

DC-19-0005 Short-Term Dwelling Rental and Bed and Breakfast Update
Land Use Code Article 4 Text Amendments – Referred Draft
August 26, 2020

4-101 Forestry (F) District

B. Principal Uses Permitted

7. Lodging Uses (see 4-507)

- a. Bed and Breakfast (I) (S)
- d. ~~Short-Term Dwelling~~ Vacation Rental (I) (S)

C. Accessory Uses Permitted (see 4-516)

- 18. Primary Residence Accessory Short-Term Rental
- 19. Secondary Residence Accessory Short-Term Rental (I)

4-102 Agricultural (A) District

B. Principal Uses Permitted

7. Lodging Uses (see 4-507)

- a. Bed and Breakfast (I) (S)
- d. ~~Short-Term Dwelling~~ Vacation Rental (I) (S)

C. Accessory Uses Permitted (see 4-516)

- 22. Primary Residence Accessory Short-Term Rental
- 23. Secondary Residence Accessory Short-Term Rental (I)

4-103 Rural Residential (RR) District

B. Principal Uses Permitted

7. Lodging Uses (see 4-507)

- a. Bed and Breakfast (I) (S)
- b. ~~Short-Term Dwelling~~ Vacation Rental (I) (S)

C. Accessory Uses Permitted (see 4-516)

- 21. Primary Residence Accessory Short-Term Rental
- 22. Secondary Residence Accessory Short-Term Rental (I)

4-104 Estate Residential (ER) District

B. Principal Uses Permitted

7. Lodging Uses (see 4-507)

- a. ~~Short-Term Dwelling Rental (I)~~
- a. Bed and Breakfast (I) (S)

C. Accessory Uses Permitted (see 4-516)

- 19. Primary Residence Accessory Short-Term Rental
- 20. Secondary Residence Accessory Short-Term Rental (I)

4-105 Suburban Residential (SR) District

B. Principal Uses Permitted

7. Lodging Uses (see 4-507)

- a. Bed and Breakfast (I) (S)
- b. ~~Short-Term Dwelling Rental (I)~~

C. Accessory Uses Permitted (see 4-516)

- 17. [Primary Residence Accessory Short-Term Rental](#)
- 18. [Secondary Residence Accessory Short-Term Rental \(I\)](#)

4-106 Multifamily (MF) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - a. ~~Short Term Dwelling Rental (I)~~
 - b. [Bed and Breakfast \(I\) \(S\)](#)
- C. Accessory Uses Permitted (see 4-516)
 - 15. [Primary Residence Accessory Short-Term Rental](#)
 - 16. [Secondary Residence Accessory Short-Term Rental \(I\)](#)

4-107 Manufactured Home Park (MH) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - a. ~~Short Term Dwelling Rental (I)~~
- C. Accessory Uses Permitted (see 4-516)
 - 14. [Primary Residence Accessory Short-Term Rental](#)

4-108 Transitional (T) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - c. ~~Short Term Dwelling~~ [Vacation](#) Rental (I)
 - d. [Bed and Breakfast](#)
- C. Accessory Uses Permitted (see 4-516)
 - 16. [Primary Residence Accessory Short-Term Rental](#)
 - 17. [Secondary Residence Accessory Short-Term Rental \(I\)](#)

4-109 Business (B) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - c. ~~Short Term Dwelling~~ [Vacation](#) Rental (I)
 - d. [Bed and Breakfast](#)
- C. Accessory Uses Permitted (see 4-516)
 - 16. [Primary Residence Accessory Short-Term Rental](#)
 - 17. [Secondary Residence Accessory Short-Term Rental \(I\)](#)

4-110 Commercial (C) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - c. ~~Short Term Dwelling~~ [Vacation](#) Rental (I)
 - d. [Bed and Breakfast](#)
- C. Accessory Uses Permitted (see 4-516)

- 16. Primary Residence Accessory Short-Term Rental
- 17. Secondary Residence Accessory Short-Term Rental (I)

4-111 Light Industrial (LI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - c. ~~Short-Term Dwelling~~ Vacation Rental (I)
 - d. Bed and Breakfast
- C. Accessory Uses Permitted (see 4-516)
 - 20. Primary Residence Accessory Short-Term Rental
 - 21. Secondary Residence Accessory Short-Term Rental (I)

4-112 General Industrial (GI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - c. ~~Short-Term Dwelling~~ Vacation Rental (I)
 - d. Bed and Breakfast
- C. Accessory Uses Permitted (see 4-516)
 - 20. Primary Residence Accessory Short-Term Rental
 - 21. Secondary Residence Accessory Short-Term Rental (I)

