



City of Woodland Park

City Council

November 3, 2022 at 7:00 PM

AGENDA

5:30 PM - City Council work session regarding the 2023 City of Woodland Park Budget

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. City Code definitions and information with respect to Short Term Rentals.
(Presenters Councilmembers David Ott and Robert Zuluaga)
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the October 20, 2022 City Council Meeting Minutes. (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 No. 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 17, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)
 - B. Approve Ordinance No. 1432, Series 2022, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for Short-Term Rental Licenses and set the Public Hearing for November 17, 2022. (A)
(Presenter, City Attorney Geoff Wilson)
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

October 20, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session on the 2023 Budget, Mayor Pro-tem Case called the City Council Meeting to order at 7:00 PM.

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

The following Staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Deputy City Manager/Director of Operations Willey, Finance Director Vassalotti, Planning Director Schminke, Parks and Recreation Director Keating, Aquatics Manager Warner, Human Resources Manager Jacob, Assistant to the City Manager Johnson and City Planner Burgess.

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)

Planning Director Keating shared the CPRA Aquatics Professional of the Year award that Aquatics Manager Brady Warner received at the CPRA Conference two weeks ago. Keating highlighted some of the exciting activities that Warner is providing at the Aquatic Center. City Manager Lawson echoed Keating's sentiments and thanked Warner for his hard work. Mayor Pro-tem Case presented Warner with a Mayor's pin. Warner shared that he couldn't do all he was doing without the support of his team.

- B.** Presentation of the City Manager's Budget Message and Budget for the 2023 year. (A)
(Presenter, City Manager Michael Lawson)

City Manager Lawson shared that the City Charter dictates that the Budget be delivered to the City Council by October 15. Lawson shared that the 2023 City of Woodland Park budget was delivered to the Council on October 14. Lawson shared that the budget is posted on the City's website and that the City Council would be holding a budget work session on November 3. Lawson shared that the hope was to have the initial posting of the budget on November 17, 2022 and the public hearing for the 2023 Budget on December 1, 2022.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

Councilmember Ott made a motion to move item 8A to 4A and to table this item. He stated that the Council never hears public comment on an initial posting. Mayor Pro-tem Case shared that she chose to have public comment on 8A even though it is an initial posting. Case shared that she made an exception to the typical protocol so that the council could have every opportunity to hear from the public.

Motion: Move item 8A to 4A and table this initial posting. Ott/Zuluaga. The motion resulted in a tie of 3-3 with Case, Connors and Nakai voting no. As a result of a tie, the motion failed.

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)

City Clerk Leclercq introduced both sets of meeting minutes on the Consent Calendar.

Motion: To approve the Special Meeting Minutes from September 28, 2022 and the regular City Council Meeting Minutes from the October 2, 2022 meeting. Nakai/Zuluaga. Motion carried 6-0.

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

DeAnn Betterman shared that she would like the City Council to consider reducing the mill levy.

Arnie Sparnins shared that he felt the verbiage regarding STR rentals in the budget should be removed. He felt the statement "may substantially affect the budget" should be removed because it puts a bias on STR rental income.

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)

Mayor Pro-tem Case stated prior to the introduction of this ordinance that she wanted to address some of the concerns made regarding her conflict of interest and STR's. Case shared that as a realtor she has only repressed two individuals in the past that have purchased STR's. One was purchased in Rainbow Valley and the other in Victor. Case also stated that currently she is not representing any clients that are looking to purchase an STR.

Planning Director Schminke introduced Ordinance No. 1431, Series 2022, on initial posting.

Schminke shared the following: 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 has 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 the City Council and Planning Commission where strategies to address the impacts of this use were reviewed and the 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.

Following Schminke's introduction of the ordinance, City Attorney Williams spoke.

City Attorney Williams stated the following:

I was asked to set the stage, as well as lay out a synopsis of your procedural options regarding this Short-Term Rental Ordinance:

1. About a year ago, we started to meet as staff regarding compiling policy, regulatory, licensing and enforcement options available for consideration when legislating short-term rentals within the City of Woodland Park. After staff meetings, there was high volume public engagement, community meetings, workshops, community surveys, input and social media presence and engagement, further analysis from staff, legal drafting, numerous joint Planning Commission and City Council work sessions, and public hearings regarding this topic of great interest to the community.
2. Now that we have summarized where we came from, I wanted to clarify the process, how we got here, and your current procedural options, regarding this Ordinance.
 - As a reminder, any code amendments to Title 18 *must* first be reviewed by the Planning Commission before arriving in front of Council (pursuant to Woodland Park Code section 18.69.010).
 - Pursuant to Code section 2.40.030, the Planning Commission held a public hearing on the draft STR regulations (which was held over the course of numerous long evenings... I can attest that they did a great job with the public input and their analysis and expertise), and they forwarded to the City Council its findings and recommendations. That recommended STR Ordinance is now in front of you, and is what is here to be considered by you on First Reading – whether that be to: 1) approve; 2) reject; or 3) approve with amendments.

