



**STEAMBOAT SPRINGS PLANNING COMMISSION
MEETING AGENDA**

**Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO
Thursday, October 10, 2024 at 5:00 PM**

To Join via ZOOM see below:

To JOIN the Meeting via ZOOM click the link: <https://zoom.us/j/93453387449>

OR

Visit zoom.us and click join meeting then enter meeting ID: 934 5338 7449

OR

Call us at 1-888 475 4499, meeting ID 934 5338 7449 press #.

Find your local number: <https://us02web.zoom.us/j/93453387449>

To just view the meeting: Watch the meeting on TV6: Comcast only

Or Visit <http://docs.steamboatsprings.net:10100/OnBaseAgendaOnline>

Or Watch on the City of Steamboat Springs YouTube channel

Please note that the order of the agenda may change without notice.

ROLL CALL (5:00 PM)

PUBLIC COMMENT: For any item not on the agenda.

PUBLIC HEARINGS FOR DECISION:

The Planning Commission Chair or Vice Chair will read each item into the record. Time for public comment will be provided for every item.

PUBLIC HEARING FORMAT:

- **Presentation by the Applicant (approximately 15 minutes)**
- **Applicant to state name, title, project location and provide project description and overview**
- **Presentation by staff**
- **Questions from Commissioners**
- **Public Comment by individuals (not to exceed 3 minutes): individuals to state name and residence location**
- **Response from Commission, Applicant or staff**

- **Commission decision or recommendation**

The Planning Commission will make the final decision on applications for Conditional Use, Conceptual Development Plan, Development Plan, or Preliminary Plat without Variances. Planning Commission decisions may be Called Up by City Council according to procedures in CDC Section 702 or appealed by the public according to procedures in CDC Section 729.

PUBLIC HEARINGS FOR RECOMMENDATION:

- 1** **PROJECT:** PL20240221, Appeal of Legal Nonconforming STR Abandonment LCSTR20231466 and PL20220346. (Bessey)
PETITION: Appeal of Decision
LOCATION: 1 Balsam Ct.
APPLICANT: Michael Hennesy
CITY COUNCIL: 11/12/2024
- 2** **PROJECT:** PL20240245, Routine CDC Text Amendment. (Stauffer)
PETITION: CDC Text Amendment
LOCATION: 124 10th Street
APPLICANT: City of Steamboat Springs
CITY COUNCIL: First Reading 10/22/2024, Second Reading 11/12/2024

REPORTS:

OLD BUSINESS:

- 3** Public Hearing Minutes- September 26, 2024

RAINBOW

- 4** PL20240221, Appeal of Legal Nonconforming STR Abandonment LCSTR20231466 and PL20220346- Appellant Documents

ADJOURNMENT

This application is available for review during regular business hours at the Department of Planning & Community Development. (124 10th Street, Centennial Hall, Steamboat Springs, CO)
Or online at: www.steamboatsprings.net/currentprojects.

Three or more City Council members may attend this event and may discuss public business, to include information of public policy. For more information please contact Julie Franklin, City Clerk
970-879-2060

AGENDA ITEM #1

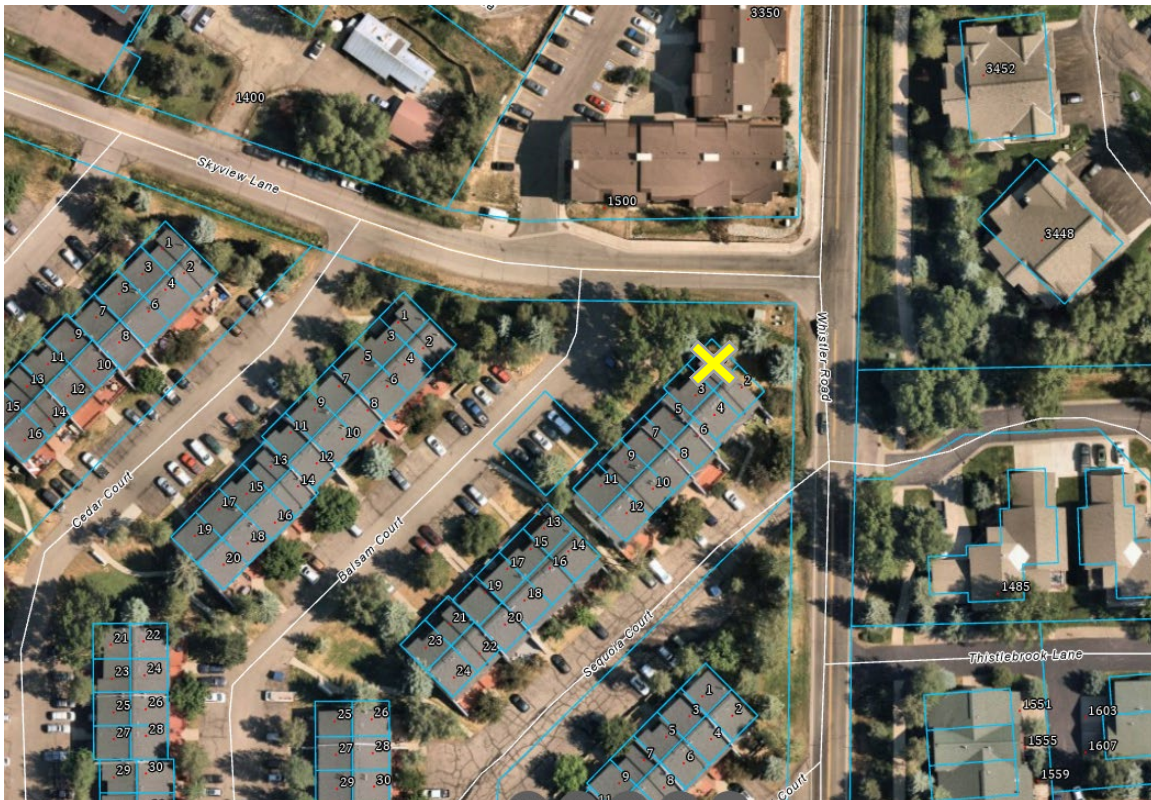
Staff Report

Department of Planning & Community Development

Project Overview

Project Name	Whistler Village Townhomes, Phase 1, Lot BA 1, Building 1 (1 Balsam Ct)
Project Code	PL20240221
Project Type	Appeal of Decision
Project Description	Appeal of Director's Decision of Legal Nonconforming (LNC) STR Abandonment related to PL20230346 and LCSTR20231466
Appellant	Michael Hennesy
Report Prepared By	Rebecca Bessey, AICP Director of Planning & Community Development
Planning Commission	October 10, 2024
City Council	November 12, 2024

Project Location



Background – Original Decision

The subject property is a multiple-family residential unit located in Whistler Village Townhomes, zoned Multiple-Family-Three (MF-3), and located in the STR Overlay Zone C: Prohibited (red).

