

ORDINANCE NO. 128, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CITY OF FORT COLLINS LAND USE CODE  
SHORT TERM RENTAL REGULATIONS

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 1997, the City Council enacted the Fort Collins Land Use Code (the "Land Use Code"); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, Land Use Code regulations regarding the renting of dwelling units for periods of less than thirty days ("Short Term Rental" or "Short Term Rentals") were adopted on second reading by Council on March 21, 2017, concurrently with Short Term Rental licensing regulations adopted into Chapter 15 of the Code of the City of Fort Collins; and

WHEREAS, subsequent to the adoption of the Short Term Rental regulations, the need has arisen for an extension of the date by which Short Term Rental operators may obtain City tax licenses in order to be deemed a lawful nonconforming use; and

WHEREAS, such an extension was discussed at the July 11, 2017, Council work session and City staff was directed to prepare amendments for Council consideration; and

WHEREAS, the Fort Collins Planning and Zoning Board at its August 17, 2017, regular meeting considered the proposed amendments to the Short Term Rental regulations and recommended that Council:

1. Not extend the date by which Short Term Rental operators may obtain City tax licenses on a 5-2 vote;
2. Not allow renters of Short Term Rentals to operate Short Term Rentals deemed to be lawful nonconforming uses on a 5-2 vote; and
3. Allow abutting dwelling units to be considered as primary Short Term Rentals on a 4-3 vote.

WHEREAS, pursuant to Colorado Revised Statute §31-23-301, the City has been specifically granted the power to regulate the use of buildings for trade, industry, residence, or other purposes for the purposes of promoting health, safety, morals, or the general welfare of the community; and

WHEREAS, Council is concurrently considering similar amendments to the Short Term Rental licensing regulations adopted into the Code of the City of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Land Use Code changes adopted herein are in the best interests of the citizens of Fort Collins and are adopted for the purposes of promoting the health, safety, morals, and general welfare of the community.

Section 3. That Section 3.2.2(K) of the Land Use Code is hereby amended to read as follows:

### **3.2.2 - Access, Circulation and Parking**

...

(K) *Parking Lots - Required Number of Off-Street Spaces for Type of Use.*

...

(k) Short term non-primary rentals and short term primary rentals: The minimum number of off-street parking spaces required are as follows:

<i>Number of Bedrooms Rented</i>	<i>Number of Off-Street Parking Spaces</i>
1—2	1
3—4	2
5—6	3

The number of additional off-street parking spaces required for more than six (6) bedrooms rented shall be calculated in the same manner used in the above chart (e.g. 7-8 bedrooms rented requires four (4) off-street parking spaces).

Short term rentals licensed pursuant to the Code of the City of Fort Collins § 15-646 and for which the license application was submitted prior to October 31, 2017, are exempt from compliance with these parking requirements so long as such license remains continuously valid. Subsequent licenses issued pursuant to § 15-646 shall comply with these parking requirements.

...

Section 4. That Section 3.8.34 of the Land Use Code is hereby amended to read as follows:

### **3.8.34 - Short Term Rentals**

...

- (F) ***Nonconforming Use.*** A dwelling unit utilized as a short term primary or non-primary rental that is located in a zone district where such use is prohibited, and such short term rental was a lawfully established use as defined in (3) below, is deemed to be a nonconforming use. Such nonconforming use shall correspond to the type (either primary or non-primary) of short term rental conducted prior to March 31, 2017.

- (1) In addition to complying with the nonconforming use regulations in Land Use Code Division 1.5, the owner of the dwelling unit must obtain a license pursuant to the Code of the City of Fort Collins § 15-646 and continuously maintain such license to maintain nonconforming use status. Failure to apply for such license by October 31, 2017, shall be considered abandonment of the nonconforming use. Should such license be revoked, not be renewed, or lapse for any period of time, the nonconforming short term rental use shall be considered abandoned or otherwise terminated.

...

- (3) To be deemed a lawful use, a dwelling unit must have been actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and valid sales and use and lodging tax licenses for such dwelling unit must have been obtained prior to October 31, 2017, in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.

Section 5. That the definition “Short term primary rental” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Short term primary rental* shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. The term party as used in this definition shall mean one (1) or more persons who as a single group rent a short term primary rental pursuant to a single reservation and payment. A carriage house that is not a primary residence is eligible to be a short term primary rental if it is located on a lot containing a primary residence. A dwelling unit of a two-family dwelling that is not a primary residence is eligible to be a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit. Short term primary rental is a distinct use from short term non-primary rental under the Land Use Code.

Introduced, considered favorably on first reading, and ordered published this 5th day of September, A.D. 2017, and to be presented for final passage on the 19th day of September, A.D. 2017.

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Mayor

ATTEST:

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Deputy City Clerk

Passed and adopted on final reading on the 19th day of September, A.D. 2017.

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Mayor

ATTEST:

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Interim City Clerk