

Larimer County – Land Use Code Short-Term Rental and Lodging Regulations

Initial Public Discussion Draft - Oct. 27, 2022

**Note: Proposed changes are indicated in blue:
Underlined for new, and ~~Strikeout~~ for change or removal**

Contents

Introduction and Overview	1
Proposed Land Use Code Changes.....	2
New and Revised Definitions	2
Short-term Rentals in Zoning Districts Outside Estes Valley (Article 3).....	4
Use-Specific Standards for Larimer County, including Estes Valley (Article 3)	<u>76</u>
Supplemental Regulations for the Estes Valley (Article 13).....	12

Introduction and Overview

This draft includes all the current Land Use Code standards for short-term rentals (STRs) and lodging as referenced throughout the Land Use Code along with potential changes to reflect analysis and public input to the project. It represents **an initial draft for public discussion**.

The draft includes potential changes to zoning and standards that apply to short-term rentals and other lodging types presented in this document. Larimer County also is working on possible changes to the “Ordinance for Implementation and Enforcement of Short-term Rental Regulations,” including possible licensing. The license requirement would take effect upon getting planning approval and building permits. The licensing requirement would apply to all short-term rentals, including existing permits, upon their annual renewal. However, these new regulations would only apply to short term rentals applied for and approved following the adoption of the regulations. Additionally, it may be a requirement to show proof of registration with Colorado Department of Revenue (CDOR) and possible local tax remittal. Changes to that Ordinance, licensing, and tax remittal will continue to be discussed this Fall and into early 2023 along with proposed revisions to the Land Use Code.

As seen in the contents above, the sections in this draft are organized as follows:

1. **Proposed New and Revised Definitions** for Article 3 (Countywide) and Article 13 (Estes Valley) are presented first to assist the reader with understanding changes and new STR class types.
2. **Short-term Rentals in Zoning Districts Outside the Estes Valley (Article 3, Use Regulations)** includes the tables of allowed principal uses and locations – rural/urban and residential nonresidential, where STRs and lodging uses are allowed in unincorporated Larimer County outside the Estes Valley. The tables also include applicable review procedures (e.g., whether or not public notice and/or hearing(s) would be required). New STR types are added and changes to the tables are proposed.

3. **Use-Specific Standards (Article 3)** includes the standards that apply to all STRs and lodging facilities, including proposed new standards to address safety, access, and compatibility
4. **Supplemental Regulations for the Estes Valley (Article 13)** includes the residential and nonresidential zoning district tables for residential and non-residential areas, including two different options, each increasing restrictions in residentially zoned districts while possibly eliminating some procedures in the accommodation districts, and including specific use standards.
5. **Other sections of the Code** that reference STRs and lodging including: Article 4, Parking, and Article 12, Floodplains.

County staff continue to prepare a map-based analysis of the locations of existing STRs throughout Larimer County and their saturation in certain subdivisions and neighborhoods. This draft does not include proposed changes to the “cap” on registrations in the Estes Valley residentially zoned districts, nor does it include proposed requirements to add a cap or limits in other parts of the County. However, it does include additional standards and possible options to limit or restrict certain types of STRs in residentially zoned districts countywide and in the Estes Valley.

Proposed Land Use Code Changes

New and Revised Definitions

Unincorporated Larimer County

Article 20 of the Land Use Code includes Rules of Interpretation and Definitions. Section 20.2.4. defines Commercial Uses and Lodging Facilities as noted below. Section 20.3 defines other terms. Below are existing definitions and proposed changes and additional STR classifications, including a new term for Bed and Breakfast Inn, Hosted Short-term Rentals, and Short-term Rentals, Full and Limited.

C. Lodging Facilities

Uses in this category provide lodging services for a defined period ~~of time~~ with the incidental food, drink, and other sales and services intended for the convenience of guests. Specific use types include:

~~1. **Bed and Breakfast** An owner or operator occupied dwelling where short-term lodging is provided to transient guests.~~

~~**a. ≤ Ten Guests**~~

~~— A Bed and Breakfast that serves no more than 10 guests.~~

~~**b. > Ten Guests**~~

~~— A Bed and Breakfast that serves more than 10 guests.~~

Bed and Breakfast Inn

An establishment operated in a primary dwelling or portion thereof, which provides transient accommodations for a fee to overnight guests, a meal limited to guests only, and that is occupied by the owner or operator of such establishment. A bed and breakfast inn may provide accommodations to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The term “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

Note: If the same Use Specific Standards apply to Bed and Breakfast Inn as a Hosted STR, then the occupancy is limited by bedroom.

Resort Lodge or Resort Cottages

A building or group of buildings, under single management and ownership with an on-site manager or staff, containing rooms and/or units available for temporary rental to transient guests, which serves as a destination point for visitors, and where the primary attraction is major recreational features or activities for persons on vacation (Options: define features that are on site? Make more consistent with Estes Valley definition?).

~~5. Short-term Rental~~

~~A dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.~~

~~**a. ≤ Ten Occupants** - A Short-term Rental with no more than 10 occupants.~~

~~**b. > Ten Occupants** - A Short-term Rental with more than 10 occupants.~~

Short-term Rental, Full and Limited

A principal dwelling rented to transient guests who are part of one party for short-term lodging (less than 30 days) when not occupied by the owner/operator.