The following table provides a summary and timeline of the relevant project actions and decisions within the context of the STR regulatory framework. **Note key dates are highlighted in yellow.**

DATE	REGULATORY FRAMEWORK	RELEVANT PROJECT ACTIONS
3/20/2022		Documented STR booking prior to effective date of STR Code and last documented stay in 2022
6/15/2022	STR Code effective date	
8/14/2022		Applicant submits LNC application (PL20220346)
3/21/2023		Staff approves LNC application (PL20220346)
1/01/2023	Initial deadline for STR license applications (end of grace period)	
3/06/2023	City begins accepting STR license applications	
4/19/2023		Applicant submits STR license application (LCSTR20231466)
4/30/2023	Extended deadline for STR license applications for properties with pending or approved LNC applications (end of extended deadline)	
6/15/2023		Staff approves STR license (LCSTR20231466)
11/24/2023-11/27/2023		First documented stay in 2023 *
1/05/2024-1/07/2024		First documented STR booking since effective date of STR Code
6/03/2024		Applicant submits STR license renewal application
7/05/2024		Staff denied STR license renewal (LCSTR20231466) due to LNC abandonment (Refer to Attachment A)
7/15/2024		Applicant submitted Appeal (PL20240221)
* Staff initially used this stay in determining the LNC abandonment period (refer to STR denial letter in Attachment A). However, upon further analysis, staff has determined this stay was an unpaid owner guest and not an STR guest; therefore, the first documented STR booking in 2023/2024 occurred on January 5, 2024.		

On March 21, 2023, Staff approved the Applicant's legal nonconforming use (LNC) application based on proof the STR use was lawfully established prior to the effective date of the STR Code (June 15, 2022).

Section 103.D of the City's Community Development Code states:

"The legal nonconforming status of a use shall be terminated immediately upon any of the following: ... an intermittent legal nonconforming use has been abandoned or discontinued for a period of 12 consecutive months regardless of any intent to resume operation of use".

During review of the Applicant's STR license renewal in June 2024, Staff reviewed the provided booking report to determine whether or not the LNC use had been abandoned since the effective date of the STR code (June 15, 2022). The booking reports, provided by the Applicant through the Legal Nonconforming application process and the STR license renewal process, documented the last stay in 2022 to have occurred March 20, 2022 prior to the effective date of the STR Code (June 15, 2022). No additional stays occurred after June 15, 2022 or in 2023, and the first STR stay in 2024 occurred January 5-7, 2024.

Note that the booking report did indicate several owner and owner guest stays in November and December 2023, and staff initially used a November 24-27, 2023 owner guest stay in determining the LNC abandonment period (refer to STR denial letter in Attachment A). However, upon further analysis, staff has determined the first documented STR booking since the effective date of the STR Code occurred January 5, 2024.

On July 5, 2024, the Planning Director determined the LNC use to have been abandoned or discontinued for a period of 12 consecutive months beginning June 15, 2022 and denied the STR license application LCSTR20231466.

Project Description – Appeal

On July 15, 2024, the property owners submitted an Appeal of the Director's Decision of Legal Nonconforming STR Abandonment related to PL20220346 and STR License LCSTR20231466. The Applicant provided the following document as grounds for their appeal:

1. Appeal narrative/letter. (Refer to Attachment B)

The primary argument of the Appellant is that they didn't use their property as a Short-Term Rental between June 15, 2022 and June 15, 2023 because they believed it was unlawful to operate an STR without an STR license.

Staff Analysis: On June 7, 2022, City Council adopted the STR Licensing Code by Ordinance 2858 and the STR Overlay Zone by Ordinances 2856 and 2857. All three ordinances took effect on June 15, 2022.

Section 2 of Ordinance 2858 states (emphasis added):

"This ordinance shall take effect five (5) days after publication following final passage except that **enforcement of the prohibition on operating a short-term rental or hosted short-term rental without a license set forth in Section 12-571 shall be suspended until January 1, 2023.** The operation of a short-term rental during this period shall not constitute lawful establishment of a short-term rental use for purposes of registration of lawful nonconforming status pursuant to the Community Development Code."

On December 6, 2022, City Council extended the deadline for obtaining STR licenses from January 1, 2023 to April 30, 2023 by Ordinance 2883.

Section 1 of Ordinance 2883 states (emphasis added):

"Enforcement of the prohibition on operating a Short-Term Rental or Hosted Short-Term Rental without a license set forth in Section 12-571 shall be suspended until April 30, 2023 for Owners of property located in Zone A (Green Zone) of the Short-Term Rental Overlay and for Owners of property located in Zones B (Yellow Zone) and C (Red Zone) of the Short-Term Rental Overlay who have registered or have a pending application for registration of the property as a legal nonconforming Short-Term Rental use. Owners of property located in Zones B (Yellow Zone) or C (Red Zone) who have not registered or do not have a pending application for registration of their property as a legal nonconforming Short-Term Rental use shall be subject to enforcement of Short-Term Rental licensing requirements as of January 1, 2023."

The Applicant submitted an application for legal nonconforming use on August 14, 2022; therefore, they had a pending LNC application prior to the original January 1, 2023 licensing deadline. Because of this pending LNC application, Ordinance 2883 extended the deadline for obtaining an STR license for this property to April 30, 2023. The Applicant submitted an STR license application on April 19, 2023, prior to the extended deadline. The license application was approved on June 15, 2023.

Since the Applicant complied with all required deadlines, STR use of the subject property was allowed to lawfully continue during the period of time between the effective date of the STR Code and the approval of the STR license, subject to the applicable abandonment language in CDC Section 103.D. There was no requirement for the Applicant to discontinue use of the property as an STR since Ordinances 2858 and 2883 both explicitly suspend enforcement of the prohibition on operating a STR without a license.

Project Analysis

The following section provides staff analysis of the application as it relates to sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, Staff or the public. For standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

Criteria for Approval: Appeal of Decision

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
The application for appeal is complete	✓		
The opinion or interpretation of the appellant is more consistent with the CDC than the decision of the initial Decision Maker		✓	

CDC Section 729.C – Criteria for Approval

City Council shall find in favor of the appellant upon a finding that the following criteria are met:

1. The application for appeal is complete.

STAFF ANALYSIS: CONSISTENT

Staff finds that the application for Appeal is complete and was filed within the required 10-day appeal period.

2. The opinion or interpretation of the appellant is more consistent with the CDC than the decision of the initial Decision Maker.

APPELLANT JUSTIFICATION

Please refer to Attachment B for the Applicant's Appeal document.

STAFF ANALYSIS: INCONSISTENT

In accordance with CDC Section 103.D, Staff finds the LNC STR use has been abandoned since no STR use occurred between June 15, 2022 and January 5, 2024.

Staff Findings

Staff finds the Appeal PL20240221 of the Director's Decision of Legal Nonconforming STR Abandonment related to PL20220346 and STR License LCSTR20231466 at 1 Balsam Ct is INCONSISTENT with the Criteria for Approval for an Appeal.

Recommended Motion

Planning Commission recommends denial of Appeal PL20240221 and upholding the Planning Director's Decision of Legal Nonconforming STR Abandonment related to PL20220346 and STR License LCSTR20231466 at 1 Balsam Ct.

Attachments

- A. STR License Denial Letter
- B. Appeal Narrative



July 05, 2024

HENNESY, MICHAEL P
607 AVANTE CT
LAFAYETTE, CO 80026

RE: Decision Notification for STR License Application LCSTR20231466

Dear: HENNESY, MICHAEL P

On July 5, 2024, the Planning Director denied STR License application number LCSTR20231466 for the following reason(s):

- Section 103.D.2 of the City's Community Development Code states that the legal nonconforming status of an intermittent use (such as an STR) automatically terminates upon abandonment or discontinuance of the use for a period of 12 consecutive months regardless of any intent to resume the use.
- Based on the information you provided with STR Licensee number LCSTR20231466 and Legal Nonconforming Use application number PL20220346, we have determined the lawful STR use was abandoned or discontinued for a period greater than twelve consecutive months, from 6/15/2022-11/24/2023; therefore, your property, located within STR Overlay Zone C, is not eligible for a STR license renewal.

