



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
SPECIAL MEETING
Thursday, June 29, 2023, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.city-woodlandpark.org).

- 1. CALL TO ORDER & ROLL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES: June 8, 2023**
- 4. PUBLIC HEARINGS**
 - A. Consider 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. (L)**
- 5. REPORTS**
- 6. ADJOURN**

For more information, please contact the Planning Department 719.687.5202

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for June 8, 2023
Council Chambers, 220 W South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to kschminke@city-woodlandpark.org.

1. CALL TO ORDER & ROLL:

Chair Ken Hartsfield called the meeting to order at 6:30 pm.

Present	Chair Hartsfield
Present	Vice-Chair Lee Brown
Present	Commissioner Don Dezellem
Present	Commissioner George Jones
Present	Commissioner Kenneth Kennedy
Present	Commissioner Larry Larsen
Present	Commissioner Shawn Nielsen
Staff Present:	Planning Director Karen Schminke
	Senior Planner C.J. Gates
	Planner II David Burgess

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: April 13, 2023

YES: Hartsfield, Brown, Dezellem, Jones, Kennedy, Larsen, Nielson.

NO: None.

Motion PASSES 7 – 0.

4. PUBLIC HEARINGS

A. CUP/SPR2023-02 CORE Electric Cooperative: A request by CORE Electric Cooperative (Property Owner) and LKA Partners (Applicant) to approve a conditional use permit and site plan to renovate and expand the CORE Electric Cooperative facilities in the Community Commercial (CC) zone. The subject property is located at 800 N. Hwy 67 and is known as Lot 1R Carey Subdivision No. 2, City of Woodland Park, Teller County, Colorado. (QJ)

Senior Planner Gates presented the staff report explaining the location, current zoning, and history of the property. This area was incorporated within the City since the 1970's, and has no record of an existing CUP. The site currently includes an administrative office, warehouse, covered vehicle storage, and additional storage. The current proposal is to enhance the area operations with a CUP to allow for both the current existing operations and some proposed additional uses. CORE identifies the use of the subject property as "Essential Services and Utilities," but Staff identifies the use as "Contractor and Construction Services," a Conditional Use in the CC zone.

Gates next reviewed several code deviations proposed by the applicant. First, the proposal plans four accessory buildings on one lot within the CC zone district, where the maximum is two (18.21.045). Staff views the property as having two primary uses; the administrative side (on-site work) and the warehousing side (for off-site work). Each principal use may have its own primary structure, as well as two accessory structures. Second deviation, Code requires that 25% of the

landscaping must abut residential zones, but with a privacy fence and a landscape plan that exceeds minimum requirements, staff determined the landscaping is sufficient. Third, the Architectural Design Guidelines (18.33.180) prohibit all-metal buildings. The proposed all-metal buildings (a heated and an unheated garage) noting they are on the interior of the property, are difficult to see from SH 67, and will be shielded by all the landscaping. Staff has recommended a condition of approval that the applicant identify different materials for the wainscoting on the buildings and they comply with the Woodland Park aesthetic.

Senior Planner Gates then reviewed the proposed site plan with a detention pond, unheated garage, heated parking and wash bay, the existing administrative building and additions, and the proposed parking canopy. The entire site is surrounded by landscaping. He then showed the proposed elevations and architectural details.

Staff found that the proposed CUP complied or may comply with the provisions in Chapter 18.57 Conditional Use Permit Analysis. Further review of the proposed water line size and the proposed sidewalk is necessary.

Staff also reviewed Section 18.34 for the Site Plan. The Final Site Plan/Construction Document submittal will resolve any concerns Staff has with this preliminary site plan review process.

Public notice and referral requirements were met. NETCFPD commented that the plan meets Fire District approval, and the District will comment on fire hydrants during the final site plan process. The CSFD will comment on commercial building plans and permits. No public comments have been received about this application.

