise, certain words, terms, and phrases are defined as follows:

- A. Principal residence means the primary location at which a person resides for more than one-half of the year. However, if the person's driver's license or voter registration shows a different residence address, it shall be presumed that the location in question is not a principal residence.
- B. Responsible agent means the owner, the owner's agent, or the owner's designee who is available to respond to any issues arising from a short-term rental within fifteen (15) minutes and who is authorized to receive written notice on behalf of the owner.
- C. Short-term rental means the rental of all or a portion of a property owner's principal Single-Family Dwelling or an Accessory Dwelling Unit as such are defined in Chapter 17, Oak Creek Land Use Code (LUC), for less than 30 consecutive days. This definition does not include offering use of one's property to another where no fee is charged and collected, and also specifically excludes use of recreational vehicles, mobile homes located in a mobile home, trailer or RV park, and Duplexes or Multi-family Dwellings as such are defined in Chapter 17, LUC, as short-term rentals.
- D. Vehicle means a machine propelled by power other than human power designed to travel along the ground, in the air, or through water by use of wheels, treads, runners, slides, wings, or hulls and to transport persons or property or pull non-self-propelled vehicles or machinery, and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped, tractor, buggy, golf cart, and wagon.

5.14.030 License required.

Within the Town of Oak Creek (Town), it is unlawful for any person to engage in a short-term rental unless licensed to do so as provided for by this chapter. Licenses are permitted, in limited numbers, in any area in Town where residential occupancy is permitted, in compliance with the provisions of this

chapter, and provided that no commercial space is used for a short-term rental. The short-term rental license must be renewed annually for every premises used as a short-term rental.

5.14.040 License restrictions.

- A. The short-term rental of a residence which is not the principal residence of the property owner is hereby prohibited and subject to the penalty for violation in accordance with Section 5.14.160 of this chapter. Short-term rentals must be located on or in the property owner's principal residence property, and the property owner must be a natural person or the beneficiary of a trust whose name appears on the deed to the property on which the short-term rental is located.
- B. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties for periods in excess of thirty (30) days within the first two (2) years of ownership.
- C. The short-term rental license is non-transferable with the sale of the property.

5.14.050 License; application; contents; inspection; issuance.

- A. Applicants for a license or for renewal of a license under this chapter shall file an application with the Town Administrator/Clerk with the following information:
 - 1. Applicant/property owner information;
 - 2. Address of the short-term rental;
 - 3. Proof of ownership;
 - 4. Designation of and proof of agreement with a responsible agent;
 - 5. Number of bedrooms in the house;
 - 6. Maximum number of occupants;
 - 7. Number and site plan of off-street parking spaces;
 - 8. Trash/recycling plan;
 - 9. Evidence of issuance of a state sales tax license number;
 - 10. Evidence of property and liability insurance;
 - 11. Evidence of an approved recreation fire permit, if applicable; and
 - 12. The applicable license application fee.

In addition to the requirements of this chapter, the Town Administrator/Clerk may require such additional information as is deemed reasonably necessary to effectuate the purpose and intent of this chapter. An application is not complete and will not be considered properly submitted until the applicant provides all information required by the Town and pays the applicable licensing fee.

- B. Upon filing of a complete application for a short-term rental license and within sixty (60) days prior to each annual renewal under the terms and provisions of this chapter, the property owner shall, at the owner's expense, schedule a life safety inspection of the property with the Oak Creek Fire Protection District and Routt County Regional Building Department personnel. Such inspection shall determine the following:
 - 1. Adequate fire extinguishers are installed and maintained;
 - 2. Smoke alarms and carbon monoxide alarms are installed in compliance with applicable building and fire codes;

3. Maximum occupancy notice(s) are clearly posted based on square footage; and
4. Emergency egress pathways are in compliance with applicable building and fire codes.