If you wish to appeal the Planning Director's decision that your legal nonconforming use has been abandoned, you must submit an application for Appeal within ten (10) days of the date of this decision letter.

To submit your application for Appeal a Decision you must visit the City's main Portal page: <https://cityview.steamboatsprings.net/portal> and click on "Apply for a Planning Application." Appeals are processed in accordance with CDC Section 729.

If you have any questions or concerns, please do not hesitate to contact me at (970) 871-8278 or via email at pross@steamboatsprings.net

Sincerely,

Paula Ross
STR Technician

APPEAL OF DECISION

Detailed Narrative (LCSTR20231466)

A. Background.

Applicant, Michael P. Hennesy (“Applicant”), is the owner of 1 Balsam Court, Steamboat Springs, Colorado, identified by Routt County Parcel Identification No. 173101001 (“Property”). The Property that is the subject of this appeal is located in Short-Term Rental Overlay Zone C. In Overlay Zone C, short-term rentals are prohibited unless the owner completes a two-step process with the City. First, they must register short-term rental use as a legal nonconforming use of the property. Second, they must obtain a restricted short-term rental license in connection with such use.

This appeal stems from a wrongful denial of Applicant’s short-term rental license application no. LCSTR20231466. As stated in denial letter dated July 5, 2024, the basis for denial is that the Property was allegedly not used for short-term rental purposes from June 15, 2022 to November 24, 2023. For the reasons set forth hereinbelow, Applicant contends that the Planning Director’s finding was in error and inconsistent with the express requirements of the Steamboat Springs Community Development Code (“CDC”) governing short-term property rentals within City limits.

Specifically, under the CDC, the Applicant was legally barred from operating the Property as a short-term rental until the issuance of a short-term rental license. Doing so would have been in direct conflict with the CDC and would result in a technical violation of the Steamboat Springs Municipal Code.

In faithful compliance with the CDC, Applicant took the following actions as required to legally short-term rent his Property in Overlay Zone C; first, by applying for legal nonconforming registration and second, by applying for a short-term rental license:

- August 14, 2022. Applicant submitted application for legal nonconforming registration.
- March 21, 2023. Applicant’s legal nonconforming registration is approved.
- April 19, 2023. Applicant submitted application for short-term rental license.
- June 15, 2023. Applicant’s short-term rental license is approved.

Despite following all requirements of the CDC as needed to operate the Property for short-term rental purposes, Applicant’s 2024 license renewal was denied. Applicant has been asked to submit proof of short-term rental use of the Property covering a time period when short-term rental uses were illegal without a license under the CDC. Applicant did not ‘abandon’ short-term rental uses of the Property. It was against the law for Applicant to use his Property for such a purpose.

B. Short-Term Rental Prohibition in Community Development Code.

Steamboat Springs City Council adopted Ordinance No. 2858 on June 7, 2022. The ordinance, which went into effect on June 15, 2022 (“Effective Date”), made it unlawful to provide short-term rentals without a duly issued license from the City, subject to limited exceptions (“STR Prohibition”).

The STR Prohibition has been incorporated into the CDC. Pursuant to CDC Section 12-571(a), commencing on the Effective Date, property owners in Steamboat Springs are prohibited from advertising, offering, providing, or operating a short-term rental “*without first obtaining a license as provided in this Article IX*” (emphasis added). Subsection (b)(2) provides that all owners in the subject

Overlay Zone C, in which short-term rentals are prohibited without legal nonconforming registration, must obtain restricted short-term rental licenses before using their properties as such.

After the STR Prohibition was enacted into municipal law, City Council made the decision to delay its enforcement until April 30, 2023. Ordinance No. 2883 reads in relevant part: “Enforcement of the prohibition on operating a Short-Term Rental ... without a license set forth in Section 12-571 shall be suspended until April 30, 2023.” As to this point, Applicant contends that while enforcement of the STR Prohibition did not occur until April 30, 2023, the STR Prohibition was still valid law in the CDC as of the Effective Date on June 15, 2022. The City simply chose not to enforce the STR Prohibition until a later date, which did not affect its status as law *de jure*. Upon the Effective Date, the STR Prohibition became the law with respect to short-term property rentals in Steamboat Springs. Non-enforcement of a law does not render the law invalid.

The STR Prohibition thus made it illegal for Applicant to use his Property for short-term rental purposes until the issuance of a license pursuant to CDC Section 12-571. As set forth in Section 101.A of the CDC, a property owner’s failure to comply with the CDC constitutes a violation of the Steamboat Springs Municipal Code. In effect, an owner in Overlay Zone C would need to break the law to prove that short-term rental uses occurred *after* the Effective Date but *before* the issuance of a short-term rental license. In a head-scratching application of the STR Prohibition, Applicant is expected to violate the express terms of the CDC in order to prove compliance with the express terms of the CDC.

C. Applicant Compliance with CDC Short-Term Rental Prohibition.

Owners in Overlay Zone C seeking short-term rental licenses must first establish that their properties have been lawfully used as vacation rentals prior to the Effective Date if they are to be grandfathered in as legal nonconforming uses. To that end, Applicant applied for Legal Nonconforming Registration on August 14, 2022, which was ultimately approved on March 21, 2023. Applicant promptly submitted a short-term rental license application on April 4, 2023, and Applicant’s short-term rental license was granted on June 15, 2023 (“*STR License*”).

The foregoing reflects that from the Effective Date until the issuance of the STR License in June of 2023, Applicant could not legally use his Property for short-term rental purposes under the CDC. Nevertheless, this period of alleged non-use has been weaponized against Applicant and now serves as the basis for abandonment of his STR License. The Applicant should not be penalized for faithfully complying with the CDC and its regulations governing short-term rentals.

D. Conclusion; Remedy Requested.

The wrongful denial of Applicant’s application to renew the STR License constitutes an arbitrary and capricious land use decision. Further, depriving Applicant of his real property rights may constitute a governmental taking. Here, renewal of Applicant’s STR License was denied on the basis that Applicant had abandoned the short-term rental use of the Property, for a period commencing on the Effective Date and continuing until November 24, 2023. However, Section 12-571(a) of the CDC expressly prohibited Applicant from using the Property for such a purpose during this time. It was not until the STR License was issued on June 15, 2023 that Applicant could lawfully provide short-term rentals at the Property. Accordingly, the relevant period for the abandonment of use inquiry should be the 12-month period between June 15, 2023 and June 15, 2024.

It is immaterial that the City elected not to enforce the STR Prohibition until a later date. The decision to delay enforcement did not repeal or otherwise render the CDC's STR Prohibition invalid. Upon its enactment into municipal law, it became unlawful for Applicant to advertise, offer, provide, or operate a short-term rental until his STR License was issued.

Applicant prays that City Council will find in favor of Applicant and grant his appeal upon a finding that the following criteria have been satisfied:

1. The Application for the appeal is complete; and
2. The opinion or interpretation of the Applicant is more consistent with the CDC than the decision of the initial Decision Maker.