Mr. Gates concluded his presentation with the Staff recommendation of approval of a Conditional Use Permit and Site Plan to renovate and expand the CORE facilities in the Community Commercial (CC) zone subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit for and receive approval of a:
 - a. Final Site Plan for a permitted use including landscaping, drainage, architectural elevations, access, etc.;
 - b. Infrastructure Zoning Development Permit, fees-in-lieu shall be submitted pursuant to MC 18.33.170.
 - c. ZDP's and Building Permits for all new construction, including:
 - i. All Civil/Construction drawings
 - ii. Final Drainage Report
 - iii. Final Landscaping Plan
 - iv. Final Site Plan
 - v. Final Floor Plans and Elevations
 - vi. Final Grading, Sediment and Erosion Control Plan (with BMP's)
 - vii. Final Utility Plan (water, sewer, power, etc.)
 - viii. Final Photometric Plan
 - ix. CO Stormwater Permit/Stormwater Management Plan
2. A final updated site plan, resolving all issues identified on the redlined plans must be approved by the City before any Zoning Development Permit (ZDP) will be issued.
3. All development impact fees must be paid prior to any ZDP issuance including but not limited to tap fees, stormwater capital improvement fees, transportation capital fees, etc. Fees shall be calculated concurrent with the ZDP review.

4. The applicant must submit documentation from the Colorado Department of Public Health (CDPHE) demonstrating proper removal of the underground fuel storage tanks.
5. Prior to final site plan approval, the applicant must identify a different material for the wainscot on the heated vehicle parking/warehouse building (Building B) and the unheated parking building (Building C) as well as work with staff to ensure all proposed structures adhere to the Woodland Park aesthetic.

Chair Hartsfield opened the time to questions of staff. Commissioners discussed that the Code does not address how many principal buildings a site may have. This application is interesting because CORE is applying for multiple uses on one lot, with multiple additional buildings. CORE already has more than one use happening on this site, but they are using one building for administration and inside storage. They also discussed the proposed landscaping, surrounding residential neighborhoods, and that there have been no complaints or comments on the existing or proposed uses.

Chair Hartsfield invited the applicant to make their presentation. Robert Osborne, Business Development Director for CORE Electric Cooperative, with headquarters located in Sedalia, CO, thanked the Planning Commission for hearing this case and thanked the Staff for their weeks of work on this application. He then introduced the project team and gave a project and intent overview. He explained they are in need of this expansion because the service area and customer base is growing. Currently the site is undersized based on the service needs, and the proposed CUP and site plan would allow for more equipment and storage, thus providing faster service to reinstate service after damage or outages. This service area is the most difficult area in the CORE territory with less meters per line mile, so having more equipment and more staff in real time is helpful. Also, the sales tax on the equipment brought in to the City will provide some economic benefit. He reviewed the current uses of the current buildings, and explained the proposed site plan, buildings, and uses. He requested consideration of approving the CUP, along with considering removing Condition #5 because wainscoting would be an additional \$400,000; the service CORE provides is essential, the building is not visible from SH67 or surrounding properties, this proposal resembles a similar facility CORE is building in Conifer, and they strive to keep costs down for their members.

Planning Commission clarified that the hours of operation would be similar to current hours, and that this facility would not accept walk-in customer bill payment. Currently this facility has 22 staff members with a 10-year projection of 30 staff members. A subcontractor is currently utilizing the site, but they will be leaving and only CORE will use the site, so there is a potential for a reduction of vehicle traffic. Currently the hours of operation are 8 a.m. to 5 p.m. for public administrative access, but this site would be used for emergencies so would be available for use 24/7. Uses would include present uses like fueling, but in above-ground tanks, training facilities for the linemen and field personnel, truck and equipment storage, maintenance, and fit-out. Since CORE is growing, they need more space to prepare and do their work. The outdoor storage areas are new. They are proposing two parking buildings, one is heated and one is unheated. CORE has evaluated several sites, but they prefer to expand this one because they currently own it, and it has the capacity to do what they need for their members while being fiduciarily responsible. If surrounding property owners need changes, CORE is amenable. Trees have been added to the landscape plan on the south and west, and a significant buffer exists. Removing Condition #5 was again discussed. The fencing will be ornamental in the front along SH67, and a lattice chain-link privacy fence with a top barbed-wire on the sides and rear.

Planning Commission asked Senior Planner Gates about Section 18.33.180.H.3, which states "The primary use of prefabricated metal for an entire structure, panelized flat plywood and highly reflective materials for facing materials is prohibited." A discussion followed pertaining to if the Planning Commission could recommend approval of essentially a variance

to the Code, or if it had to go before the Board of Adjustment. The Planning Commission may only have what could be a variance approval in land zoned PUD. Financial constraints are not considered as a reason for a variance by the BoA. The beginning of 18.33.180.A. explains how the Design Standards are applied, including to all new or substantially improved uses of real property, which this case seems to fall under. The applicant added that the façade is different colors, is not only steel, the other architectural components are glass windows. Chair Hartsfield contested that it does look like a metal building.