C. The Town Administrator/Clerk shall issue a short-term rental license upon confirming compliance with the application requirements. The short-term rental license shall include:

1. The names and contact information of the property owner and responsible agent;
2. The maximum number of occupants of the property;
3. Conditions related to parking and other matters (if any); and
4. The dates of issuance and expiration of the license.

5.14.060 Fees.

The Town Board shall, by a resolution of the Town Board, impose fees for the application, renewal and enforcement of this chapter.

5.14.070 Sales tax license.

All short-term rentals shall obtain the necessary sales tax license as required by the Oak Creek Municipal Code, and adhere to the provisions thereof.

5.14.080 Limitations; occupants, vehicles and noise.

The following restrictions shall apply to all short-term rentals:

- A. Application: Applicants shall file a written application for a short-term rental license on forms provided by the Town of Oak Creek at least sixty (60) days prior to rental of the property.
- B. Occupants: For short-term rentals with 1,500 square feet or less of interior living space, a maximum of four (4) persons is allowed. For short-term rentals with greater than 1,500 but less than 2,500 square feet of interior living space, a maximum of six (6) persons is allowed. For short-term rentals with 2,500 square feet or more of interior living space, a maximum of eight (8) persons is allowed.
- C. No more than three (3) people per bedroom, including children, shall be permitted to occupy a short-term rental.
- D. Vehicles: No more than four (4) vehicles associated with the property owner, short-term renters and others shall be parked at any one time on or nearby the property with a maximum of two (2) vehicles parked in the street within a duly authorized public parking area where overnight on-street parking is allowed.
- E. Disturbing the Peace: Short-term renters shall comply with Section 9.24.050(3) with regard to disturbing or disrupting the peace at all times.
- F. Violation of the Municipal Code: All short-term renters shall comply with all applicable provisions of the Oak Creek Municipal Code.
- G. Residential character: All dwellings shall maintain the residential character of the neighborhood.
- H. No more than three (3) dogs, including the property owners, shall be allowed at the short-term rental at any one time.

Failure to comply with these limitations may result in revocation of the short-term rental license.

5.14.090 Permitted locations.

The Town of Oak Creek shall issue no more than a total of fifteen (15) short-term rental licenses, with a cap of no more than five (5) in each Area as such are defined below.

- A. Area A: That area within the municipal limits of Oak Creek located north of the centerline of Main Street.
- B. Area B: That area within the municipal limits of Oak Creek located south of the centerline of Main Street and west of the centerline of South Sharp Street.
- C. Area C: That area within the municipal limits of Oak Creek located south of the centerline of Main Street and east of the centerline of South Sharp Street.

When a cap is reached, new license applications will be considered in the order of the date a complete application is received.

5.14.100 Renewal

At least sixty (60) days prior to the anniversary date of the short-term rental license, the licensee shall apply to renew the license. Absent the timely filing of a renewal application, a license shall expire one (1) year from the date of issuance.

5.14.110 Property owner responsibility.

- A. The property owner is responsible for notifying all occupants of the applicable restrictions and requirements.
- B. The property owner shall submit to the Town a site plan of off-street parking spaces meeting the requirements of Section 5.14.080 D.
- C. The property owner is responsible for any violation of any provision of this chapter.

5.14.120 Posting.

The owner must post or cause to be posted the following information in a prominent and visible location in the short-term rental unit:

- A. A copy of the current short-term rental license;
- B. Description of location of fire extinguishers and emergency egress;
- C. General guidelines on Town regulations, as well as any unit specific guidelines, regarding noise, parking, trash pick-up and fire restrictions; and
- D. Any other information deemed necessary by the Town Administrator/Clerk or his/her designee to ensure the public's health and safety.

5.14.130 Advertising.

All marketing materials or advertisements for a short-term rental unit shall contain the license number of the short-term rental license.