AGENDA ITEM #2

Staff Report

Department of Planning & Community Development

Project Overview

Project Name	Routine Text Amendment
Project Code	PL20240245
Project Type	CDC Text Amendment
Project Description	Minor Corrections and Revisions
Applicant	City of Steamboat Springs
Report Prepared By	Toby Stauffer, AICP Senior Planner
Through	Rebecca Bessey, AICP Director of Planning & Community Development
Planning Commission	10/10/2024
City Council	10/22/2024 & 11/12/2024

Background & Purpose

The Community Development Code (CDC) is a living document that requires regular maintenance. The purpose of this staff-initiated amendment is to ensure the community and staff have the clearest, most current document possible to work with.

Proposal

The changes proposed in Attachment A, and summarized below, are meant to be minor items that improve application of the CDC without substantive change.

- **Section 207.B RN-4 footnotes:** to correct a numbering error.
- **Section 302.C:** to alphabetize the Event Venue use within Commercial Principal Uses, Arts, Recreation, and Entertainment Category.
- **Section 402 Landscaping:** The TND update changed a few section references, two references in the landscaping section were missed.
- **Section 419 Flood Damage Prevention:** During our recent FEMA audit we found we are missing language in our Flood Prevention section that is required by the State; this amendment will include the necessary language.
- **Sections 423-428:** The recent update to TND regulations removed several sections of Article 4. This amendment will reorganize Article 4 to group reserved sections for clarity and move other sections for ease of use.
- **Section 714:** This amendment will clarify the Final Plat applicability section and allow Platted Building Envelopes to be adjusted by a Final Plat.
- **Section 717:** This amendment will remove changes to building envelopes from this process.
- **Section 802:** A definition of "Platted Building Envelope" will be added.

Project Analysis

The following section provides staff analysis of the application as it relates to sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, Staff or the public.

Criteria for Approval: CDC Text Amendment

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Compatible with the community plan	✓		
Error or goal/objective	✓		
Public health, safety, and welfare	✓		

CDC Section 723.B – Text amendments shall be evaluated and may be approved if one of the following criteria exist:

1. The proposed amendment is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

CONSISTENT

The amendment will not substantively change the intent or language in the CDC; the CDC remains consistent direction in the Community Plan.

2. The proposed amendment will correct an error or will further a public goal or objective.

CONSISTENT

The amendment will correct several errors in the CDC.

3. The proposed amendment is necessary to ensure public health, safety and welfare.

CONSISTENT

The amendment improves protection of the public from flood hazards.

Staff Findings

Staff finds that the CDC Text Amendment, PL20240245 for minor corrections and revisions, is CONSISTENT with the Criteria for Approval for a CDC Text Amendment.

Recommended Motion

Planning Commission recommends approval of PL20240245, a CDC Text Amendment application for minor corrections and revisions.

Attachments

- A. Proposed Text Amendment

Exhibit A

PL20240245 Routine CDC Text Amendment

Language to be added to the CDC noted as **[add:] or blue bold**, deleted language noted as **[delete:] or red bold**, changed language noted as **[change:] or green bold**, moved language noted as **[move:] or purple bold**, existing CDC language that will remain is in black.

Article 2 Zone Districts

- 1) Amend Section 207.B: RN-4 zone district footnotes: to correct a numbering error.
3: Not applicable to approved Multiple-Family Residential.
[change 3 to 4:] Garages accessed from alleys shall not be setback between 5 and 20 feet from the rear property line.
[change 4 to 5:] Applicable to attached and detached.
[change 5 to 6:] Manufactured homes are prohibited.

Article 3 Use Definitions & Standards

- 2) Amend Section 302.C to alphabetize the Event Venue use within Commercial Principal Uses, Arts, Recreation, and Entertainment Category.
[change 8 to 4:] Event Venue
[change 4 to 5:] Golf Course
[change 5 to 6:] Health and Recreation Center
[change 6 to 7:] Membership Organization
[change 7 to 8:] Movie Theater

Article 4 Development & Design Standards

- 3) Amend Section 402, Table 402-1, footnote 5 and Table 402-2, footnote 4 to update a TND Section reference.
Table 402-1 footnote 5: Refer to **[begin add:] Section 227 [end add.] [begin delete:] Section 424 [end delete.]** for TND landscaping standards.
Table 402-2 footnote 4: Refer to **[begin add:] Section 227 [end add.] [begin delete:] Section 424 [end delete.]** for TND landscaping standards.
- 4) Amend Section 419.E, Flood Damage Prevention, to include missing elements as required by State Law.
419.E Standards for Areas of Special Flood Hazard with Base Flood Elevation Data
 1. Residential Construction
 - a. New construction and substantial improvement of any residential structure shall **[begin delete:] have the lowest floor elevated on a permanent foundation [end delete.] [begin add:] elevate the lowest floor or basement, electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork, and other service facilities [end add.]** to one foot above the flood elevation.
 - b. New construction and substantial improvements of any residential structure in the AO and AH zones shall meet one of the standards:
 - i. The lowest floor **[begin add:] or basement, and electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other similar service facilities [end add.]** shall be elevated

- above the highest adjacent grade at least one foot above the depth number specified in feet on the FIRM; or
 - ii. The lowest floor **[begin add:] or basement, and electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other similar service facilities [end add.]** shall be elevated at least three feet above existing grade if no depth number is specified.
 - c. In the AH and AO zones, adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.
 - d. New structures or additions to **[begin delete:] an [end delete.]** existing structures on any property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) shall have the lowest floor elevated to one foot above the base flood elevation that existed prior to the placement of fill.
2. Nonresidential Construction
- a. New construction and substantial improvement of any nonresidential structure shall meet one of the following standards:
 - i. The lowest floor **[begin add:] or basement, and electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other similar service facilities [end add.]** shall be elevated to one foot above the base flood elevation; or
 - ii. The lowest floor and attendant utility and sanitary facilities shall be floodproofed to one foot above the base flood elevation. Floodproofing shall mean that the structure is watertight with walls substantially impermeable to the passage of water, and the structural components are capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice meeting the provisions of this Section.
 - b. New construction and substantial improvements of any nonresidential structure in the AO and AH zones shall meet one of the following standards:
 - i. The lowest floor **[begin add:] or basement, and electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other similar service facilities [end add.]** shall be elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the FIRM; or
 - ii. The lowest floor **[begin add:] or basement, and electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other similar service facilities [end add.]** shall be elevated at least three feet above existing grade if no depth number is specified; or
 - iii. The lowest floor and attendant utility and sanitary facilities are floodproofed to at least one foot above the depth number specified in feet on the FIRM or three feet above existing grade if no depth number is specified. Floodproofing standards shall be as required in Section 419.E.2.a.ii.
 - c. In the AH and AO zones, adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.
 - d. New structures or additions to an existing structures on any property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) shall have the lowest floor elevated to one foot above the base flood elevation that existed prior to the placement of fill or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed

prior to the placement of fill. Floodproofing standards shall be as required in Section 419.E.2.a.ii.

- 5) Move Section 426 Access to Section 423, move Section 427 Postal Facilities to Section 424, move Section 428 Public Easement Encroachments to Section 425, change Sections 426, 427, and 428 to Reserved.