Therefore, your procedural options this Thursday are as follows:

- i. Move to approve the Ordinance recommended by Planning Commission on First Reading, and proceed to Second Reading and Public Hearing on November 3rd
 - ii. Move to approve the PC-recommended Ordinance on First Reading, with certain amendments, and proceed to Second Reading and Public Hearing on November 3rd
 - iii. Move to table First Reading, to the next Meeting on November 3rd
 - iv. "Kill" the bill
- However, please note that the process would then re-set, and the City would be "back to the drawing board." The Planning Commission would need to reconvene and hold another public hearing on any newly proposed STR regulations.

- This process would extend past December 16th, which is the expiration date of the current moratorium. If the moratorium expired before STR regulations were enacted, the result would be a return to the status quo before the July moratorium was imposed.
- So, that would be if the process isn't continued and keeps moving

iv. Finally, keep an eye on the date of the expiration of the current Moratorium, and make sure to Extend that Moratorium if that ends up being necessary.

Councilmember Zuluaga shared that it was clear that the Council did not like the ordinance that was brought to them by the Planning Commission and that they had asked for a second ordinance to be drafted by the attorneys. Zuluaga asked where that second ordinance was. Williams shared that the attorneys took the direction from Council and brought it to Council in the form of amendments. Williams reviewed with the Council that, pursuant to the Municipal Code, the Council needed to consider the ordinance that was brought to them by Planning Commission. Williams shared that the council could choose to amend said ordinance and that is why the amendments were added to the council packet for council to consider.

The following are the amendments that were included in the packet:

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.

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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/SP L	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.**

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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.~~

Strike 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 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(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.~~

At this time, Mayor Pro-tem Case instructed the audience on the procedures for public comment. Case asked that each individual keep their comments to a maximum of 3 minutes.

Angie Cain - spoke against the removal of STR's in residential neighborhoods

Mary Sekowski - spoke against the proposed amendments

Lisa Page - spoke against the proposed amendments

Nolan Goodall - spoke against the proposed amendment

At this time, Councilmember Ott voiced his disagreement with Case for allowing the public to comment on this ordinance on initial posting and the amendments. Ott left the meeting at 7:59 PM. Councilmember Connors left the meeting at 8:01 PM and Case adjourned the meeting for a short recess.

Mayor Pro-tem Case called the meeting back to order at 8:10 PM and public comment continued.

Arnie Sparnans - spoke in favor of removing STR's from residential neighborhoods

Craig Penley - spoke against the proposed ordinance/amendments

Jerry Penland - spoke in favor of the proposed amendments

Al Bunge - spoke in opposition to the proposed amendments

Andrew Smith - spoke in opposition to the proposed amendments

Craig Kallian - spoke in opposition to the proposed amendments

Rachel Burns - spoke in opposition to the proposed amendments

Dave Brown - spoke in opposition to the proposed amendments and thanked the 4

Councilmembers who stuck around for the rest of the meeting

Jeremy Lyons - shared that he was in favor of regulating STR's and not doing away with them. He suggested a STR hotline for violations and fines.

Nicole Hanson - spoke in opposition of the amendment and banning STR's

Todd Zeller - spoke in opposition to the amendments and in favor of regulations

Scott Campbell - was for sensible regulations of STR's

Derek Norwood - spoke in favor of the proposed regulations and caps on STR's

Kelley Leigh - spoke against banning STR's in residential neighborhoods

John Hoffman - was in favor of limited regulations on STR's

Peter Trelor - spoke against the amendments and expressed that the City should enforce their ordinances.

