

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2020

AN ORDINANCE ADOPTING AMENDMENTS TO THE GREELEY MUNICIPAL CODE, APPENDIX 18-B, TABLE 18.42-1, SECTION 18.30.070, SECTION 18.46.050, SECTION 18.46.220, AND SECTION 18.52.036, IN ORDER TO ESTABLISH ALLOWANCES AND REGULATIONS REGARDING SHORT-TERM RENTALS

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt zoning codes and development standards that continue to align with public values and Council priorities; and,

WHEREAS, short-term rentals are an emerging land use that has become popular as a way to offer homes as lodging for visitors; and,

WHEREAS, amending the Development Code to clearly allow and regulate this land use in a manner that addresses the public interest will advance and protect the health, safety and welfare of City residents; and,

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed changes on August 25, 2020, and recommended their adoption by City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Portions of the Greeley Municipal Code Chapter 18 regarding short-term rentals are hereby amended as described in Exhibit A, attached hereto.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____, 2020.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Proposed Clean Version of Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036 of the Greeley Municipal Code Regarding Short-Term Rentals

This document is intended to show the proposed code updates in a clean version without redlines of Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036 of the Greeley Municipal Code regarding short-term rentals. The proposed code update incorporates the recommendations from the Housing Task Force as revised through worksessions with Planning Commission and City Council.

Proposed Clean Version of Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036 of the Greeley Municipal Code Regarding Short-Term Rentals

1 **Appendix 18-B**

2 *Accessory short-term rental* shall mean the rental of a resident’s dwelling unit, or portion thereof,
3 to visitors.

4 *Guest* shall mean any individual not providing compensation for temporary accommodations at a
5 resident’s dwelling unit for no more than 30 continuous nights and no more than 30 nights in any
6 calendar year.

7 *Operator*, as used in Chapter 18.56, shall mean the person designated by the owner or lessee of
8 the mineral rights as the operator and so identified in Oil and Gas Conservation Commission
9 applications. *Operator* in other chapters shall mean any individual or business conducting a land
10 use at a site.

11 *Primary short-term rental* shall mean the rental to visitors of a dwelling unit that is not primarily
12 occupied by a resident.

13 *Resident* shall mean any individual intending to or actually inhabiting a dwelling unit for more
14 than 30 continuous nights or more than 30 nights in any calendar year.

15 *Visitor* shall mean any individual providing compensation for temporary accommodations at a
16 lodging facility such as, but not limited to, a short-term rental, bed and breakfast, hotel, motel, or
17 RV park.

18

19 **Table 18.42-1 \ Minimum Parking Requirements Table**

Primary short-term rental	1 space per 2 bedrooms
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20

21 **18.30.070**

22 **TABLE OF PRINCIPAL LAND USES**

Uses/ Districts	R-L, R-E	R-MH	R-M	R-H	C-L	C-H	I-L	I-M	I-H	H-A	C-D	PUD
lodging:												
- bed and breakfast	--	--	--	D	D	D	D	--	--	--	--	*
- hotels, motels	--	--	--	--	--	P	P	--	--	--	--	*
- accessory short-term rental	P	P	P	P	P	P	P	P	P	P	P	P
- primary short-term rental	--	--	--	D	D	D	D	--	--	--	--	*

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24 **18.46.050(b)(22) Primary Short-term rental.**

25 **18.46.220 – Primary Short-Term Rental**

26 The following provisions shall apply to all sites containing primary short-term rentals whether or
27 not operations commenced prior to the effective date of these standards.