• **Full STR** – unlimited or unrestricted in the number of nights rented per year.

• **Limited STR** – restricted to no more than 135 (or another number of) nights per year as calculated from Oct. 1 through Sept. 30.

a. ≤ Ten Occupants

A short-term rental with 10 or fewer occupants who are part of one party or single group of renters.

b. > Ten Occupants (Large STR)

A large short-term rental with more than 10 occupants who are part of one party or single group of renters.

Short-term Rental, Hosted

A principal dwelling occupied by a full-time resident or owner living on-site where short-term lodging (less than 30 days) is provided to transient guests.

a. ≤ Ten Guests

A hosted short-term rental that serves no more than 10 guests who are part of one party.

b. > Ten Guests (Large Hosted STR)

A hosted short-term rental that serves more than 10 guests who are part of one party.

20.3 Other Terms Defined: Dwelling

A building or portion thereof used for residential occupancy, including cabin, single-family, duplex, and multifamily dwellings. Dwelling includes approved Bed and Breakfast, Inns and Short-Term Rentals (Hosted, Full, or Limited), but does not include hotels, motels, boarding or rooming houses, resort cottages, lodges or manufactured homes that comply with the “National Manufactured Standards of 1974,” 42 U.S.C. 5401 et seq., as amended. (Note: this definition may need to be reconciled with Building Code.)

In the Estes Valley

Article 13 of the Land Use Code includes Definitions and Use Classifications/Special Use Definitions and Examples for the Estes Valley, in Section 13.8.2.

13.8.2.C.1: Accommodations, High-Intensity

- a. General Definition: Visitor-serving facilities that provide temporary lodging in guest rooms or guest units for compensation, and with an average length of stay of less than 30 days. High-intensity accommodations generally serve a larger number of guests than low-intensity accommodations.
- b. Examples: This classification includes the following types of specific uses:
 - iv. Resort Lodge/Cabins: A building or group of buildings, under single management and ownership with an on-site manager or staff, containing rooms and/or units available for temporary rental to transient guests, and where the primary attraction is generally recreational features or activities.

13.8.2.C.1: 2. Accommodations, Low-Intensity

- a. General Definition: Visitor-serving facilities that provide temporary lodging for compensation, and with an average length of stay of less than 30–days. Such facility shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential and/or rural setting.
- b. Examples: This classification includes the following types of specific uses:
 - i. Hosted Short-Term Rental Bed and Breakfast: A principal dwelling occupied by a full-time resident (owner or operator) living on-site ~~An owner or operator-occupied dwelling~~ where short-term lodging is provided to transient guests.
 - ii. Hotel, Small: As defined above, containing no more than eight guest rooms.
 - iii. Resort Lodges/Cabins, Low-Intensity: As defined above, with no more than a total of 20 guest rooms or guest units.
 - iv. Short-Term Rental (Vacation Home): A principal dwelling rented to transient guests for short-term lodging when not occupied by the owner/~~operator-renter~~.
 - Full STR - unlimited or unrestricted in the number of nights rented per year.
 - Limited STR - restricted to no more than 135 (or another number of) nights per year as calculated from Oct. 1 through Sept. 30.
 - v. Preexisting Lodging Facility: A legally constructed dwelling, including condominium units, cabins, or hotels, constructed prior to April 1, 2020 for transient lodging uses and located in the EV A or EV A-1 zoning districts.

Short-term Rentals in Zoning Districts Outside Estes Valley (Article 3)

Tables 3.1 and 3-2 reflect how standards apply to different zoning districts outside the Estes Valley. The rural zone districts below are: NR = Natural Resources, FO = Forestry, A = Agriculture, ACE = Agricultural Commercial Enterprise, RR-1 and 2 = Rural Residential, O = Open, IR = Interface Residential, RC = Rural Commercial, CF = Community Facilities.

The proposed changes would mean a more rigorous review process for Full STRs in residentially zoned areas and for larger STRs. An option could be to disallow non-hosted STRs (full or limited) in residential areas. Another option could be to disallow large STRs (i.e., STRs > 10 occupants) in certain areas.

Article 3.0, Table 3-1: Table of Allowed Principal Uses – Rural

												Use-Specific Standards
Lodging Facilities Categories	NR	FO	A	ACE	RR-1	RR-2	0	IR	RC	CF		
STR, Hosted¹ Bed and Breakfast ≤ Ten Guests		AS	AS		AS	AS	AS	AS	AS			3.3.5.A
STR, Hosted, Large-Bed and Breakfast > Ten Guests		AS* ²	AS*		AS*	AS*	AS*	AS*	AS*			3.3.5.A
STR - FULL³ ≤ Ten Occupants		AS*	AS*		<u>S</u> ⁴ AS	<u>S</u> AS	<u>S</u> AS	<u>S</u> AS				3.3.5.B
STR - FULL, Large > Ten Occupants		<u>S</u> AS	<u>S</u> AS		<u>S</u> AS	<u>S</u> AS	<u>S</u> AS	<u>S</u> AS				3.3.5.B
STR - LIMITED⁵ ≤ Ten Occupants		<u>AS</u>	<u>AS</u>		<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>				3.3.5.B
STR - LIMITED, Large > Ten Occupants		<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				3.3.5.B
Resort Lodge or Resort Cottages	AS	AS	AS		AS				SP			Add?
Bed and Breakfast Inn⁶		<u>AS</u>	<u>AS</u>		<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>			Same as 3.3.5.A (for STR hosted?)