[move:] Section 426 Access **[to:]** Section 423

[move:] Section 427 Postal Facilities **[to:]** Section 424

[move:] Section 428 Public Easement Encroachments **[to:]** Section 425

[change:] Section 426 **[to:]** Reserved

[change:] Section 427 **[to:]** Reserved

[change:] Section 428 **[to:]** Reserved

Article 7 Development Process

- 6) Update language in Section 714.A.1 for clarity, restructure Section 714.A.2 to allow Building Envelopes to be amended through a Minor Subdivision process.

714.A Applicability

1. Final Plat approval is required for all new subdivisions of land, **[begin delete:] resubdivisions of previously platted lots, and vacations of rights-of-way. [end delete.] [begin add:] subdivisions of previously platted lots, and right-of-way vacations. [end add.]**

2. The following types of Final Plats are established for purposes of review process and public notice requirements:

[begin delete:]

a. Major Subdivision

Final Plats for any subdivision first required to obtain Preliminary Plat approval shall be reviewed through the Major Subdivision process. [end delete.]

[begin add:]

a. Major Subdivision

Final Plats shall be reviewed through the Major Subdivision process when the subdivision has obtained Preliminary Plat approval. [end add.]

[begin delete:]

b. Minor Subdivision

Final Plats shall be reviewed through the Minor Subdivision process when all of the following criteria are met:

- i. **The Final Plat complies with all applicable requirements of this CDC, or the Final Plat is being reviewed concurrently with a Minor Variance application; and**
- ii. **The Final Plat does not meet the applicability of a Replat or Condominium/Townhome Plat; and**
- iii. **The Final Plat is to either adjust a lot line that affects more than two lots; dedicate land to the public for vehicle, pedestrian, or utility rights-of-way; or create either three or fewer nonresidential lots with each lot being less than one acre in area, six or fewer one-family residential lots, or three or fewer two-family residential lots.**
- iv. **The Final Plat is for the subdivision of land owned by the City. [end delete.]**

[begin add:]

b. Minor Subdivision

Final Plats shall be reviewed through the Minor Subdivision process when either the Final Plat is for the subdivision or platting of land owned by the City; or the Final Plat complies with all

applicable requirements of this CDC or is being reviewed concurrently with a Minor Variance application and all of the following criteria are met:

- i. The Final Plat does not meet the applicability of a Replat or Condominium/Townhome Plat; and
- ii. The Final Plat is to either adjust a lot line that affects more than two lots; adjust a Platted Building Envelope; dedicate land to the public for vehicle, pedestrian, or utility rights-of-way; or create either three or fewer nonresidential lots with each lot being less than one acre in area, six or fewer one-family residential lots, or three or fewer two-family residential lots. [end add.]

c. Replat

Final Plats shall be reviewed through the Replat process when no new lots are created, the Final Plat complies with all applicable requirements of this CDC, and at least one of the following criteria are met:

- i. The Final Plat is for the consolidation of no more than five lots; or
- ii. The Final Plat is for an adjustment to a lot line that affects no more than two lots and that will not diminish the size of open space or other protected area; or
- iii. The Final Plat is a correction of an engineering or survey error, plat note, or other minor change to a recorded plat that has no effect on the degree to which the plat conforms to City standards; or
- iv. The Final Plat is for an easement vacation where the applicant has elected to replat the property to reflect the easement vacation. Easement vacations do not require a Replat and may be vacated in accordance with Section 732.

d. Condominium/Townhome Plat

Final Plats shall be reviewed through the Condominium/Townhome Plat process when one of the following criteria are met:

- i. No new lots are created and the Final Plat is only to create condominium or townhome units in or around existing structures; or
- ii. The Final Plat is to create condominium or townhome units in or around existing structures and any new lot lines are in substantial conformance with the phasing of an approved Development Plan.

7) Add Criteria for Approval to Section 714.C to allow changes to Building Envelopes.

[begin add:]

4. **Additional Criteria for Minor Subdivision for a Platted Building Envelope**

The following criteria shall apply to Minor Subdivisions for Platted Building Envelopes that are designated for compliance with the SO overlay zone; these criteria shall be in addition to the general criteria for approval in Section 714.C.1:

- a. **The proposed change has been approved by the homeowners association of the subdivision, if applicable.**
- b. **The proposed change will provide a suitable building site which will substantially comply with the purpose of the SO overlay zone.**
- c. **There are no other restrictions related to the infrastructure required to serve the lot. [end add.]**

8) Amend Section 717.B.1, 717.D.5, and 717.D.6 to remove building envelope changes from the Minor Adjustment process.

717.B Applicability

1. Minor Adjustment approval is required for the following types of variations or modifications to standards in this CDC for construction of or modification to single-family dwellings and duplexes:
 - a. Variations of 20 percent or less of any setback, building height, or lot coverage standards specified in Article 2.
 - b. Variations of 20 percent or less of any numeric landscaping standards specified in Article 4.
 - c. Variations of 20 percent or less of any numeric buffering, screening, or fencing standards specified in Article 4.
 - d. Variations of five percent or less of floor area ratio standards specified in Article 2.
 - [begin delete:]**
 - e. Adjustments to building envelopes on existing platted one-family residential and two-family residential lots in the SO overlay zone. [end delete.]**
 - [change f to e:]**
Construction of an accessory building prior to a principal single-family dwelling or duplex.
 - [change g to f:]**
Variations of 20 percent or less of retaining wall height standards specified in Article 4.

[begin delete:]

- 717.D.5. A Minor Adjustment application for building envelopes on existing platted one-family residential and two-family residential lots in the SO overlay zone meets the following additional criteria:**
- a. The proposed adjustment to the building envelope has been approved by the homeowners association of the subdivision, if applicable.**
 - b. The proposed adjustment will provide a suitable building site which will substantially comply with the purpose of the SO overlay zone.**
 - c. There are no other restrictions related to the infrastructure required to serve the lot. [end delete.]**

[change 717.D.6 to 717.D.5:] A Minor Adjustment application to permit construction of an accessory building prior to a principal building has demonstrated the ability for compliance with dimensional and development standards at the time of principal building construction.

Article 8 Rules & Definitions

- 9) Amend Section 802 to add a definition of “Platted Building Envelope.”

[begin add:]

Platted Building Envelope. A Platted Building Envelope is a specific area of land within a lot that is delineated on a subdivision plat. [end add.]

AGENDA ITEM #3

STEAMBOAT SPRINGS PLANNING COMMISSION PUBLIC HEARING MINUTES September 26, 2024

The regularly scheduled hybrid public hearing of the Steamboat Springs Planning Commission was called to order at approximately 5:00p.m. on Thursday, September 26, 2024, in the Citizens Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado, as well as online via Zoom.

A. Roll Call

Planning Commission members in attendance were:

Chair Brian Adams, Vice-Chair Rich Levy, John Agosta, Calais Kruse, Lou Tortora and alternate Rob Rusher.

Absent: AJ Summers.

Staff members present included staff planner Jeremy Brown, senior planner Kelly Douglas and Planning Director Rebecca Bessey.

B. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

C. Public Hearings for Decision

None.

D. Public Hearings for Recommendation

Agenda Item #1.

PL20240066, North Side Lot (Brown)

APPLICANT PRESENTATION

None.