It was confirmed the final site plan does include a sidewalk along Highway 67.

Chair Hartsfield opened and closed the public comment period with no comments made. The applicant had no further comments.

Chair Hartsfield asked if there were any further questions for staff. He then clarified the landscape requirement, which the applicant feels they meet because there is so much landscaping on the west, part of the south, and the east property lines, which all abut residential zones. Kennedy commented that he finds the uses acceptable as long as they are able to meet the code or get a variance from the BoA for the items that do not comply (i.e. the building materials and number of accessory buildings).

Vice-Chair Brown read wording for a Sixth Condition of Approval, "Unless determined by the City Attorney to be unnecessary, the ordinance approving this Conditional Use Permit shall acknowledge City Council approval of the proposed number of accessory buildings notwithstanding City Code SS 18.21.045."

Director Schminke added that approval of the number of buildings is implied in the acceptance of the site plan, and that a sixth condition may not be necessary.

MOTION: Commissioner Kennedy moved and Commissioner Nielsen seconded to approve CUP/SPR2023-02 CORE Electric Cooperative as presented tonight with the five conditions that staff has listed, and the sixth condition, which states:

6. Unless determined by the City Attorney to be unnecessary, the ordinance approving this Conditional Use Permit shall acknowledge City Council approval of the proposed number of accessory buildings notwithstanding City Code SS 18.21.045.

YES: Brown, Dezellem, Jones, Kennedy, Larsen, Nielsen, Hartsfield.

NO: None.

This case will go before City Council for a Public Hearing on July 20, 2023.

6. **WORK SESSION:** Short-Term Rental Draft Ordinance – Discussion

The work session was held after a short recess.

6. **REPORTS:** Director Schminke relayed that at the June 1, 2023 City Council Meeting, Points Consulting did a short overview of the Housing Needs Assessment they are conducting for the City of Woodland Park. They will be releasing a survey to the community next week.

7. **ADJORN:** The meeting was adjourned at 10:05 p.m.

Approved this _____ day of _____, 2023 by

Ken Hartsfield, Chair



City of Woodland Park Memo for Planning Commission

Meeting Date: June 23, 2023

Agenda Item

Department

Presenter

4.A.

Planning

Karen Schminke, AICP
Planning Director

AGENDA ITEM

PUBLIC HEARING regarding a proposed Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. A copy of the proposed Ordinance (dated 06/23/2023) is attached to this memo.

HISTORY

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. For background information, the City's current zoning regulations do not explicitly address this type of rental in any zoning district. Within Title 3 – Revenue and Finance, lodging tax and its applicability 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.

As with any other business in the City, business licenses (as detailed in Title 5) have been required for those who are operating an STR.

Approximately two years ago the Planning Commission identified short term rentals (STR) as an issue that should be reviewed and possibly addressed with a Code change. The City undertook an extensive public engagement process, the purpose of which was to develop a thorough understanding of the benefits and impacts of short term rentals and to build consensus on

addressing the use in City Code. After three joint work sessions with City Council, in September 2022 Planning Commission recommended an ordinance to City Council to license and regulate STRs. City Council subsequently amended the Planning Commission recommendation and adopted Ordinance 1431. After a citizen referendum, City Council voted to repeal Ordinance 1431 in February 2023. All these activities 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://whatsupwoodlandpark.com)

2023 PROPOSED ORDINANCE

City Council held a work session on March 2, 2023 and again on June 1, 2023 to discuss the potential licensing and regulation of short-term rentals. At the June 1, 2023 work session, it was the consensus of a majority of Council members to request a new ordinance to license and regulate STRs, starting with the original Planning Commission recommendation from September 29, 2022, but with the following revisions (annotated copy attached for reference):