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, Blank = Not permitted

Explanation of Abbreviated Uses for All Use Tables

Uses Permitted By-Right: “R” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code.

Site Plan Review Required: “SP” in a cell indicates that the use is only permitted in the respective zoning district with approval of a site plan review pursuant to §6.4.1, *Site Plan Review*, subject to all other applicable standards within the Code. This review procedure does not include public notification of neighbors but it does include a referral process to other agencies. The decision is made by the Planning Director.

Administrative Special Review Required: “AS” in a cell indicates that the use is only permitted in the respective zoning district with approval of an administrative special review pursuant to §6.4.3, *Administrative Special Review*, subject to all other applicable standards within the Code. This review procedure includes public notification of

¹ Renamed Bed and Breakfast B&B to Hosted STR. Definitions (Countywide and Estes Valley) have been updated.

² (*) Denotes Administrative Special Review with a required public hearing before the BCC.

³ Created permit Types for STRs. FULL permit = unlimited or unrestricted in the number of nights rented per year.

⁴ Section 3.3.5.B.3, Use Standards for Large STRs, have been updated to reference review criteria for Special Reviews.

⁵ Created permit Types for STRs. LIMITED = restricted to no more than 135 (or other number of) nights per year, as calculated from Oct. 1 through Sept. 30.

⁶ Created new use – Bed and Breakfast Inn. Definitions (Countywide and Estes Valley) have been updated as seen later in this document.

neighbors and referral to other agencies. The decision is made by the Planning Director. “AS*” indicates that a hearing before the Board of County Commissioners will be required.

Special Review Required: “S” in a cell indicates that the use is only permitted in the respective zoning district with approval of a special review pursuant to §6.4.2, *Special Review*, subject to all other applicable standards within the Code. This review procedure includes public notification of neighbors, referral to other agencies, and a public hearing before the Planning Commission and a hearing with the Board of County Commissioner for a decision.

Use Prohibited: A blank cell indicates that the use is prohibited in the respective zoning district.

Article 3.0, Table 3-2: Table of Allowed Principal Uses – Urban

This table applies to unincorporated urban areas of the County outside the Estes Valley. Zoning Districts are: UR-1, 2 and 3 = Urban Residential, MR = Multifamily Residential, MHP = Manufactured Housing Park, MU-N = Mixed Use Neighborhood, MU-C = Mixed Use Commercial, CC = Commercial Corridor, CD = Commercial Destination, IL = Industrial Light, IH = Industrial Heavy, and AP = Airport.

															Use-Specific Standards
Lodging Facilities Categories	UR-1	UR-2	UR-3	MR	MHP	MU-N	MU-C	CC	CN	CD	IL	IH	AP		
STR, Hosted B&B ≤ Ten Guests	AS	AS	AS			SP ⁷ AS	SP AS			SP			AS	3.3.5.A	
STR, Hosted, Large B&B > Ten Guest						SP AS	SP AS			SP			AS	3.3.5.A	
STR- FULL ≤ Ten Occupants	AS *	AS *	AS *			AS *	AS *			AS *			AS *	3.3.5.B	
STR - FULL, Large > Ten Occupants						S AS	S AS			S AS			AS	3.3.5.B	
STR - LIMITED ≤ Ten Occupants	AS	AS	AS			AS	AS			AS			AS	3.3.5.B	
STR — LIMITED, Large → Ten Occupants						S	S			S			S	3.3.5.B	
Resort Lodge or Resort Cottages							SP	SP	SP	SP	SP			Add?	
Bed and Breakfast Inn	AS	AS	AS			SP	SP			SP			SP	Same as 3.3.5.A (for STR hosted?)	

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, Blank = Not permitted

⁷ Section 3.3.A.2, Use Standards for Hosted STRs, have been updated to reference review criteria for Site Plan Review.

Use-Specific Standards for Larimer County, including Estes Valley (Article 3)

3.3.5. Commercial Uses

A. Hosted Short-term Rental (and Bed and Breakfast Inn?)

1. Total Occupancy

For purposes of determining the potential total number of guests, the number of guest bedrooms is multiplied by two. (Note: discuss whether this should reflect a maximum occupancy and if additional sleeping space is possible.)

2. Standards for Hosted Short-Term Rentals

In addition to the §6.4.3.D, Review Criteria for Administrative Special Review, or §6.4.1.D, Review Criteria for Site Plan Review, applications for hosted short-term rentals shall comply with the following standards:⁸

- a. Only one hosted short-term rental shall be allowed on a property.
- b. The hosted short-term rental shall not be located within the Floodplain Overlay (FPO) District Zone AE (Floodway).⁹
- c. The hosted short-term rental shall not be located within the Floodplain Overlay (FPO) District Zone AE (Flood Fringe) unless the lowest floor of the habitable space is above the Flood Protection Elevation as shown on a FEMA Elevation Certificate.
- d. The hosted short-term rental shall be equipped with an operations manual/users guide that is placed in a visible location (such as an entry table or bedside table) within each guest room.¹⁰
- e. The hosted short-term rental shall not be advertised as an event space.
- f. To be issued a new license, a hosted short-term rental must first undergo and pass a life safety inspection or other required building inspection.¹¹

B. Short-Term Rental

1. Total Occupancy

For purposes of determining the potential total number of occupants, the number of bedrooms is multiplied by two. (Note: see occupancy question in 3.3.5.A. above.)