STAFF PRESENTATION

Kelly Douglas (for Jeremy Brown):

This is a development plan, conditional use and major variance application. The subject property is zoned G2, and it's located off of Ski Time Square in between Torian Plum and T Bar. The existing development of the site includes a parking lot, which is a remnant of the previously demolished Thunderhead Lodge and Condo structure.

With this application, the applicant is requesting to continue use of the existing parking lot temporarily for a period of three years in anticipation of redevelopment. There's a development plan under review now, which will be coming your way soon. The proposal includes a major variance request to parking lot landscaping standards. Staff finds that the proposal provides an acceptable alternate as both a temporary use and that it preserves existing mature vegetation. Therefore, we support the request.

Overall, we're recommending approval with conditions. We have not received any public comment that I'm aware of.

QUESTIONS FROM COMMISSIONERS

Agosta: Given that we're going for a variance here, is there anything that could assist us in terms of a community by adding a couple ADA spots? It seems to be flat enough in the lot, but getting from the lot to the buildings around it may not be ADA compliant. I think there's like four spots down low in the parking plan. It would be great if we had a couple spots for ADA. Would Steamboat be willing to convert a couple of those to ADA?

Michael Ann LaMotte, Applicant, Director of Development, SSRC:

In general, we very much promote ADA and equitable access for the slopes. However, there are more considerations than just assigning ADA accessible spots in that lot that would not be feasible for the surrounding site. That is a paid parking lot and is not the preferred ADA route for accessing the ski area. So, it's kind of a bigger discussion than just providing dedicated spaces in that lot. It's not something that we've explored that I'm prepared to speak to at this point.

Kruse: It sounds like you guys have been using this lot for quite some time. What triggered the need for this review at this time?

LaMotte: Over the winter, we did a conditional use application for overflow parking at Strings, and as we've been working through some new development agreements that have been spurred by development going on at the mountain, we've been alerted to some parking lots and things that were not necessarily in compliance. So, when SSRC took ownership over this lot, it wasn't a technically permitted lot, so this was more of a

cleanup item than anything. We just wanted to check the box to continue to be able to use it without fear of being shut down.

Rusher confirmed that this would be a paid public parking lot.

Levy: Jeremy mentioned this is an existing parking lot. Is it a legal existing parking lot or a nonconforming existing parking lot?

Douglas: Based on my understanding that it's a remnant of a past development – it was part of a previously-approved plan, and then the building got demolished but the parking lot remained. So, now it's out of compliance with its approved plan. Now they want to formalize the approval. A surface parking lot on its own is a conditional use, and that's what this is. There's a lot of process attached to this one because of the Code. It's conditional use, and there are development standards that apply. The variance is to not do development. So, I think it would be out of compliance with its previous approval, but if this is approved, it will be complying with this approval.

Levy: I asked the ADA question earlier in the week, and he said because it's an existing lot, we're not going to require them to add ADA parking. But it certainly seems like they're expanding the parking footprint compared to whatever this old development was because this wasn't all a parking lot, in which case I have trouble calling it an existing parking lot. I think the ADA parking spots come into a bigger question than just saying they didn't have it before; they don't need it now.

Douglas: I hear what you're saying. As I understand it, there is no development happening at this time that meets the definition of development. If it happened between when that building was demolished, and the shape of the parking lot you see now, maybe it was striped a different way. I can't speak to that. I think the point of this development plan approval is to sort of wipe the slate clean on that. It would be approved for a time of three years to be used in this fashion. I think the ADA requirements are separate. There's a whole set of ADA standards outside of the CDC. How they come together in this case, from Jeremy's analysis, I understand that it doesn't apply. If you want to develop a condition that the applicant agrees to, I think that's your prerogative. But in this case, I don't see any misapplication of the ADA standards based on my understanding.

Levy: If this were a new project, would the ADA parking spots be required?

Douglas: Yes, because it wouldn't be an existing parking lot.

Adams: I'm pretty sure that the ADA standards largely relate to the number of parking spaces required for the building that it's serving and being in close proximity to the use and building that it's serving, whereas this parking lot is not serving a building, specifically, and therefore doesn't have ADA standards related to a structure that

doesn't exist. I'm pretty sure that's what Jeremy was saying in his email. Is that a fair interpretation?

Douglas: I'm going to quote Jeremy here because he did the analysis: "I believe ADA parking requirements do apply here. Just unfortunately, ADA parking requirements say you're allowed to continue the status quo with 0 accessible spaces."

Agosta: The triangle lot that recently turned into a paid lot, I think part of the problem was that there was not clear delineation. I see an outline here that shows each of the parking spots. Will it be striped to enforce control and the capacity of that lot?

LaMotte: We are not planning on striping this parking lot since it is not a requirement. It is a paid lot. It is somewhat off the beaten path; we very rarely reach occupancy at it, so we don't anticipate those types of issues. We're requesting a temporary use for a period of up to three years, but as Kelly mentioned, there is a development plan. So, we're just trying to bring this into compliance from an awareness standpoint, but we're not doing any improvements to the lot.

Adams: Last year, you delineated it with some concrete barriers. Are you planning on at least doing that to kind of mitigate? Will you have an attendant?

LaMotte: Yes, we have parking attendants that go in and check and do all of that stuff. We want the parking lot to function. It does generate revenue for us, so we want that to be an option that is viable for people.

Rusher: On your website, it says that you do provide free handicapped parking. Where are those spots?

LaMotte: We do have handicapped parking in our parking garages, in the Ski Time Square parking garage and the Gondola Square parking garage.

Rusher: It says that those are paid parking on the very same page.

Douglas: We should keep the discussion limited to the subject property. They have parking all over town on many parcels.

Rusher: To put it in context, there's questions about providing ADA parking here, so I want to know if they are providing ADA parking elsewhere.

Douglas: In fairness to the applicant, I think we should stick to the request being made and the standards that apply to that.

Adams: The other variance you're asking for is to landscape standards. Can you speak to that just a tiny bit more for me, Kelly? Is that something that staff or DRT had any

concerns with negative implications? Or did you see that as okay being that this is a temporary use?

Douglas: There's a good amount of vegetation along the perimeter in some areas. But I think the main takeaways are: It's a temporary use for three years, and if we were able to force landscaping, that vegetation might not even grow by the time the parking lot is destroyed for the forthcoming anticipated development. That was part of the analysis for sure. Staff felt that the negative impacts of not having landscaping, such as heat island and those sorts of issues associated with parking lots, the tradeoff of the temporary use proposal as a whole, we were able to find that this is an acceptable alternative for that time. That's part of why we recommend approval with a condition.

Tortora confirmed that staff does not believe that this impacts the potential for future development.

Douglas: I think part of our support for the variance is because development is forthcoming. If it were to not come to fruition, and the three years past, and they wanted to continue to use it as a parking lot, they would come back before you and be required to receive the appropriate approval at that time.

Levy: If this were a parking lot request, it would have to be paved, correct?

Douglas: Correct.

Levy: But because it's a temporary use, we're okay with a gravel parking lot.

LaMotte: There is a layer of asphalt there. Our original submittal included some stalls on unpaved surfaces to try to maximize the parking, but we removed all of those to get to the current layout.

PUBLIC COMMENT

None.