- 28 (1) The maximum stay duration for any visitor at a primary short-term rental is 30
29 cumulative nights per calendar year. Individuals staying in excess of 30 continuous nights
30 shall be considered residents and must comply with applicable occupancy and family
31 standards within the dwelling unit’s zoning district. Operators of primary short-term
32 rentals may be required to provide logs of visitors occupying the property to the City at
33 the request of the City.
- 34 (2) Operators of primary short-term rentals must provide contact information to the City for a
35 local representative residing within a 30 mile radius of the primary short-term rental that
36 can immediately respond to issues raised by City personnel, public safety personnel,
37 utility providers, or other situations requiring assistance.
- 38 (3) All listings or advertisements for the short-term rental of properties within the City of
39 Greeley must include the business license number in the listing or advertisement.
- 40 (4) Occupancy limits shall be in compliance with applicable building and/or fire standards.
- 41 (5) In buildings with nine (9) or fewer dwelling units under the same ownership, operators
42 may use no more than one (1) unit as a primary short-term rental.
- 43 (6) In buildings with ten (10) or more dwelling units under the same ownership, operators
44 may use no more than twenty percent (20%) of the units as primary short-term rentals.

45

46 **18.52.036 – Home occupations.**

47 (d) Home occupation requirements.

48

- 49 (1) A home occupation shall be permitted as an accessory use to a dwelling,
50 provided that all of the following conditions are continuously met:
- 51
- 52 a. The exterior appearance of the dwelling and lot shall not be altered, nor
53 shall the occupation within the dwelling be conducted in a manner which
54 would cause the premises to differ from its residential character either by
55 the use of colors, materials, construction, lighting or signage, or by the
56 emission of sounds, noises, dust, odors, fumes, smoke or vibrations
57 detectable outside the dwelling.
- 58
- 59 b. All persons involved in carrying on the home occupation on the premises
60 shall be legal and regular inhabitants of the dwelling unit. No other
61 employees associated with the home occupation may be at the site for the
62 purpose of conducting any part of the business operation with the
63 exception of accessory short-term rentals.

Proposed Clean Version of Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036 of the Greeley Municipal Code Regarding Short-Term Rentals

- 64 c. The dwelling unit shall continue to be used primarily for residential
65 purposes, and the occupational activities shall be harmonious with the
66 residential use.
- 67 d. There shall be no sale and/or display of merchandise which requires
68 customers to go to the property, except as provided in Subsection (2)
69 below.
- 70
71 e. Vehicular traffic associated with the home occupation shall not adversely
72 affect traffic flow and parking in the area. No more than one (1) customer
73 or client vehicle associated with the home occupation shall be at the home
74 at a time, and no more than ten (10) customer/client visits to the home per
75 week and no more than two (2) trips per week shall be related to the
76 delivery of products and/or materials, with the exception of child care
77 homes and accessory short-term rentals.
- 78 f. No more than twenty percent (20%) of the living space shall be used for
79 the home occupation and any related storage of materials and supplies,
80 except for board and care homes, child care homes, and accessory short-
81 term rentals. In no event shall the garage be counted toward the total living
82 space area, except as provided in Subsection (2) below.
- 83 g. The home occupation shall be confined within the dwelling unit, except as
84 provided in Subsection (2) below, and shall not include use of the garage,
85 whether attached or detached, except for the parking of a vehicle
86 associated with the home occupation.
- 87 h. The use of utilities shall be limited to that normally associated with the
88 use of the property for residential purposes. Electrical or mechanical
89 equipment which creates audible interference in radio receivers or visual
90 or audible interference in television receivers, or causes fluctuations in
91 line voltage outside the dwelling unit, shall be prohibited.
- 92
93 i. There shall be no on-premises signs advertising the home occupation.
94
- 95 j. Activities conducted and equipment and material used or stored shall
96 comply with the Building Code.
97
- 98 k. There shall be no use or storage of mechanical equipment not recognized
99 as being a part of normal household or hobby use.
100
- 101 l. Only one (1) vehicle, not to exceed one (1) ton capacity, and one (1) trailer
102 which cannot exceed fifteen (15) feet, may be related to and used in
103 conjunction with the home occupation and shall be parked on site except
104 for accessory short-term rentals and as provided in Subsection (2) below.