2. Standards for Short-Term Rentals with Ten or Fewer Occupants

In addition to the §6.4.3.D, Review Criteria for Administrative Special Review, (and any other Section 6 procedures applicable, depending on changes to the Use Table) applications for short-term rentals with ten or fewer occupants shall comply with the following standards:

- a. Only one short-term rental shall be allowed on a property. Preexisting lodging facilities in the EV A and EV A-1 zoning districts are not subject to this requirement as set forth in

⁸ Current regulations do not provide specific use standards for hosted STRs. Provided the review criteria statement for clarification. Items (a) and (b) are current standards noted elsewhere in code; provided here for clarification and consistency with Section 3.3.5.B.

⁹ All new floodplain language developed in collaboration with County Flood Engineers.

¹⁰ Although it is currently not a requirement per the LUC, the County requests that applicants provide an Operations Manual for hosted STR during the application process.

¹¹ A Life Safety Inspection is currently required for all STRs; however, they have not always been required for hosted STRs (currently B&Bs). Building division recommends requiring Life Safety Inspections for hosted -STRs.

- §13.6.1.D, *Preexisting Lodging Facility*. Preexisting multi-family dwelling units in the EV A and EV A-1 zoning districts are not subject to this requirement.¹²
- b. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to occupancy for the short-term rental use.
 - c. The short-term rental shall have a property manager consisting of the owner or a responsible party representing the owner to manage the use at any time it is occupied. The property manager shall be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental. Changes to the contact information from the property manager shall be provided to the Larimer County Community Development Department within five business days of the change in contact information.
 - d. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass. ~~The short-term rental shall not be located within an established floodplain, and if located a within a floodplain shall require compliance with the applicable requirements of §2.7.1, Floodplain Overlay (FP-O).~~¹³
 - e. Floodplain Overlay District standards.¹⁴
 - i. The short-term rental shall not be located within the Floodplain Overlay (FPO) District Zone AE (Floodway).
 - ii. The short-term rental shall not be located within the Floodplain Overlay (FPO) District Zone AE (Flood Fringe) unless the lowest floor of the habitable space is above the Flood Protection Elevation as shown on a FEMA Elevation Certificate.
 - iii. If the short-term rental has an access point through the Floodplain Overlay (FPO) District Zone AE (Floodway), a sign shall be posted directly before the crossing on both sides of the crossing which must state either “Flood Zone” or “Road May Flood.”
 - iv. If the short-term rental is located within or adjacent to the Floodplain Overlay (FPO) District Zone AE (Floodway) and Zone AE (Flood Fringe), the Operations Manual shall include information on sheltering in place or the egress route, whichever is the safest option during a flood event. This information shall also be posted on or adjacent to the primary exit door.
 - g. ~~f~~ The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, GPS coordinates and the phone number of the short-term rental.
 - h. A sign containing the information in i through v shall be posted at each entrance and exit of the home:
 - i. the address, GPS coordinates and phone number of the short-term rental.
 - ii. exit mapping from each habitable room in the house.
 - iii. a map of escape routes from the neighborhood to a public road.
 - iv. contact information for and a copy of current registration with the Fire Department having jurisdiction, as well as contact information for Police/sheriff and ambulance service.

¹² This was developed based upon feedback from the community and allows more flexibility for properties zoned Accommodations in the Estes Valley.

¹³ Replaced by new sections that follow.

¹⁴ Replaces existing criteria pertaining to floodplains; provides clarification. This was developed through collaboration with the County Flood Engineers.

- v. contact information for a short-term rental owner or manager with a response time of 60 minutes or less.)
- gi. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table).
- hj. The short-term rental shall have a plan for garbage storage and removal. The plan shall clearly illustrate the location of garbage storage areas, the method and frequency of regular garbage pick-up/disposal, and screening of the outdoor storage area.
- ki. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental; however, an owner may reside in an Accessory Living Area unit on a property while renting the principal dwelling as a short-term rental.
- l. Owner or operator must ensure that guests do not cause excessive noise or other disturbances, disorderly conduct, or violations of any applicable law or regulation pertaining to the rental of the property or adversely affect other residents in the vicinity of the property.
- m. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas. Solid fuel-burning (such as wood or coal) exterior appliances including, but not limited to fire pits, outdoor fireplaces, portable outdoor fireplaces, briquette BBQ, smoker, or similar shall not be allowed in identified wildfire hazard areas.¹⁵
- n. Cooking ~~appliance areas~~ within the short-term rental shall be equipped with a stove top fire stop or approved alternative and an anti-tip device.
- o. Unless already equipped with an approved automatic fire sprinkler system approved fire extinguishers shall be installed in a readily accessible and visible locations for immediate use in the following locations within the STR:
 - i. In each room with a cooking appliance, fireplace, heating appliance or water heater.
 - ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - iii. At least one on each story.
- p. Before operating, a short-term rental must first undergo and pass a life safety inspection or other required building inspection.¹⁶
- q. Local roadways, whether public or private, used to access the short-term rental, shall comply with the Appendix G Standards of the Larimer County Rural Area Roadway Standards. (Note: discuss whether Engineer’s Certification on certain applications may be necessary to include here or in supplemental documents. Additionally, applicants may need to provide a letter from local emergency operators that they can adequately serve the site.)¹⁷
- r. Driveways used to access the short-term rental, shall:
 - i. have a height clearance of no less than 15 feet
 - ii. have a width of no less than 12 feet
 - iii. have centerline radius of no less than 50 feet, and