Tammy Smidt - expressed that the City should gather stats on nuisance calls of STR's to see if it is even a problem

Christine Carlo - spoke in opposition to banning STR's. She shared that it is unfair after the fact that the City has allowed them to have licenses

Adam Cain - against banning STR's - in favor of regulating STR's

Frances Sinel - shared her opinions of the Councilmembers having conflicts of interests

Jason Pickerill - spoke in opposition to banning STR's

Bo Burns - thanked City Attorney Williams and shared that the City needs to be aware of legal challenges they may face if they ban STR's

Bradley Eicher - shared that he owns several STR's in the city and that he self-regulates his properties and has no issues

Jamie Traffas - shared that it was not OK for the two Councilmembers to walk out of the meeting. She spoke in opposition to the ban on STR's

Mac McVicker - shared his view on private property rights having limits

Beth Hoeritz - spoke in opposition to the amendments

Jen Ray - in favor of regulations of STR's not ban

Lisa Waltman - spoke in favor of STR's

Rosemary Meyers - STR owner who would lose her retirement income if banned. Spoke in favor of regulations

At this time Mayor Pro-tem Case thanked the audience for all of their comments.

Councilmember Zuluaga made a motion to table the initial posting until the November 3rd Council Meeting with Councilmember Neal seconding that motion.

Mayor Pro-tem asked for Council discussion.

Councilmember Neal shared that he has been very vocal about property rights. Neal shared that he ran on citizen rights and was against the ordinance the planning commission created. Neal stated that he is leaning towards what the citizens have been expressing to him.

Councilmember Zuluaga acknowledged that there is a lot on the table for investors, most importantly property rights. Zuluaga shared that this goes back to the city's identity. Zuluaga shared that there are those that see us as a bedroom community, those that see us as a destination, those that spend their dollars and then leave and those that see us as a college town. Zuluaga expressed that he sees it as four groups vying to thrive together. Zuluaga shared that it is the Council's job to hear from all four and navigate the water in a way that is fair. Zuluaga thanked the audience for their comments.

Mayor Pro-tem Case thanked everyone for their patience. Case shared that she has read all of the emails that have been sent to the Council this past week. Case shared as a believer in property rights that the Council must meet in the middle. Case expressed that weighing this balance is very delicate and that they need to evaluate as a Council. Case apologized for the two Councilmembers this evening that abandoned the process.

Councilmember Nakai thanked the Planning Commission for their hard work.

Motion: to table Ordinance No. 1431, Series 2022 on initial posting until the November 3, 2022 City Council Meeting. Zuluaga/Neal. Motion carried 4-0.

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

Mayor Pro-tem Case shared the events for the upcoming two weeks and gave a brief update on the Parks Trails and Open Space community survey.

B. Council Reports

Councilmembers Nakai and Neal asked the City Attorney to bring an extension of the STR moratorium to the next Council Meeting, extending it to six months.

Councilmember Zuluaga shared the need for people to apply to the Keep Woodland Park Beautiful Committee. They have been able to have a quorum the last few meetings.

C. City Attorney's Report

City Attorney Williams shared the following with Council:

- I just wanted to briefly address what happened before, and the advice given – or response to the inquiry regarding limiting the substance of the public comment today.
- First of all, I have been helping cities and towns navigate and balance the Short-Term Rental for the past 6 years. Every community is different, but never have such discussions been completely calm or without controversy or strong opinions.
- Every attorney has a different style, but we are CONSERVATIVE approach to limiting Council. We don't read restrictions into places where they simply don't exist. That is Council's call – to make a motion, should they intend to do so
- The Council Rules leave it to Council to prescribe rules regarding public comment, and I was not going to announce a rule to limit public comment when council itself has not adopted such a rule.
- **Council Rules of Procedure**
- **Section 4. Meeting Provisions.** All Council Meetings shall comply with the requirements of the Colorado Open Meetings Law, § 24-6-401 and § 24-6-402, C.R.S. (All regular, special and

emergency meetings of the Council shall be open to the public and citizens shall have an opportunity to be heard under such rules and regulations as the Council may prescribe. (**Charter § 3.11**)).

D. City Manager's Report

City Manager Lawson shared the new police patch that Chief Deisler designed with the Council. Lawson thanked the staff for their hard work on producing the budget document. Lawson also shared that there was a stop work order issued for the slash piles and they are set to be removed next week.

12. ADJOURNMENT

Mayor Pro-tem Case adjourned the Council Meeting at 10:19 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: November 3, 2022

SUBJECT: Approve Ordinance No. 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 17, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)

BACKGROUND: See attached detailed report.

RECOMMENDATION: Move to approve for initial posting, ORDINANCE 1431, SERIES 2022, 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 17, 2022.