COMMISSIONER DELIBERATION/MOTION

Tortora: I have no problem with a 3-year conditional use because that's what it's been used for even if it hasn't been in compliance. I'll take Jeremy's word on the ADA stuff and agree with his conclusions. So, I'm supportive of it.

Commissioner Tortora moved to approve PL20240066 with the included conditions. Commissioner Levy seconded the motion.

DISCUSSION ON MOTION

Adams: With all the ADA parking requirements, one of the things in my experience that makes ADA parking successful is its relationship to the use. I think that in this specific parking lot, there's no relationship of anybody who's using it who can use the paid parking for the ski area and actually get in an ADA way to the ski area from this parking lot. That was my main reason for agreeing with staff's assessment that ADA parking in this case is just not going to be a successful solution. I also had no problems with the landscape requirements. I think Kelly answered my question really well there on the temporary nature that we're approving here of a temporary parking lot that is expected to go away soon. So, I think that variance is very acceptable as well, so I'll be supporting the measure.

Tortora pointed out that the future development would presumably eliminate any landscaping on the property.

Levy thought maybe there should be some temporary landscaping in the summertime but did not want to recommend a condition requiring that.

Levy: Brian, are you saying that you don't think that someone who would use a disabled parking spot would be able to ski to the ski area from the edge of that parking lot?

Adams: I don't think that's how the ADA Code works. I think the ADA Code is meant to serve as a base level that blanket covers all uses and all users of any kind. I think that almost all users who qualify for a handicapped parking sticker would have a heck of a time getting on from there.

Levy: Because it's a Ski Corp parking lot, it has to serve Ski Corp's product, which to me is the ski area, which is the purpose of this parking lot. Someone could have PTSD or another issue besides a physical handicap that you're thinking. So, in my mind, it is possible for someone to use this parking lot with a disability of some sort to go skiing. It's not for me to decide.

Adams: Correct. But that's the whole point of ADA Code is that the parking is also related to curbside ramps, sidewalk ramp, overall height and staging areas. It's a system that gets a person from that parking space with whatever mobility they might have.

Levy: So, you think the ADA requirements are too onerous for a temporary use? It's not for us to decide what kind of ADA person can use a parking lot or not; it's required by law that they have to have it. No business can say: No ADA person is coming to my business, so I don't have to do ADA parking, correct?

Adams: Tell me about the other parks in town where they have 14 different parking lots that are serving a park, and this specific one doesn't have the appropriate amount of ADA parking for that park. That's the analogy that would be an equal analogy.

Levy: My understanding is that every parking lot gets reviewed on its own. We don't look at if they have enough aggregate ADA parking; you build a parking lot, in my poor understanding, you have to have a certain number of ADA spots.

Adams: That's not my understanding of the ADA Code.

Agosta: It's been used as a parking lot for many years, so I agree with that. I also do not believe that SSRC wants to keep it a parking lot; I believe they really do want to develop it, and it is a temporary use. Because of that, I do support it. However, I really would like for Ski Corp to consider converting a couple of those into ADA. I don't think I can turn this down for ADA because it's to Code; the only thing that's not to Code is landscaping. So, because of that, I will be supporting this. I think there is a need for some ADA over there, and it would be great if we could get a couple in there.

Kruse: I'm perfectly happy with the landscaping variance because it's temporary in nature. That's the entire hinge point for me. The ADA parking I'm also happy with because I find ADA guidelines to be about as clear as mud sometimes, and I do think that you can support the fact that it's not required. That's not to say we shouldn't provide it. But it's a temporary lot, and within these three years, this is going to get redeveloped and presumably will have parking, and it will be required to have ADA spaces; I'm perfectly fine with that.

VOTE (6-0)

The motion carried unanimously.

E. Reports

Director's Report

None.

F. Old Business

Agenda Item #2.

Approval of Minutes: July 11 Public Hearing

Commissioner Tortora moved to approve the July 11 meeting minutes; Commissioner Levy seconded.

The motion carried unanimously.

Agenda Item #3.

Approval of Minutes: July 25 Public Hearing

Commissioner Tortora moved to approve the July 25 meeting minutes; Commissioner Levy seconded.

The motion carried unanimously.

G. Adjournment

Commissioner Tortora moved to adjourn the meeting at approximately 5:32 p.m.; Commissioner Agosta seconded.

The motion carried unanimously.

AGENDA ITEM #4

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. ~~2859~~ 2858

AN ORDINANCE ADDING A NEW ARTICLE IX TO CHAPTER 12 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE RELATING TO LICENSING OF SHORT-TERM RENTALS; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND SETTING A HEARING DATE.

WHEREAS, the City Council hereby finds and determines that short-term rentals have reduced the availability of housing for the local workforce by removing housing units from the supply of long term rental units; and

WHEREAS, the City Council hereby finds and determines that short-term rentals have a detrimental impact on the character of some neighborhoods and the community due to the transient nature of their occupancy and the fact that transient occupants do not participate in the community in the same way as long term residents; and

WHEREAS, the City Council hereby finds and determines that short-term rentals have a detrimental impact on some neighborhoods and neighboring property owners resulting from violations of City regulations, including those relating to solid waste, parking, noise, and traffic, due to the unfamiliarity of transient occupants with City regulations and the local mountain environment; the fact that short-term rentals are a holiday or vacation environment for some of their occupants; and also due to the lack of traditional neighborhood relationships between the occupants of short-term rentals and neighborhood residents; and

WHEREAS, the City Council hereby finds and determines that short-term rentals are an essential component of the City's visitor economy and lodging infrastructure; are a substantial contributor to the City's sales tax and property tax base; and operate in many neighborhoods with minimal impact to surrounding neighborhoods and property owners; and

WHEREAS, the City Council acknowledges that many owners of short-term rental property, having purchased, owned, and used their property for many years, have developed strong ties to the community and expect that they will be able to continue to be part time members of the community and/or transition to full time residence in the community and that in order to protect the expectations of such property owners this ordinance provides for the issuance of licenses to registered lawfully nonconforming short-term rental properties and permitted Vacation Home Rental properties notwithstanding licensing caps or prohibitions created by this ordinance; and

WHEREAS, the City Council hereby finds and determines that it is necessary to the public health, safety, and welfare to adopt a comprehensive regulatory plan to reduce the impacts of short-term rental uses, including tax policy, land use policy, and enhanced licensing and enforcement measures; and

WHEREAS, the City Council finds that renting of residential dwelling units on a short term basis is an activity that has elements of a commercial enterprise; is widely regulated by business and occupational licensing requirements by municipal governments throughout the State of Colorado; creates substantial impacts to local communities in general, and in the City of Steamboat Springs in particular; and is properly the subject of a City of Steamboat Springs licensing requirement and licensing fee for the purpose of managing community impacts and offsetting the City's costs of enforcement; and

WHEREAS, this licensing ordinance imposes a cap on the number of licenses that can be issued in various geographical areas of the City for the purpose of minimizing the impact of short-term rentals in those areas and provides that licenses terminated due to the transfer of the licensed property shall be renewed in those areas subject to a waitlist in order to distribute in an equitable manner the benefits and burdens of short-term rental uses to property owners in those areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS THAT:

SECTION 1. Chapter 12 of the City of Steamboat Springs Revised Municipal Code is hereby amended by the addition of the following Article IX:

"Article IX – SHORT TERM RENTAL LICENSING

DIVISION 1. GENERALLY

Section 12-541. Definitions.