¹⁵ Current requirement was updated to include a more inclusive list of outdoor fire sources. This option was developed through collaboration with the local fire districts.

¹⁶ A Life Safety Inspection is currently required for all STRs; however, the LUC does not currently contain this language.

¹⁷ This standard and the following road standards prepared with County Engineers are intended to provide more objective criteria to address safety concerns related to access and safety.

- iv. an average grade of no greater than 15% for more than 200 feet.
- v. Have crossings that are designed to the most current edition of the standards and specifications below.
 - 1. American Association of State Highway & Transportation Officials (AASHTO) Standard Specification for Highway Bridges (17th Edition) or AASHTO’s LRFD Bridge Design Specifications. All crossings must be designed to a minimum loading of HS20-44 or HL-93.
 - 2. Colorado Department of Transportation (CDOT) Standard Plans, and M & S Standards.
 - 3. The emergency service providers should be consulted for additional loading and width requirements.
- s. The short-term rental shall have an approved and reliable water source (well or public water) -available for firefighting meet standards for wastewater system.¹⁸ (Note: discuss if there are suitable alternatives for firefighting.)
- t. If the short-term rental property is within 1,000 feet of the boundary of a public open space or park land, it shall be referred to the relevant public lands management agency and the owner will mitigate potential impacts to the public natural resources or wildlife.
- u. The non-owner/operator short-term rental shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable guests to call 911 in the event of an emergency.¹⁹
- t. Short-term rentals must comply with the “Ordinance for Implementation and Enforcement of Short-term Rentals.”
- u. (OPTION 1) Should ownership of a dwelling unit approved as a short-term rental pursuant to these regulations be transferred, and such license approval was continuously valid until transfer of ownership, the short-term rental license is eligible for transfer to the new property owner within thirty (30) days of the transfer of ownership. Should a new owner fail to apply for a transfer of the license within that time, the license shall be considered automatically to have expired and terminated without any further action necessary by the County.
- u. (OPTION 2) Commencing January 1, 2023, short-term rental licenses shall be granted only for the property for which it is issued and solely to the licensee to whom it is issued. The license shall not be transferrable to any other person, legal entity, or residential address. The review of a new owner shall include a determination if that particular owner can meet all of the requirements contained in this Code.
- v. Short-term rental licenses shall be renewed annually. Failure to renew the license means it automatically expires.²⁰ (Options: Short-term rentals shall be reinspected by the Building division every three years s accompanying the annual renewal to ensure compliance unless there has been a change in ownership or to the structure. Or, they should self-certify that they continue to be in compliance each year until the third year when reinspection is due.)

¹⁸ Developed through collaboration with the local fire districts and intended to provide more objective criteria to address safety concerns related to wildfire and safety.

¹⁹ Developed through collaboration with the local fire districts to provide more objective criteria.

²⁰ Current regulations require a bi-annual re-certification. This would modify the requirement to an annual re-certification.

w. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent or other outdoor structures on the short-term rental property.

x. Discuss: Short-term rentals and energy efficiency per _____.

y. Short-term rentals shall not be advertised as an event space.²¹

3. Standards for Large Short-Term Rentals with More than Ten Occupants

In addition to the ~~§6.4.2.D 6.4.3.D~~, *Review Criteria for Administrative-Special Review*, (Note: and any other procedures that may apply) applications for short-term rentals with more than ten occupants shall comply with the following standards:

- a. All the standards required for a short-term rental identified in 3.3.5.B.2_-above, excluding 3.3.5.B.2.i. (Note: correct section numbers when final)
- b. The short-term rental shall be equipped with a fire sprinkler system.

Question, Should these Large STR standards also apply to Large Hosted and Limited STRs?

3.4.5. Additional Standards for Residential Accessory Uses

No changes proposed – included for reference.

A. Accessory Living Area

1. Occupancy

- a. Lodging Facilities, as defined in §20.2.4.C, *Lodging Facilities*, are prohibited within an accessory living area. The accessory living area shall not be rented for 30 days or less as a short-term rental unit as regulated by §3.3.5.B, *Short-Term Rental*.
- b. The accessory living area may be occupied by one additional living unit, separate from the principal dwelling unit.

B. Business Accessory Dwelling Units

1. Occupancy

- a. A business accessory dwelling unit shall be occupied by an owner, operator, caretaker or employee, including their immediate family, of the principal nonresidential use or business located on the lot.
- b. A business accessory dwelling unit may be not used for short-term rentals.