ATTACHMENTS:

1. Memo to CC 2022-1026
2. Ordinance 1431, Series 2022 STR Regulations (PC Recommendation)



City of Woodland Park Memo for City Council

Meeting Date: November 3, 2022

Agenda Item

Department

Presenter

Planning

**Karen Schminke, AICP
Planning Director**

BACKGROUND SUMMARY

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 (or rentals of residential property for any length of time) 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 meeting 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.

Ordinance 1431, Series 2022, as recommended by the Planning Commission, is the result of the community engagement activities, joint work sessions, and the Planning Commission's own work session and public hearing process. As proposed it regulates STRs in most zone districts, but prohibits them in the multi-family zone districts.

After the Planning Commission completed its hearing process, the City Council held their own work session on the topic and directed staff to prepare an amended ordinance that would prohibit STRs in all residential zones.

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

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

DETAILED HISTORY

Over a year ago the Planning Commission identified short term rentals (STR) as an issue that should be reviewed and possibly addressed with a Code change. Short term rentals can best be

explained as the renting of either a part of a residence or the whole residence for less than 30 consecutive days.

The City's current zoning regulations do not explicitly address this type of rental (or any residential rental) in any zoning district. Within Title 3 – Revenue and Finance, lodging tax and its applicability to rentals of less than thirty consecutive days is clearly outlined:

3.38.010 - Lodging tax levied; use of revenues.

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

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

Business licenses are a means to track who is conducting business within the city limits and, depending upon the type business, ensure the appropriate sales and lodging taxes are being collected and remitted to the City. Since rental periods of less than thirty consecutive days are subject to the lodging tax, business licenses (as detailed in Title 5) have been required for those who are operating an STR.

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

November 2021 – Staff started one-on-one interviews with stakeholders.

May 5th – City Council and Planning Commission joint work session.

June – Online community questionnaire.

July 6th – Two community conversation events at Ute Pass Cultural Center.

July 7th – City Council adopted a 90-day moratorium (Ordinance 1426) on the issuance of business licenses for short term rentals.

July 21st – City Council and Planning Commission joint work session.

August 18th – City Council and Planning Commission joint work session.

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

At the August 18th joint work session there was discussion regarding a variety of recommendations:

Recommendations

- Update City Code
- Separate STR licenses from business licenses
 - License tied to an individual and is non-transferable
- Set a cap on STR licenses, potentially by zone
 - Exempt current licensed STRs
- Prohibit sub-leasing for STR purposes
- Off-street parking
- Occupancy limits based on bedroom space
- 24-hour contact
- Self-attested Inspections
- Good neighbor guidelines
- Collaborate with HOAs and covenanted communities

As well as some other ideas:

Other ideas

- Prohibit non-owner occupied STRs in Single Family Residential Zones (Exemption granted for Current Licensed STR owners until property ownership changes)
- Prohibit STRs in Multi-Family Zones (No Legacy Exemptions)
- Minimum night stay requirement

At the direction of City Council, staff prepared a draft ordinance that the Planning Commission reviewed and refined at their September 8th work session.

As required by Woodland Park Code section 18.69.010, any amendment to Title 18 of the City Code *must* first be reviewed by the Planning Commission. Pursuant to Code section 2.40.030, the Planning Commission held a public hearing on September 24th and concluded the hearing on September 29th.

PLANNING COMMISSION PROPOSED ORDINANCE

The attached ordinance is what the Planning Commission has recommended to City Council for consideration. It is a direct result of the community engagement activities, joint work sessions, and a Planning Commission work session and public hearings. It also has incorporated the recommendations and some of the other ideas from the August 18th joint work session.

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

- protect residential integrity and community character within the City
- adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days
- ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers

- the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City

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

- definitions necessary to clarify what a short term rental is (Titles 5 & 18);
- standards for who can obtain a license for a short term rental businesses (5.22.020);
- establishment of caps on the number of STR units by zoning district (5.22.020 (g)) with the proposed percentages matching the current percentages of licensed STR units;
- provisions for a waiting list for licenses (5.22.020 (h));
- provisions for a designated local contact person (5.22.020 (i));
- no STR license required if renting a portion of your primary residence while you are occupying the residence during the rental period (5.22.020 (n));
- provisions for renewing or revoking a license as well as penalties (Title 5);
- STR licenses are non-transferable (5.22.030 (e));
- the use is clearly identified in the zoning regulations and includes definitions (Title 18);
- identifies the locations where an STR may be permitted (18.09.090 table of uses) and prohibits STRs in multi-family zones;
- standards for the use (18.78.050) including prohibited structures, occupancy limits, parking spaces required, and separation of STR units; and
- transitional provisions in Section 7.