4-117 Mountain Institutional (MI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - a. Bed and Breakfast (I) (S)
 - d. ~~Short-Term Dwelling~~ Vacation Rental (I) (S)
- C. Accessory Uses Permitted (see 4-516)
 - 18. Primary Residence Accessory Short-Term Rental
 - 19. Secondary Residence Accessory Short-Term Rental (I)

Use Tables • 4-507 Lodging Uses **[TO BE UPDATED]**

Use Tables • 4-516 Accessory Use **[TO BE UPDATED]**

4-507 Lodging Uses

- A. Bed and Breakfast
 - 1. ~~Definition: An owner-occupied or tenant-occupied single family dwelling unit offering transient lodging accommodations within that dwelling where meals may be provided.~~
 - 2. ~~Districts Permitted: By Limited Impact Special Review in F, A, RR, SR, and MI~~
 - 3. ~~Parking Requirements: One space per guest room in addition to the two spaces required for the single family dwelling~~
 - 4. ~~Loading Requirements: None~~
 - 5. ~~Additional Provisions:~~

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a. A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.

1. Definition: A Facility offering transient lodging accommodations to one or more booking parties at a time for a rental duration fewer than 30 days where:
 - a. At least one meal per day is provided; and
 - b. A manager or owner resides on the premises; and
 - c. That manager or owner is present during all rental periods.
2. Districts Permitted:
 - a. By Limited Impact Special Review in F, A, RR, SR, ER, MF, and MI provided there are no more than three guest rooms or no more than six guests served per night.
 - b. By Special Review in F, A, RR, SR, MF, and MI if there are more than three guest rooms or more than six guests served per night.
 - c. By right in T, B, C, LI, and GI
3. Parking Requirements: One space per guest room in addition to one space for the residing manager or owner. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. A Bed and Breakfast may not be marketed or used for weddings, receptions, or similar private or public events.
 - b. Historic Accessory Dwelling Units are eligible for this use.
 - c. This use is required to be located on a Building Lot.

Commented [OJ1]: See 4-602.G below

E. Short-Term Dwelling Rentals

1. Definition: A dwelling that is rented in durations of less than 30 days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management group. Dwellings rented on a month-to-month or longer basis shall not be considered as part of this use but rather part of the otherwise applicable dwelling use.
2. Districts Permitted:
 - a. By right in all districts if rented between one and 14 nights per year, with no additional use restrictions under this Article 4-507(E).
 - b. By right in A, F, H, MI, T, B, C, and ED if rented between 15 and 45 nights per year, provided the Additional Provisions (Article 4-507(E)(6)) are met.
 - c. By Limited Impact Special Review in RR, ER, SR, MF, MH, LI, and GI if rented 15 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
 - d. By Limited Impact Special Review in A, F, H, MI, T, B, and C if rented 46 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
3. Parking Requirements: One space per bedroom
4. Loading Requirements: None
5. Additional Provisions For All Short-Term Dwelling Rentals:
 - a. Historic accessory dwelling units are eligible for short-term dwelling rental use. Family care and agricultural accessory dwelling units are not eligible for this use.
6. Additional Provisions For Rentals of 15 Nights or More Per Year:

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a.—Short-term dwelling rentals subject to these Additional Provisions as specified above, must meet the following standards:

- (i) ~~Owners must complete a short-term dwelling rental registration form and submit it to the Land Use Department where the registration form shall be available for public review. The registration form will include the address of the rental unit, the number of bedrooms in the house, the owner's name, address, and phone number, and the name and phone number of a property manager, if applicable.~~
- (ii) ~~Dwellings must have an on-site wastewater system recognized and approved by Boulder County Public Health according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.~~
- (iii) ~~Dwellings must have been constructed under a valid building permit and received final inspection approval and meet applicable Building Code requirements as required when the dwelling was constructed or when upgrades to the structure subject to a building permit were made. Structures built before building permit requirements were imposed shall be structurally sound, with any plumbing, electrical, and heating and cooling systems in a good state of repair.~~
- (iv) ~~The parcel on which the dwelling is located must be a legal building lot under this Code, and legal access from a public road to the subject parcel must be demonstrated.~~
- (v) ~~Dwellings must contain operable fire extinguishers in each bedroom and in the kitchen.~~
- (vi) ~~Dwellings must contain operable smoke detectors in each bedroom and additional locations where appropriate.~~
- (vii) ~~Dwellings must contain an operable carbon monoxide detector in the dwelling installed as per the manufacturer's instructions.~~
- (viii) ~~This use must comply with the adopted Boulder County noise ordinance as applicable.~~
- (ix) ~~A map clearly indicating the subject parcel boundaries and appropriate parking spaces must be provided to renters.~~
- (x) ~~For dwellings rented out 45 nights or less per year, two adults per bedroom with a maximum of eight people may occupy one dwelling, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the on-site wastewater system, or other relevant circumstance.~~
- (xi) ~~For dwellings rented 46 nights per year or more, the maximum occupancy of the dwelling shall be two adults per bedroom with a maximum of eight people or a lower number of people based on the size of the permitted and approved on-site wastewater system, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the on-site wastewater system, or other relevant circumstance.~~