Proposed Clean Version of Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036 of the Greeley Municipal Code Regarding Short-Term Rentals

- 105 m. Only one (1) home occupation shall be permitted per residence unless
106 more than one (1) home occupation can be operated within the
107 parameters of a single home occupation.
108
- 109 n. The conditions herein may be altered upon reasonable cause and with
110 approval of the Community Development Director.
111
- 112 o. Any resident offering accessory short-term rentals shall also abide by the
113 following standards whether or not operations commenced prior to the
114 effective date of these standards:
- 115 1. Any resident offering accessory short-term rentals may rent a
116 maximum of one (1) bedroom per night within their dwelling unit
117 to visitors on a continuous basis and may not rent other portions of
118 a dwelling unit to visitors as sleeping areas. In such cases, a
119 resident of the dwelling unit must be staying in the dwelling unit
120 each night that the bedroom is rented to visitors. Contact
121 information for the resident must be provided to the City and the
122 resident must immediately respond to issues raised by City
123 personnel, public safety personnel, utility providers, or other
124 situations requiring assistance.
- 125 2. A resident may rent out more than one (1) bedroom per night, up to
126 the entire dwelling unit, as an accessory short-term rental for no
127 more than 73 nights per year. In such cases, operators of primary
128 short-term rentals must provide contact information to the City for
129 a local representative residing within a 30 mile radius of the
130 primary short-term rental that can immediately respond to issues
131 raised by City personnel, public safety personnel, utility providers,
132 or other situations requiring assistance
- 133 3. When renting one (1) bedroom per night to visitors, occupancy of
134 an accessory short-term rental is limited to the residents of the
135 dwelling unit, two adult visitors over the age of eighteen (18), and
136 two minor visitors under the age of eighteen (18). The number of
137 occupants may not exceed the number allowed by applicable
138 building and/or fire standards.
- 139 4. When renting more than one (1) bedroom per night or the entire
140 dwelling unit to visitors, occupancy of an accessory short-term
141 rental is limited to the lesser of either no more than eight (8)
142 visitors regardless of age plus residents or the maximum allowable
143 per applicable building and/or fire standards.

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- 144 5. Operators of accessory short-term rentals must obtain required
145 licenses and permits, such as a business license, sales tax license,
146 and home occupation permit.
- 147 6. The Community Development Director may create a self-
148 inspection checklist for accessory short-term rentals. In its
149 discretion, the Department of Community Development may
150 require operators of accessory short-term rentals to provide a
151 completed checklist confirming that the dwelling unit has
152 appropriate safety features. The Community Development Director
153 may require reasonable building and/or site improvements to
154 ensure the safety of visitors.
- 155 7. Individual visitors may neither stay at an accessory short-term
156 rental for more than fourteen (14) consecutive nights nor more than
157 30 cumulative nights per calendar year. The City may require
158 operators to provide booking logs to ensure compliance with this
159 standard.
- 160 8. Dwelling units containing an accessory short-term rental must be
161 owned with no less than 50% interest by a natural person who is a
162 resident of the dwelling unit. The subject dwelling unit must be the
163 primary residence in which the resident owner resides at least 180
164 nights per calendar year.
- 165 9. All listings or advertisements for the short-term rental of properties
166 within the City of Greeley must include the business license
167 number in the listing or advertisement.

168

169 (e) Permitted home occupations.

- 170 (1) The following list of permitted home occupations are examples of those
171 occupations which are considered to be incidental to and compatible with
172 residential land uses subject to all provisions of Section 18.52.036(d), as
173 applicable:
- 174 a. Art or photo studio;
 - 175 b. Sewing or tailoring;
 - 176 c. Professional office;
 - 177 d. Teaching or tutoring;
 - 178 e. Child care home;
 - 179 f. Board and care home;
 - 180 g. Clerical, word processing or desktop publishing services;
 - 181 h. Barber or beauty shop (for the purposes of this Section, body piercing
182 and tattoo establishments shall not constitute a beauty shop);

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- 183 i. Massage therapists who are state-certified;
- 184 j. Accessory short-term rentals;
- 185 k. Agricultural produce sales as provided in Section 18.52.036(d)(2) above;
- 186 and
- 187 l. Any other use determined by the Community Development Director to
- 188 be incidental to and compatible with residential land uses.
- 189