- Page 2 – Short-term rental unit definition – delete word ‘utilized’
- Page 3 – section (g) – revise cap % to current numbers and round up
- Page 4 – Revise (k) – accessory dwelling units; Delete (l)(distance separation requirements) and (n)(not subject to ordinance requirements if renting a portion of your primary residence while concurrently occupying the home.
- Page 5 – Revise (c)(4) and (5) to ‘no more than two violations’
- Page 6 – Revise to two violations within the past 12 months for Chapter provisions or business license and Good Neighbor Guidelines
- Page 7 – Revise (b)(2) – accessory dwelling units
- Page 8 – Delete (8)(distance separation requirements); Revise Section 7 (transition provisions); Delete and new Section 8

Planning Commission held work sessions on June 8, 2023 and June 22, 2023 where the revisions requested by City Council were reviewed. The Planning Commission further refined the ordinance, requesting additional revisions to clarify and clean-up some wording, and adding back in the distance separations requirements between STR units.

During the second work session the Planning Commission finalized their recommendation for caps on the number of STR units. Rather than setting the caps at a percentage of available dwelling units in each zone district, the Commission proposed using a firm number. They also chose to make a distinction between primary residence STR units and non-primary residence STR units. The proposed ordinance does not limit the number of STR units that meet the criteria for being someone's primary residence. Non-primary residence STR units are proposed to be capped at 25% less than the current number of operating non-primary residence STRs.

COMMENTS RECEIVED

Attached is one comment received in the Planning Department after the June 22, 2023 work session.

STAFF RECOMMENDATION

Should the Planning Commission find the provisions in the proposed Ordinance satisfactory, the Planning Commission should recommend that Council approve the code amendments as presented.

NEXT STEPS

As of the date of this memo, it is anticipated City Council will have first reading of this proposed Ordinance at their July 6th meeting and a public hearing at their July 20th meeting.

ATTACHMENTS

Proposed Ordinance STR Regulations June 23, 2023

Annotated PC 2022 Recommendation with 2023 Council Requested Revisions

STR Data by Zone June 2023

Comment Received June 23, 2023 - Penland

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. _____, SERIES 2023**

**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 leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License from the City with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/short-term rental business licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR – **42**; UR – **28**; PUD – **4**. 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. The established caps shall not apply to short-term rental units which are the short-term rental business licensee's primary residence, as defined in Section 5.22.010.
- (h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City. New Short-Term Rental Business Licenses, once available, will be processed and issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18.
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (j) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.
- (k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: accessory dwelling units (ADUs) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, rental apartment units, apartment buildings, dormitories,

bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures.

(l) All short-term rental units within the SR, UR or PUD zoning districts must comply with the distance restrictions established in Section 18.78.050.

(m) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

5.22.030 - Application, issuance and renewals.

(a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City, on application forms provided by the City. New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.

(b) The City may issue a new Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
- (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
- (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
- (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.

(c) The City shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
- (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.

- (3) There are no outstanding or pending health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
- (4) Within the last twelve (12) months there has been no more than two cited violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
- (5) Within the last twelve (12) months, there have been no more than two violations of any of the Short-Term Rental Business License or application requirements or there have been no more than two violations of the Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
- (6) All applicable requirements in Section 5.22.020 are met.
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the short-term rental business licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
- (e) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12)

months of any of the terms pertaining to the Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. A new section 18.06.480, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.480 – Short-term rental business.

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

Section 4. A new section 18.06.481, regarding the definition of Short-term rental unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a portion thereof, that is rented or leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Section 5. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

18.09.090 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/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) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.
- (3) No short-term rental unit shall be operated in such a way as to constitute a nuisance.

- (4) The maximum number of occupants permitted in a short-term rental unit shall be two (2) people per legal bedroom plus an additional two (2) people.
- (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
- (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a minimum of one (1) parking space per bedroom.
- (7) The number of short-term rental units in a zoning district shall not exceed the established cap for such zoning district as established in Chapter 5.22.
- (8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit.

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

Section 8. *Biennial Review of Caps.* Within two (2) years after the effective date of this Ordinance, and for every two (2) years thereafter, the City Council shall review, if applicable, the established caps for the maximum number of short-term rental units permitted within certain zoning districts.

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 _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

**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.

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- (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.
- Per CC - To be revised to current & Round up* (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.

Revised (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.

Deleted (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.

Deleted (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.

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- (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.
- Revised* (4) Within the last twelve (12) months there has been no more than ~~one~~² 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.
- Revised* (5) Within the last twelve (12) months, there have been no more than ~~one~~² violation of any of the Short-Term Rental Business License or application requirements or there have been no more than ~~one~~² 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
 - Revised (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.
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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.

revised

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- (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.

