

SHORT TERM RENTALS

General Notes:

This section incorporates the existing ordinance adopted in 2021 and any relevant changes or additions based on the assessment of the existing ordinance.

Table 2.2 – Use Table

P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Short-Term Rental	A	A	A	A	A	NP	7.8.34

7.8.34 Short Term Rentals. The following standards shall apply to all short-term rentals:

A. Definitions. The following definitions shall apply to this section:

Chaffee County Resident Owner means a natural person who intends to lease or leases the property or a portion thereof as a short-term rental unit and has their primary residence in either the incorporated or unincorporated portions of Chaffee County and whose name appears on the deed of the property. For the purpose of determining full-time residency the property owner must show legal proof of primary residence; such requirements will be established by staff but should include documentation of a current tax return (redacted) showing residency within Chaffee County and two of the following items: current and valid voter registration, current and valid vehicle registration, or a current and valid Colorado identification card, reflecting a physical address located within Chaffee County.

Chaffee County Resident Owner Entity means an owner of a property that is either an entity registered with the Colorado Secretary of State (such as an LLC, LLP corporation or similar) or a trust, within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit and is one hundred (100) percent owned by a Chaffee County Resident Owner or, for the purposes of a trust, the beneficiary of the trust is a natural person that is a Chaffee County Resident Owner and who shall show proof of full-time residency as required for a Chaffee County Resident Owner. Chaffee County Resident Owner Entity’s name must appear on the deed of the property seeking a short-term rental license.

Local agent means a management company or a full-time resident who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is physically based in Chaffee County. The local agent may be the owner of the short-term rental unit or a property manager and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the

ability to take remedial measures as necessary.

Long-Term Rental means the rental or leasing of properties for thirty (30) or more consecutive calendar days to a single renter or lessee.

Owner means the owner of a property within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit.

Renter means the party to a written lease or rental agreement that has obtained the temporary right to use and occupy a short-term rental unit or a portion thereof for a term of fewer than thirty (30) consecutive calendar days or less.

Short-term rental means rental or lease of all or a portion of a residential structure for fewer than thirty (30) consecutive calendar days.

- B. Applicability.** This section does not apply to hotels, motels, lodges, hostels, bed-and-breakfast establishments, long-term rental units, guest ranches, agritourism, or campgrounds as a primary use. Approved agritourism/agritainment operations are required to obtain a license from the County, but are exempt from and do not count towards the Maximum Number of Licenses Per Year as defined in this Section 7.8.34 and/or updated by Resolution. Historic vacation rental sites that can verify that they have been operating as short-term rentals for more than fifty (50) years prior to the year 2022 are exempt from the permit issuance requirement and shall not count against the maximum number of licenses available as set forth herein, but shall still be required meet the use standards or receive applicable exemptions.

This section does not supersede any PUDs with approved short-term rentals, private covenants, or restrictions prohibiting short-term rental units. This section shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property.

- C. Maximum Number of Licenses Per Year.** There shall be a maximum of three hundred ten (310) short-term rental licenses available per year. The Board of County Commissioners shall receive, during a public meeting no later than September 15th of a calendar year unless otherwise noticed, a report from the Planning Department's short-term rental program facilitator. Following such report, the Board of County Commissioners may, at its discretion, revise by resolution approved no later than November 1st of the same calendar year, the maximum number of short-term rental licenses available, to take effect beginning January 1st of the upcoming year.
- D. Maximum Number of Licenses Per Ownership Interest.** The Board of County Commissioners may, at its discretion by resolution, establish a maximum number of licenses any owner or owner entity with an ownership interest may possess at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional

interest in a property associated with a short-term rental license, whether whole or partial, and taking into account all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity.

1. Any owner or owner entity with an ownership interest in a property for which a short-term rental license has been applied shall not be permitted to apply for another short-term rental license within one (1) year of the submission of a short-term rental license application.

E. Eligibility. The short-term rental property shall either be owned by a local resident or owned by a non-resident owner or owner entity and rented long term to the local workforce for a period of three (3) years prior to eligibility for application for a short-term rental license.

1. Where a property contains both principal and accessory dwelling units on-site, only one dwelling shall be eligible for a short-term rental license.

F. Use Standards. All short-term rentals shall comply with the following standards in addition to the licensing requirements in this section:

1. Quiet Hours. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
2. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance.
3. Occupancy. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing and shall be determined by the Planning Department based on factors including, but not limited to, unit size, number of bedrooms, water adequacy, and septic capacity.
4. Events, such as concerts and wedding events, are prohibited.

G. Licenses Required. It is unlawful for an Owner to lease or rent, advertise for lease or rent, or permit the leasing or renting of any short-term rental unit within the County without a valid license issued by the County pursuant to this section. During the term of the license, license holder shall include the specific license number for the short-term rental unit on any and all rental advertisement listings. A physical copy of the valid license shall be conspicuously posted inside the property such that it is visible to guests.

