

TOWN OF DOLORES, COLORADO

ORDINANCE NO. 552 SERIES 2020

**AN ORDINANCE AMENDING TITLE 5 OF THE DOLORES MUNICIPAL CODE AND ARTICLES II AND III OF THE DOLORES LAND USE CODE ALLOWING FOR AND REGULATING SHORT-TERM RENTALS**

WHEREAS, The Town Trustees desire to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

WHEREAS After public notice and public hearing as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission recommended approval of proposed changes to the Dolores Land Use Code to allow and regulate Short-Term Rentals.

WHEREAS After public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to the Town of Dolores Land Use Code are necessary to maintain effective regulation of Short-Term Rentals.

WHEREAS, the Board of Trustees has further determined that it is in the best interests of the health, safety and welfare of the inhabitants of the Town to exercise its express statutory authority to establish reasonable regulations concerning Short-Term Rentals and to amend the Dolores Land Use Code and the Dolores Municipal Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:**

SECTION 1. A new Section 5.04.010 C. under Article V is added to the Dolores Municipal Code as follows:

C. *A business license is required to operate a Short-Term Rental in the Town of Dolores as further defined in and regulated by the applicable provisions for Short-Term Rental Regulations set forth in the Dolores Land Use Code as amended from time to time.*

SECTION 2. The following definitions are added to Section B of Article II of the Dolores Land Use Code:

*Accessory Dwelling Unit: A residential unit that is located on the same lot as a primary residential dwelling unit, either internal to or attached to the primary residential dwelling unit or in a detached structure.*

*Bed and Breakfast: An owner-occupied, single-family detached dwelling unit that includes guest rooms offered as short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath but shall not include cooking facilities. Breakfast and other meals, services, facilities, or amenities may be offered exclusively to guests.*

*Boarding or Rooming House: An owner-occupied, single-family detached dwelling unit in which the owner rents individual rooms and the individual rooms do not have individual cooking/restroom facilities. The unit is designed to serve as the residence of individuals subject to the following:*

1. Rooms may be rented on a monthly basis.
2. The rooms are generally furnished by the owner.
3. Communal cooking and restroom facilities are provided.
4. Owner provides some housekeeping and linen services.
5. The relationship between owner and resident is that of a landlord/tenant with references and deposits required of the resident.
6. Rooms rented for a period of less than 30 days shall be deemed a short-term rental.

Booking Service: Any person or entity that facilitates short-term rental reservations and collects payment for lodging in a short-term rental.

Closely-Held Corporation: Pursuant to Colorado Statutes, an entity with no more than three owners.

Eligible residential structure: an “eligible residential structure” for purposes of this code means a structure with an occupancy for single family use as permitted under the Town’s adopted building codes.

Limited Liability Company: Pursuant to Colorado Statutes, a company in which the members and managers are not liable for a debt or obligation of the company.

Long-Term Tenant: A person who occupies land or property rented from a property owner for 30 days or longer.

Party House: A residential dwelling unit, including all accessory structures, that is rented or used for the purpose of hosting a social, business, or commercial event that is open to more people, either as private invitees or members of the public, than the maximum unit rental capacity calculated at 2 adults per bedroom.

Residential Structure or Space: to be eligible for use as a short-term rental, a structure or space within a structure shall have an established building code occupancy for residential use and shall be a permitted or legally nonconforming use within the applicable zone district.

Short-Term Rental (STR): the renting, or offer to make available, (by way of a rental agreement, lease, license, or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of 30 consecutive days or less to a transient guest.

Short-Term Rental Categories:

*Category 1: Full-Time Use:* A dwelling unit that is not owner-occupied and is primarily used or made available for short-term rentals.

*Category 2: Part-Time Use:* A dwelling unit that is owner-occupied for more than 180 days per calendar year and that is rented as an entire unit during the time when the owner is not in residence.

*Category 3: Accessory Dwelling Unit Use:* A dwelling unit with an ADU where either the primary home or the ADU are owner-occupied and the other unit is made available for short-term rentals on a periodic basis.