5.14.140 Notice to owner.

Any notice given by the Town to an owner in pursuit of this chapter is deemed sufficient if sent by either:

- A. First-class mail to the address provided by the owner or the responsible agent designated on the owner’s most recent license or renewal application; or
- B. Electronic mail, if the owner provides an electronic mail address and indicates electronic mail as the preferred method of notification on the owner’s most recent license or renewal application.

5.14.150 Enforcement; revocation; appeal.

- A. Code Enforcement: The property owner of any property licensed as a short-term rental shall be liable for violations of Titles 3, 5, 8, 9, 13, 15 and 17, Oak Creek Municipal Code (Code), upon the property, and shall abate any nuisance or other violation as required under the Code.
- B. Revocation. Three (3) or more violations of the Code or short-term rental license upon the property shall be grounds for revocation of a short-term rental license. The licensed property shall not be eligible for a short-term rental license for a period of two (2) years following revocation.
- C. Appeal. Any person aggrieved by the decision of the Town Administrator/Clerk in the course of the administration and enforcement of this chapter may make an appeal to the Town Board. Such appeal shall be made within ten (10) days of the decision from which the appeal is made by filing with the Town a written notice of appeal specifying the grounds therefor. The Town Board shall conduct a hearing of the appeal within thirty (30) days of receiving written notice. The decision of the Town Board shall be final.

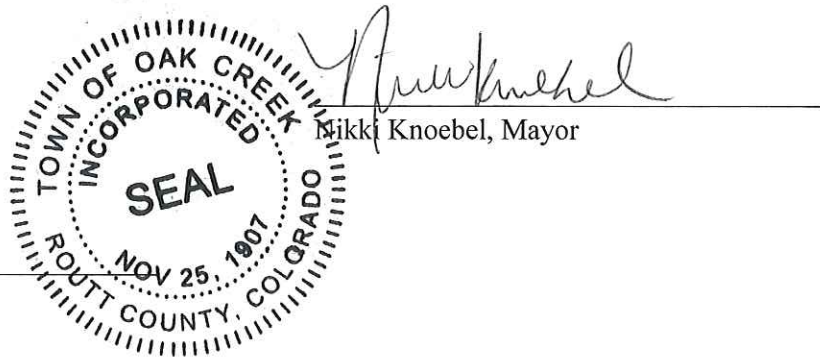
5.14.160 Penalty for violation.

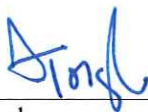
Any person who willfully fails to comply with any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in Chapter 1.20, Oak Creek Municipal Code.

SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 9th day of September, 2021.



ATTEST: 
 David Torgler
 Town Administrator/Clerk

NOTICE IS HEREBY GIVEN that the Oak Creek Board of Trustees on Thursday, September 9, 2021 adopted the following ordinance:

ORDINANCE NO. 661 AN ORDINANCE ADDING CHAPTER 5.14, LICENSING OF SHORT-TERM RENTALS, TO THE OAK CREEK MUNICIPAL CODE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Complete copies of this Ordinance is available and can be obtained from the office of the Town Administrator/Clerk, 129 Nancy Crawford Blvd., Oak Creek, CO 80467 and may be inspected anytime during normal business hours.

Sent to newspaper: 9-16-21

Posted: Sept. 18, 2021

30 day period ends: Oct. 18, 2021



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: December 06, 2022
SUBJECT: Staff reports

- Training: DOLA – Planning 101. Has late December availability or February.
- Training: American Planning Association – Planning Commissioner Training Series
 - Preparing for Planning Commission Meetings
 - Staff Reports
 - Managing the Planning Commission Meetings
 - Public Meetings
 - Legal Decision Making for Planning Commissioners
 - Legal context/findings of fact
- Training: Town Water Consultants providing Water Law Training 01/17/2022.
- Training: Saving Places Conference – February 8-10 Embassy Suites, Boulder, CO

- The vote for rezoning from Agriculture to PUD for the property known as Elizabeth West has been passed. The BOT voted to approve the rezone at their 11/15/2022 meeting.