Deleted

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

Revised

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.

Deleted & New

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

STR & RESIDENCE DATA BY ZONING DISTRICT - June 2023

ZONE	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC ^a	CC ^a	SC ^b	CBD ^a	HSC/LI	PUD	TOTALS
VACANT LOTS	187	112	20	6	0	0	0	13	15	0	27	0	525	905
DEVELOPED LOTS	1670	577	131	235	0	0	0	25	52	0	29	0	310	3029
TOTAL LOTS	1857	689	151	241	0	0	0	38	67	0	56	0	835	3934
STR UNITS	70	43	7	4	0	0	0	5	12	0	6	0	7	154
STR % OF DEVELOPED LOTS	4.19%	7.45%	5.34%	1.70%	0.00%	0.00%	0.00%	20.00%	23.08%	0.00%	20.69%	0.00%	2.26%	5.08%
STR % OF TOTAL LOTS	3.77%	6.24%	4.64%	1.66%	0.00%	0.00%	0.00%	13.16%	17.91%	0.00%	10.71%	0.00%	0.84%	3.91%
PC Recommendation Sept 2022	4%	8%	c	c	c	c	c	No Cap	No Cap	No Cap	No Cap	c	4%	
Council Direction 6/1/23 ^{d.}	4%	7%	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	1%	
Primary Residence	15	6	1	0	0	0	0	1	1	0	0	0	2	26
STR % of Developed Lots	0.90%	1.04%	0.76%	0.00%	0.00%	0.00%	0.00%	4.00%	1.92%	0.00%	0.00%	0.00%	0.65%	0.86%
STR % of Total Lots	0.81%	0.87%	0.66%	0.00%	0.00%	0.00%	0.00%	2.63%	1.49%	0.00%	0.00%	0.00%	0.24%	0.66%
Non-Primary Residence	55	37	6	4	0	0	0	4	11	0	6	0	5	128
STR % of Developed Lots	3.29%	6.41%	4.58%	1.70%	0.00%	0.00%	0.00%	16.00%	21.15%	0.00%	20.69%	0.00%	1.61%	4.23%
STR % of Total Lots	2.96%	5.37%	3.97%	1.66%	0.00%	0.00%	0.00%	10.53%	16.42%	0.00%	10.71%	0.00%	0.60%	3.25%
PC WS Recommendation 6/08/23 ^{f.}	55	37	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	5	
PC WS Recommendation 6/22/23														
Primary Residence	No Cap	No Cap	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	No Cap	
Non-Primary Residence ^{g.}	42	28	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	4	

NOTES:

- Property count totals for the commercial zoning districts (CBD, CC & NC) consist of privately-owned properties that are eligible for residential uses. Commercial properties that are not eligible for residential uses are not included in the property count totals.
- One or two dwelling unit structures are not permitted in the SC zone.
- September 2022, Planning Commission recommended no STR units in this zone, therefore there was no recommended cap.
- Recommendation is current STR% of total lots in zone district, rounded up to whole %
- STRs not permitted in this zone, therefore no recommended cap.
- Number (not percentage), by zone district, of current STR units minus/less the number of STR units which are the licensee's primary residence; no caps on primary residences.
- Number (not percentage), by zone district, of current Non-Primary Residence STR units less 25%.

Karen Schminke

From: Jerry Penland <gcpenland13@gmail.com>
Sent: Friday, June 23, 2023 9:07 AM
To: Karen Schminke; Michael Lawson
Subject: STR Caps

[EXTERNAL]

After listening to last night's Planning Commission STR Worksession via Zoom, I thought I would bring one item to your attention for your consideration.

Without going into the details why Caps are not a good idea compared to Our Ordinance, there is what I consider a major flaw in the way Caps are being proposed.

If you put Caps in Title 5, that means, of course as was discussed at the Worksession and even before this meeting, that changing the Caps can be done simply by City Council action. If Caps ever become law, and that's obviously the path Planning Commission and City Council wants to go down, changing them should start from Planning Commission, with Citizen's input several times in the process.

Caps should be in Title 18, not Title 5.

Sincerely,

--

Jerry Penland
817-680-5601