Since the Planning Commission concluded their hearing and made a recommendation to City Council the following has occurred:

October 6th – City Council held a work session for discussion of short-term rental policy and directed staff to prepare an amended ordinance that would prohibit STRs in all residential zones.

October 6th - City Council extended the moratorium on the issuance of business licenses for short term rentals through December 16, 2022 (Ordinance 1430).

October 20th – At first reading of Ordinance 1431, Series 2022, City Council took public comment and voted to Table the item until November 3, 2022.

OPTIONS

City Council has the following options:

1. Move to approve for initial posting, ORDINANCE 1431, SERIES 2022, 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 17, 2022.
2. Move to approve for initial posting, ORDINANCE 1431, SERIES 2022, 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, **with certain amendments**, and set the public hearing for November 17, 2022.

3. Move to table First Reading to the next meeting on November 17, 2022.
4. “Kill” the bill. *(Note, this option will re-set the process and the City would need to start over. The Planning Commission would need to reconvene and hold another public hearing on any newly proposed STR regulations.)*

Attachment

Planning Commission Recommended Ordinance 1431, Series 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

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

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the 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(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.

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

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1432, SERIES 2022**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO FURTHER EXTENDING A TEMPORARY MORATORIUM
ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF
APPLICATIONS FOR SHORT-TERM RENTAL LICENSES**

WHEREAS, the City of Woodland Park, Colorado (“City”) is a statutory City, duly organized and existing under the laws of the state of Colorado; 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 Council 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 zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, on July 7, 2022, through Ordinance 1426, the City Council imposed a three (3) month temporary moratorium on receiving applications for review and issuing or approving short-term rental licenses in order to preserve the status quo while the City conducted public engagement, neighborhood meetings, surveys and work sessions, and while City Council, Planning Commission and City staff completed its review and draft of the City’s regulatory framework for short-term rentals and its impact on neighborhood character and availability of housing stock; and

WHEREAS, on October 6, 2022, through Ordinance 1430, the City Council extended said temporary moratorium, originally set to expire on October 15, 2022, to December 15, 2022, because the Planning Commission and City Council were still in the process of holding meetings and public hearings to obtain further relevant public comment, and so that City staff could continue diligently researching and drafting these requested short-term rental regulations appropriate for the needs of the Woodland Park community; and

WHEREAS, on October 20, 2022, City Council heard public comment from numerous residents and property owners on this important issue to the community, and determined that more time was necessary to obtain further input from the community, as well as to consider all available options with sufficient time to do so, and therefore directed legal staff to draft an ordinance further extending the moratorium an additional six months past the December 15, 2022 expiration; and

WHEREAS, Council finds that these six (6) additional months is an appropriate length of

time to consider, hold further public hearings and finalize draft short-term rental regulations; and

WHEREAS, in order for equitable enforcement and consistent application of the Code and the City's administrative regulations, it is crucial that the temporary moratorium be extended until June 24, 2023, for six (6) additional months past the current expiration date of December 15, 2022; and

WHEREAS, the Council also finds and determines that the subject regulations concerning short-term rentals, as well as this short extension of the temporarily moratorium on short-term rental license applications, are necessary to the preservation of the public health, safety and welfare, as well as consistent and equitable enforcement and applicability.

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. Extension of Temporary Moratorium. Effective upon the effective date of this Ordinance, the moratorium extended on October 15, 2022, upon the submission, acceptance, processing, and approval of all applications for short-term rental licenses within the City of Woodland Park is hereby extended until June 24, 2023. No application for a short-term rental license shall be submitted to or accepted by the City, and no such application shall be reviewed or license issued or approved in response to such an application. City Staff and the City Council are directed to develop and amend and adopt regulations appropriate to short term rentals prior to the expiration of this moratorium period.

Section 3. Effective Date; Expiration. The moratorium originally imposed on July 7, 2022, and extended until December 15, 2022, shall continue, and shall expire on June 24, 2023, unless repealed prior to that date, or extended to a later date.

Section 4. Current Business Licensees Operating Short-Term Rental Businesses. Current City of Woodland Park business license holders operating a short-term rental business shall be entitled to apply for a renewal of their business license with the City of Woodland effective January 1, 2023, provided that the name and identity of the license holder, applicant, property address, short-term rental unit address, and all other relevant details are identical to last year's business license application, and provided that the business license holder understands that said business license shall be provisional and effective only through June 30, 2023.

Section 5. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. 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