D. Farmstead Accessory Dwellings

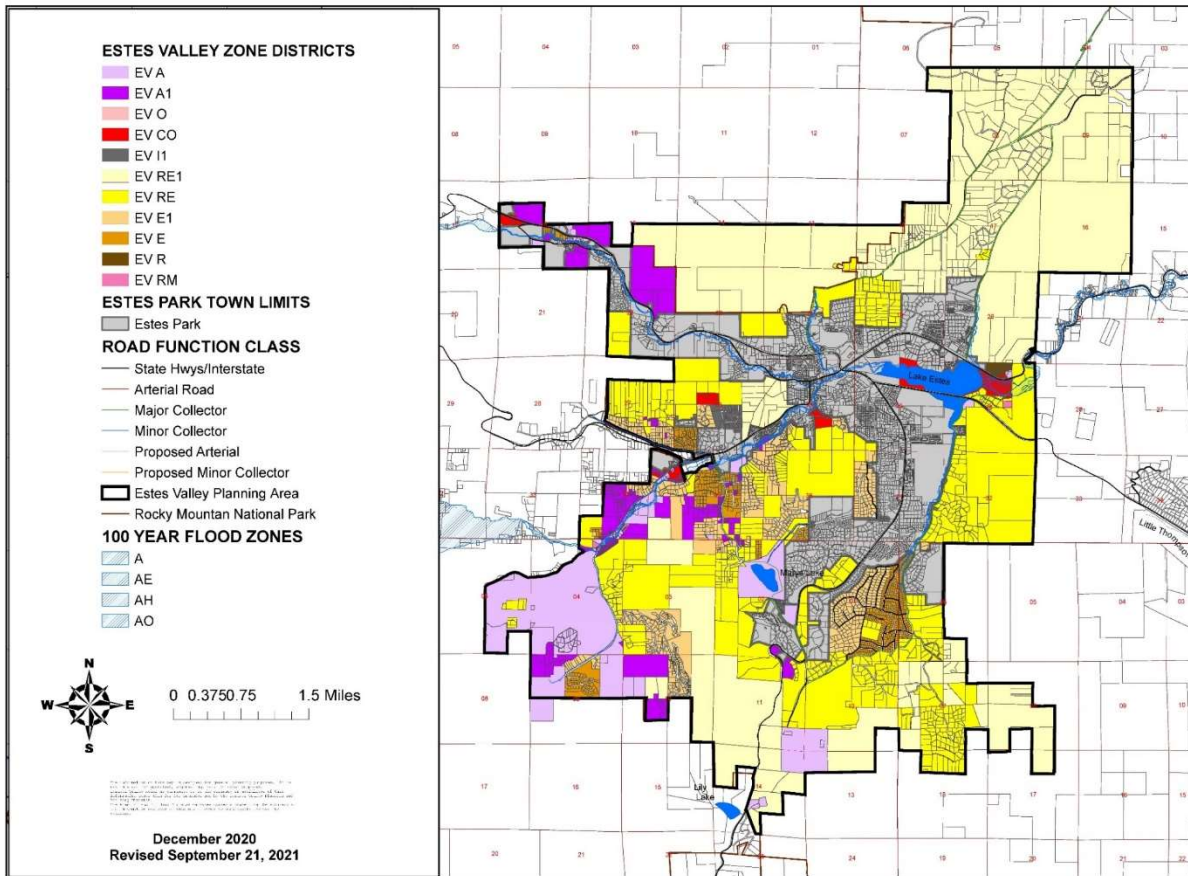
2. Occupancy

Farmstead accessory dwellings shall be occupied by a person or persons needed to support the agriculture operation. Farmstead accessory dwellings may not be used for short-term rentals.

²¹ Language mirrors Timnath's regulations.

Supplemental Regulations for the Estes Valley (Article 13)

Larimer County Zoning Districts Map - Estes Valley Planning Area



(Option 1 – Estes Valley Zoning Tables, STRs)

This option is more restrictive than current regulations but less restrictive than Option 2, as seen on the following pages.

Table 13-1: Residential Zoning Districts Zoning Table

		EV RE-1	EV RE	EV E-1	EV E	EV R	EV RM	Specific Use Standard
Low Intensity Accommodations	STR, Hosted: Bed and Breakfast: ≤ Ten Guests	AS	AS	AS	AS	AS	AS	Sec. 3.3.5.A
	STR, Hosted: B&B > Ten Guests	AS*	AS*	AS*	AS	AS	AS	Sec. 3.3.5.A
	STR--FULL (Vacation Home) ≤ Ten Occupants	AS*	AS*	AS*	<u>S</u> AS	<u>S</u> AS	<u>S</u> AS	Sec. 13.6.1.C and 3.3.5.B
	STR- FULL (Vacation Home) > Ten Occupants11-or more	<u>S</u> AS	<u>S</u> AS	AS	AS	AS	AS	Sec. 13.6.1.c and 3.3.5.B

		EV RE-1	EV RE	EV E-1	EV E	EV R	EV RM	Specific Use Standard
	STR - LIMITED (Vacation Home) ≤ Ten Occupants	AS*	AS*	AS*	AS*	AS*	AS*	Sec. 13.6.1.c and 3.3.5.B
	STR- LIMITED (Vacation Home) > Ten Occupants	S	S	S				Sec. 13.6.1.c and 3.3.5.B
	Preexisting Lodging Facility							To be added
	Bed and Breakfast Inn	AS	AS	AS				To be added