b.—For rental intensities that require Limited Impact Special Review:

- ~~(i) The requirement for Limited Impact Special Review may be waived if the Director determines the short term dwelling rental will not have the potential for significant conflict with the criteria listed in Article 4 601 of this Code. The Director may impose written terms and conditions on the short term dwelling rental use as may be reasonably necessary to avoid conflict with the review criteria in Article 4 601. Any short term dwelling unit for which the Director waives Limited Impact Special Review shall still be subject to the Additional Provisions of Article 4 507(E)(6).~~
- ~~(ii) Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners.~~
- ~~(iii) If the Director grants a waiver, the owner shall submit an annual report to the Department which shall be made available for public review. The report shall indicate the number of nights the dwelling was rented in the previous year, the number of bedrooms, contact information for the owner and property manager (if applicable) of the dwelling, and additional items as required by the Director related to the administration of this Article 4 507(E).~~
- ~~c. Compliance with these additional provisions shall be the responsibility of the owner. The County reserves the right to enforce these provisions in accordance with applicable zoning and building enforcement procedures.~~

E. Vacation Rental

1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:
 - a. The dwelling unit is not the primary residence of the owner; and
 - b. The dwelling unit is rented more than 60 days per year.
2. Districts Permitted:
 - a. By Special Review in F, A, RR, and MI, provided the property is greater than 1 acre in size.
 - b. By Limited Impact Special Use Review in F, A, RR, and MI, provided the property is greater than 5 acres in size and on unsubdivided land.
 - c. By Limited Impact Special Use Review in T, B, C, LI, and GI.
3. Parking Requirements: One space per bedroom in addition to one space for the local manager. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License.
 - b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.
 - c. Accessory Dwellings are not eligible for this use.
 - d. This use is required to be located on a Building Lot.

Commented [OJ2]: See Short-Term Dwelling Rental and Vacation rental Ordinance Draft for additional requirements and restrictions on licenses

4-516 Accessory Uses

W. Primary Residence Accessory Short-Term Rental

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1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where the dwelling unit is the primary residence of the owner.
2. Districts Permitted: By right in all districts
3. Parking Requirements: Three spaces, or one space per designated guest room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. All Primary Residence Accessory Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
 - b. A Primary Residence Accessory Short-Term Rental may be rented for no more than 180 nights per calendar year, unless the owner is present during all rental periods.
 - c. A Primary Residence Accessory Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
 - d. Historic Accessory Dwelling Units are eligible for this use.
 - e. This use is required to be located on a Building Lot.

X. Secondary Residence Accessory Short-Term Rental

1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:
 - a. The dwelling unit is not the primary residence of the owner;
 - b. The dwelling unit is rented 60 days or fewer per year; and
 - c. The dwelling unit is rented with a two-night stay minimum.
2. Districts Permitted: By Limited Impact Special Review in all districts
3. Parking Requirements: Three spaces, or one space per designated guest room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. All Secondary Residence Accessory Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
 - b. A Secondary Residence Accessory Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
 - c. Accessory Dwellings are not eligible for this use.
 - d. This use is required to be located on a Building Lot.

Commented [OJ3]: See 4-602.G below

4-602 Special Provisions

G. Limited Impact Special Review Waiver for Bed and Breakfast and Secondary Residence Accessory Short-Term Rental

1. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast or Secondary Residence Accessory Short-Term Rental will not have any significant conflict with the criteria listed in Article 4-601 of this Code.

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2. The Director may impose written terms and conditions on these uses that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.
3. The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A of this Code. The Secondary Residence Accessory Short-Term Rental must comply with the Additional Provisions outlined in Article 4-516.X of this Code.
4. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.
5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.