1. It shall be a violation of the Land Use Code for an Owner without a valid license to rent or lease a property as a Long-Term Rental with the intent for the occupancy of the renter or lessee to resemble that of a Short-Term Rental.

H. Application Requirements. A complete application for a short-term rental license must be submitted to the County. The application shall be in writing on forms provided and approved by the County or submitted

through any on-line application process approved by the County. In addition to any other requirements in the Land Use Code, the following documents and information must be included with the application for the application to be considered complete:

1. The name, address, and contact information of the local agent for the proposed short-term rental unit;
 2. A copy of the approved Certificate of Occupancy for the proposed short-term rental unit;
 3. Any requirements of the Land Use Code, including but not limited to:
 - a. A site plan showing the location of the buildings on the property including off-street parking spaces;
 - b. A scaled floor plan noting the location of necessary egress windows, fire extinguishers, smoke alarms, and carbon monoxide detectors;
 - c. Verification of adequate wastewater treatment system that is adequately sized for the maximum possible number of renters for the short-term rental unit as stated in the application;
 - d. Fire safety inspection if required by the fire protection district;
 - e. If necessary for a Chaffee County Resident Owner or Chaffee County Resident Owner Entity, proof of primary residence within Chaffee County; and
 - f. Payment of any applicable application fee.
- I. License Fee.** All license fees, as set forth by the Board of County Commissioners by resolution, as amended, shall be due at the time of short-term rental unit license approval.
- J. Application Approval.** Short-term rental license applications shall be administratively reviewed and approved by the County's designee(s), following the process outlined in herein and in Section 4 of this Land Use Code. The County's designee(s) shall not approve an application for a short-term rental license or issue a short-term rental license unless:
1. Applicant has submitted a complete application, including payment of all applicable fees, including, but not limited to the application fee and the license fee;
 2. Applicant has provided proof of a current filing of a Personal Property Declaration with the Chaffee County Assessor's Office detailing all personal property in the short-term rental unit;
 3. Applicant has provided proof the short-term rental unit is currently up to date on all assessed property taxes;
 4. Applicant has obtained any required sales and lodging tax license;
 5. The proposed short-term rental unit does not exceed the maximum number of licenses available per year or per ownership interest, as stated and enumerated in this Section 7.8.34; and

6. The proposed short-term rental unit is in compliance with all applicable County codes and ordinances and State of Colorado regulations.

K. Term of License.

1. **Term.** All short-term rental licenses shall be effective for a period of one (1) year from the date of issuance. County staff shall process all applications by the final business day of the calendar month following the submission of a complete application.
2. **Renewal.** All short-term rental licenses must be renewed or will automatically lapse. All renewal applications must be submitted no later than twenty-one (21) days prior to the expiration of the valid license on forms provided and approved by the County, or submitted through any on-line application process approved by the County, and will be reviewed and processed in the order received based on date and time stamp of submission.
 - a. All short-term rental licenses and renewals shall be subject to the maximum number of licenses as set forth herein.
 - b. Notwithstanding the foregoing, if the short-term rental license maximum number of licenses is met for a given year, applicants will be placed on a waiting list on a first-come, first-served basis in the order of the receipt of a complete application, which will be rolled over to the subsequent year. Chaffee County Resident Owners and Chaffee County Resident Owner Entities will be given priority over non-resident applicants to apply for a short-term rental license for the following license year if the following year's maximum number of licenses is not met. (As an example, if Jane Doe, a Chaffee County Resident Owner, applies for a short-term rental license in 2021 and the cap in 2021 is ten and all ten licenses have already been issued, Jane Doe will be placed on the waiting list. If in 2022 only nine of the ten prior short-term rental licenses are renewed, Jane Doe will be allowed to apply for the one available license.)

L. Limitations and Requirements.

1. **Local Agent.** The Local Agent shall be available to respond to complaints or violations of any applicable law, code or regulation regarding the property twenty-four (24) hours a day, seven (7) days a week. Local Agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours and shall respond to emergencies at the short-term rental unit within one (1) hour of the agent's receipt of notice of the emergency.
 2. **Non-Transferability.** No short-term rental license granted pursuant this Land Use Code shall be transferable to a different applicant, natural person, owner, entity, or property.
 3. **Capacity.** The use of the property shall not exceed in practice or in advertisement the capacity as set forth in the license.
- M. Appeal.** An applicant may appeal a denial of their application to the Board of County Commissioners using the process outlined in **Section**

4.1.3 G.

N. Revocation and Suspension. The County may revoke or suspend any license at any time for any violation of this Land Use Code, any adopted County code, resolution, or ordinance, or any State of Colorado regulation.

Change of Use. The use of a property as a short-term rental shall be considered a change of use and, as such, shall require compliance with all adopted County codes, resolutions, or ordinances and State of Colorado