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, blank = prohibited

Table 13-4: Nonresidential Zoning Districts Zoning Table

		EV A	EV A-1	EV CO	EV O	EV I-1	Specific Use Standard
Low Intensity Accommodations	STR, Hosted: ≤ Ten Guests²² Bed and Breakfast	SP AS	SP AS				Sec. 3.3.5.A
	STR, Hosted: > Ten Guests Bed and Breakfast	AS	AS				Sec. 3.3.5.A
	Hotel, Small		AS				Sec. 13.6.1.C and 3.3.5.B
	STR - FULL (Vacation Home) ≤ Ten Occupants	AS*	AS*	AS*			Sec. 13.6.1.C and 3.3.5.B
	STR - FULL (Vacation Home) > Ten Occupants	S	S	S			Sec. 13.6.1.C and 3.3.5.B
	STR - LIMITED (Vacation Home) ≤ Ten Occupants	AS	AS	AS			Sec. 13.6.1.C and 3.3.5.B
	STR – LIMITED (Vacation Home) > Ten Occupants	AS*	AS*	AS*			Sec. 13.6.1.C and 3.3.5.B
	Resort lodge/cabins, low-intensity		AS				To be added
	Preexisting Lodging Facility	R	R				Sec. 13.6.1.D
	Bed and Breakfast Inn	SP	SP	SP			To be added

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, blank = prohibited

²² This has been updated to include the guest count option to be consistent with Table 13-1 and Tables 3-1 and 3-2.

(Option 2 – Estes Valley Zoning Tables, STRs)

Option 2 – This option is more restrictive than current regulations and Option 1; limiting or potentially restricting full STRs in residential zoning districts but continuing to allow limited and hosted STRs, subject to the existing cap in residential areas.

Table 13-1: Residential Zoning Districts Zoning Table

		EV RE-1	EV Re	EV E-1	EV E	EV R	EV RM	Specific Use Standard
Low Intensity Accommodations	<u>STR, Hosted: Bed and Breakfast: ≤ Ten Guests</u>	AS*	AS*	AS*	AS*	AS*	AS*	Sec. 3.3.5.A
	<u>STR, Hosted: B&B > Ten Guests</u>	<u>S</u> AS	<u>S</u> AS	AS	AS	AS	AS	Sec. 3.3.5.A
	<u>STR - FULL (Vacation Home) ≤ Ten Occupants</u>	<u>S</u> AS	<u>S</u> AS	AS	AS	AS	AS	Sec. 13.6.1.C and 3.3.5.B
	<u>STR- FULL (Vacation Home) > Ten Occupants</u>	AS	AS	AS	AS	AS	AS	Sec. 13.6.1.c and 3.3.5.B
	<u>STR - LIMITED (Vacation Home) ≤ Ten Occupants</u>	AS*	AS*	AS*				<u>Sec. 13.6.1.C and 3.3.5.B</u>
	<u>STR- LIMITED (Vacation Home) > Ten Occupants</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>Sec. 13.6.1.C and 3.3.5.B</u>
	Preexisting Lodging Facility							<u>To be added</u>
	<u>Bed and Breakfast Inn</u>	AS*	AS*	AS*	AS*	AS*		<u>To be added</u>

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, blank = prohibited

Option 2, cont. - Table 13-4: Nonresidential Zoning Districts Zoning Table

		EV A	EV A-1	EV CO	EV O	EV I-1	Specific Use Standard
Low Intensity Accommodations	<u>STR, Hosted: ≤ Ten Guests²³ Bed and Breakfast</u>	<u>SP</u> AS	<u>SP</u> AS				Sec. 3.3.5.A
	<u>STR, Hosted: > Ten Guests</u>	<u>SP</u>	<u>SP</u>				<u>Sec. 3.3.5.AB</u>
	Hotel, Small		AS				Sec. 13.6.1.C and 3.3.5.B
	<u>STR - FULL (Vacation Home) ≤ Ten Occupants</u>	AS*	AS*	AS*			Sec. 13.6.1.C and 3.3.5.B

²³ This has been updated to include the guest count option to be consistent with Table 13-1 and Tables 3-1 and 3-2.

STR - FULL (Vacation Home) > Ten Occupants	S AS	S AS	S AS		Sec. 13.6.1.C and 3.3.5.B
STR - LIMITED (Vacation Home) ≤ Ten Occupants	AS	AS	AS		Sec. 13.6.1.C and 3.3.5.B
STR – LIMITED (Vacation Home) > Ten Occupants	AS*	AS*	AS*		Sec. 13.6.1.C and 3.3.5.B
Resort lodge/cabins, low-intensity		AS			To be added
Preexisting Lodging Facility	R	R			Sec. 13.6.1.D
Bed and Breakfast Inn	SP	SP			To be added

AS = Administrative Special Review, AS* = BCC hearing, SP = Site Plan, S = Special Review, blank = prohibited

