

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING TITLE 4 OF THE LANDER MUNICIPAL CODE (ZONING) TO DEFINE TRANSIENT OCCUPANCY TYPES, ESTABLISH PRIMARY RESIDENCY REQUIREMENTS FOR CONDITIONAL USE PERMITS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS, AND SET MAXIMUM OCCUPANCY STANDARDS BASED ON FIRE CODE SAFETY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANDER:

AMENDMENT TO SECTION 4-2-3 (DEFINITIONS)

Section 4-2-3 of the Lander Municipal Code is hereby amended to include the following definitions:

- **SHORT-TERM RENTAL (STR):** A dwelling or portion of a dwelling that is rented to a customer or customers for a time period of thirty (30) days or less.
- Existing Definition - **SHORT TERM RENTAL:** a dwelling or portion of a dwelling that is rented for a period of fewer than 30 days. This includes, but is not limited to Airbnb, VRBO and similar short-term vacation and living accommodations.
- **BED AND BREAKFAST (B&B):** A dwelling where individual rooms are rented to customers for a time period of thirty (30) days or less, where the owner or manager resides on-site and provides food service to guests at no additional cost. No existing definition
- **HOSTEL:** A business which rents single beds to customers or issues multiple reservations for the same dwelling unit for a time period of thirty (30) days or less, and in which all other living quarters and amenities are shared between renters. No existing Definition
- **MOTEL:** A business which rents individual rooms to customers for a time period of thirty (30) days or less, where the entrances to each room have independent exterior access.
- Existing Definition combined - **MOTEL/HOTEL:** A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation. **HOTEL:** A business which rents individual rooms to customers for a time period of thirty (30) days or less, where the entrances to each room are accessed from a common hallway.
- **SHORT-TERM RENTAL LICENSE:** A license that is issued and renewed by City staff that affirms that a transient occupancy use complies with the Municipal Code. Short-term Rental Licenses are only required when a conditional use

permit is required for operation of a short-term rental, bed and breakfast, or hostel use.

AMENDMENT TO SECTION 4-6-1 (CONDITIONAL USES)

Section 4-6-1 is hereby amended to include Subsection (F), establishing standards for transient occupancy:

4-6-1 (F) Standards for Transient Occupancy in Residential and Agricultural Districts:

1. **Primary Residency Requirement:** No Conditional Use Permit for a Short-Term Rental, Bed and Breakfast, or Hostel shall be granted unless the primary residence of the property owner is on the same lot.
2. **Safety Standard:** The maximum occupancy for residential-scale transient lodging (STR, B&B, or Hostel) shall not exceed one (1) person per fifty (50) square feet of occupiable floor area.
3. **Maximum Occupancy:** Total occupancy for any Short-Term Rental or Bed and Breakfast in the R-1, R-2, R-3, R-5, R-Med, and Agricultural districts shall not exceed ten (10) persons. Total occupancy for a Hostel in the R-5 district shall not exceed ten (10) persons. Any transient occupancy greater than ten (10) persons shall be classified as a motel or hotel and are subject to the City's building codes.
4. **Inspection & Licensing:** Any transient lodging use shall require a building inspection and fire inspection prior to receiving a Short-term Rental License to operate with the intended transient use. Annual fire inspections shall be required prior to renewal of the Short-term Rental License. Where a conditional use permit is required, no Short-term Rental License shall be granted until the conditional use permit is approved.
5. **Revocation:** City staff shall revoke a Short-term Rental License if a property is found to have a documented nuisance. Any citation for a nuisance shall reference the municipal code section violated. Any revocation of a license may be appealed to the Board of Adjustment.

AMENDMENTS TO DISTRICT REGULATIONS (SECTION 4-12)

The following uses are hereby added or modified in the District Regulations:

District	Modified Use Status
Agricultural (A)	Add Short-Term Rental and Bed and Breakfast as Conditional Uses subject to Section 4-6-1(F).
Residential (R-1, R-2, R-3, R-5, R-Med)	Modify Bed and Breakfast and Short-Term Rental status to include mandatory compliance with Section 4-6-1(F).
Multi-Family (R-5)	Add Hostel as a Conditional Use subject to Section 4-6-1(F).
Commercial (C) & Industrial (M-1)	All transient occupancy types defined in Section 4-2-3 are Permitted Uses not subject to primary residency requirements. All transient occupancy types are subject to the City's building codes.

PASSED AND APPROVED ON FIRST READING THIS XX DAY OF JANUARY, 2026.