13.6.1. Specific Use Standards [\(for Estes Valley only\)](#)

C. Short Term Rental (Vacation Home)

1. See §3.3.5.B, *Short-Term Rental*.
2. Estes Valley [short-term rentals and](#) vacation homes shall be subject to the requirements and approval processes outlined in §3.3.5.B. All [short-term rentals and](#) vacation homes shall re-register their operation (i.e., operating registration) on [an annual ~~a bi-annual~~](#) basis.
3. A [short-term rental](#) ~~(vacation home)~~ with a valid operating registration approved under the previous Estes Valley Development Code prior to April 1, 2020 may continue to operate as a nonconforming vacation home (see §1.10.3, *Nonconforming Uses*), with the requirement to re-register on [an annual ~~a bi-annual~~](#) basis.
4. Operating registrations for [hosted short-term rentals, short-term rentals and](#) ~~(vacation homes)~~ in residential zoning districts (designated herein as EV E, EV E-1, EV R, EV RE, EV RE-1, and EV RM) shall be held at **a maximum total ("cap") of 266 registrations** in effect at any given time. This cap shall be reviewed annually by the County Commissioners, in or near the month of April. The County will maintain a waiting list for interested applicants whose application would cause the cap to be exceeded. The waiting list will rank prospective applicants in the order they were received and as operating registrations become available may be eligible to apply for approval as a short-term rental.

This current draft does not propose a change to the cap on registrations nor saturation limits for certain neighborhoods. This topic needs further discussion, depending on options selected for the STR types and review procedures in the residential zoning districts. Discuss whether named subdivisions (e.g., Windcliff) could be exempted from the cap and one STR per lot limit based on historic use and Homeowner Association requests and preferences if other standards are met. **Note:** may need to define “vacation home.”

D. Preexisting Lodging Facility

1. Preexisting lodging facilities shall receive a ~~basic~~ life-safety inspection.
2. Preexisting lodging facilities shall re-register on ~~an bi-annual~~ basis.
3. Such uses are not subject to the requirements for short-term rentals as set forth in subsection B., above.

R. Resort Lodge/Cabins

A guest room or unit contained in a resort lodge/cabin accommodations use may contain full kitchen facilities instead of the otherwise required "limited kitchen facilities", provided that the following conditions are satisfied:

1. The guest room/unit is contained in a freestanding, detached "cabin" structure, and such structure contains no more than four such guest rooms/units.
2. For purposes of permitted density/intensity calculations, all guest rooms/units with full kitchen facilities shall comply with a minimum 5,400 square foot land area per unit requirement, in lieu of the 1,800 square foot requirement for accommodations units set forth in Table 13-9 of this Code.

13.6.2 Accessory Uses

B. Accessory Uses/Structures Permitted in the Residential Zoning Districts

2. Additional Requirements for Specific Accessory Uses/Structures Permitted in the Residential Zoning Districts

d. Storage or Parking of Vehicles, Recreational Equipment and Recreational Vehicles

vii. ~~Hosted Short-term Rentals and Short-term Rentals (Vacation Homes) Bed and Breakfasts and Vacation Homes (Short-term Rentals)~~ Maximum Off-Street Parking - Residential Zoning Districts

This section applies to all vehicles that are not parked or stored in a fully enclosed garage. No more than a total of four vehicles shall be parked or stored on a lot of two acres or less. No more than a total of five vehicles shall be parked or stored on a lot greater than two acres in size, but less than five acres. No more than a total of six vehicles shall be parked or stored on a lot equal to, or greater than five acres, but less than 10 acres. No more than a total of eight vehicles shall be parked or stored on a lot equal to, or greater than 10 acres.

13.7.6. Exterior Lighting

B. Applicability

All new development shall comply with the standards set forth in this section. Short-term rentals (vacation homes) as designated and regulated in this Code shall comply with the standards set forth in this section, whether new or existing.

Other Sections of the Code that Reference STRs (Articles 4 and 12)

4.6.4. Minimum Vehicle Parking Required

Table 4-4 Minimum Off Street Vehicle Parking Requirements

Note: this language will need to be combined with the 4-4 in the Code and updated with new terminology.

STR ([Full and Limited](#)): ≤10 guests: two on-site parking spaces.

>10 guests: two on-site parking spaces plus one additional on-site parking space for every additional two bedrooms.

[Hosted short-term rental](#) ~~STR B&B~~ – two spaces plus one space per bedroom used for accommodation.

Resort Lodge or Resort Cottages – varies

4.6.7. Design, Use, and Location of Vehicle Parking

D. Single-Family Detached and Duplex Dwellings

Single-family detached and duplex dwellings in the Urban districts and GMAs shall pave parking and loading access areas with asphalt, concrete, or similar material from the edge of the roadway to the right-of-way line. In all other areas, single-family detached and duplex dwellings shall pave parking and loading access areas when necessary to comply with ADA requirements or §3.3.5.B, *Short-Term Rental*.

12.1. Floodplain Overlay District

Table 12-1 Table of Allowed Uses – FPO District

Note: this language will need to be combined with the Table 12.1 in the Code and updated with new terminology.

STRs ([Full and Limited](#)), [hosted short-term rentals](#), ~~B&Bs and~~ Resort Lodge or Resort Cottages, [and Bed and Breakfast Inns](#) are **Not** allowed in:

- AE (Floodway) per FEMA
- AE or 1% ACE (Floodway) per Best Available data or Poudre GMA
- AE or High Risk (Floodway) per Municipal

Allowed in other flood districts.