- (a) *Dwelling unit* has the meaning set forth in the Steamboat Springs Community Development Code.
- (b) *Hosted short-term rental* means one guestroom located within a dwelling unit offered, provided, used, or operated as a lodging accommodation to guests in exchange for remuneration for a period of less than 30 consecutive days while the owner or other permanent resident is residing and present in the dwelling unit.
- (c) *Licensed premises* means the dwelling unit and property specified in an approved short-term rental license issued pursuant to this Article IX.
- (d) *Local responsible party* means an individual or management company located in Routt County during the entire length of a short-term rental period who has

access to the licensed premises and is authorized to make decisions regarding the licensed premises.

- (e) *Owner* means a natural person with a recorded fee title interest in the subject property or, in the case of property owned by a partnership, corporation, limited liability company, trust, or other business entity, both the business entity and any natural person with an ownership interest or beneficial interest in the business entity.
- (f) *Short-term rental* means a dwelling unit offered, provided, used, or operated as a lodging accommodation to guests in exchange for remuneration for a period of less than 30 consecutive days while the owner or other permanent resident does not reside in the dwelling unit.

Section 12-542. Operational requirements.

Short-term rentals and hosted short-term rentals shall comply with the following operational requirements:

- (1) The licensee shall display each short-term rental license in a visible location inside the licensed premises.
- (2) The maximum number of occupants staying at a short-term rental shall not exceed one (1) per one hundred and fifty (150) square feet of net floor area or 16 occupants, whichever is more restrictive.
- (3) The maximum number of occupants and guests attending any outdoor activities shall not exceed twice the number of permitted occupants.
- (4) A minimum number of parking spaces shall be provided in accordance with the parking requirements for the dwelling unit as established by the Steamboat Springs Community Development Code. In addition, overnight parking of vehicles outside of a garage shall:
 - a. Not exceed six (6) vehicles; and
 - b. Be located on an all-weather, drivable surface; and
 - c. Not be located within a public right-of-way or emergency access easement.
- (5) Each short-term rental shall operate with a designated local responsible party. It is the responsibility of the licensee to inform the city of any changes to the local responsible party name or contact information.
- (6) The local responsible party shall respond to any complaint within one (1) hour of being notified of the complaint between the hours of 6:00 am and 10:00 pm and within thirty (30) minutes of being notified of the complaint between the hours of 10:00 pm and 6:00 am.
- (7) A clearly visible and legible notice shall be maintained within each licensed premises that provides the following information:
 - a. The name and 24-hour contact information of the local responsible party; and
 - b. The maximum number of occupants and guests permitted at the

- licensed premises; and
- c. The maximum number of vehicles allowed and the location of all approved parking spaces; and
- d. Rules regarding overnight parking, trash removal, prohibition on camping and outdoor sleeping, including occupancy of camper or recreational vehicle, and noise, all as established by the provisions of this Revised Municipal Code.

Section 12-543. Unlawful acts.

- (a) It shall be unlawful to operate a short-term rental or hosted short-term rental without the functioning smoke detectors, carbon monoxide detectors, and fire extinguishers on the licensed premises as identified on the short-term rental self-inspection checklist.
- (b) It shall be unlawful to permit camping, outdoor sleeping, or occupancy of any camper or recreational vehicle on the property while the licensed premises is being used as a short-term rental or hosted short-term rental.
- (c) It shall be unlawful to operate a short-term rental or hosted short-term rental that does not comply with all applicable city and state laws.
- (d) It shall be unlawful to advertise a short-term rental or hosted short-term rental without the license number clearly displayed within the advertisement or to advertise any unlicensed short-term rental. The prohibition in this subsection shall apply to the owner and agent of the owner of the short-term rental and also to any person providing advertising services to the owner or agent.

Sections 12-544–570. Reserved.

DIVISION 2. LICENSE

Section 12-571. Required; types.

- (a) It shall be unlawful to advertise, offer, provide, or operate a short-term rental or hosted short-term rental in the City of Steamboat Springs without first obtaining a license as provided in this Article IX. Violation of this provision shall be punishable by citation to municipal court and imposition of a fine in an amount not to exceed \$2,650 per violation per day and the property being operated as a short-term rental or hosted short-term rental shall not be eligible for licensing for a period of two (2) years following conviction nor shall any person who is any owner of the property be eligible to obtain a license for a period of two (2) years.
- (b) The following types of short-term rental licenses are hereby established:
 - (1) Unrestricted licenses are required for all short-term rentals located within Zone A of the Short-Term Rental Overlay as adopted as part of the Official Zone Map of the City of Steamboat Springs.

- (2) Restricted licenses are required for all short-term rentals located within Zone B or Zone C of the Short-Term Rental Overlay as adopted as part of the Official Zone Map of the City of Steamboat Springs.
- (3) Hosted licenses are required for all hosted short-term rentals in the City.
- (c) The City Manager shall be responsible for the approval or denial of applications for the issuance or renewal of licenses pursuant to this Division. The City Manager may delegate duties relating to licensing to the City Clerk, the Planning Director, or other City administrative staff.

Section 12-572. Fee.

The fee to issue or to renew a license shall be established by the City Manager. The fee shall be calculated so as to recover the cost of administration and enforcement of this Article IX, including for example, issuing a license, administering the license program, inspections, compliance checks, complaint tracking and investigation, documentation of violations, and prosecution of violators.

Section 12-573. Application.

- (a) All applicants for a short-term rental license shall file an application with the City Manager.
- (b) A complete application shall include the following information:
 - (1) The name and contact information of the applicant licensee and any other joint owner(s) of the subject property. If the applicant is a corporation, partnership, limited liability company, trust, or other business entity, an affidavit identifying the name and contact information for all persons who hold an ownership or beneficial interest in the business entity and the percentage share of their interest.
 - (2) The name and contact information of the local responsible party.
 - (3) An affidavit affirming the applicant has completed the short-term rental self-inspection checklist.
 - (4) A parking and snow storage plan illustrating the number and location of indoor and outdoor parking spaces to serve the short-term rental.
 - (5) All other documents and information as required by the City Manager.

Section 12-574. Number of licenses issued; cap.

- (a) There shall be no limit on the number of Unrestricted and Hosted Short-Term Rental licenses issued within the city.
- (b) The number of Restricted licenses issued within the city shall be limited to the following caps per Subzone of the Short-Term Rental Overlay as adopted as part of the Official Zone Map of the City of Steamboat Springs:
 - (1) Subzone B1 Sunlight: cap of 5.

- (2) Subzone B2 Fairway / Clubhouse: cap of 20.
- (3) Subzone B3 Walton Creek / Whistler: cap of 18.
- (4) Subzone B4 Shadow Run: cap of 17.
- (5) Subzone B5 Walton Creek / Village / Columbine: cap of 12.
- (6) Subzone B6 Alpenglow: cap of 10.

Applications for new licenses in the foregoing Subzones shall be issued in accordance with a waiting list maintained by the City. The City shall notify the first property owner on the waiting list for a Subzone when the expiration or revocation of a license makes available a license in that Subzone. Notice shall be provided by first class mail, return receipt to the address provided by the property owner. The property owner shall have thirty (30) days to submit a complete application for licensure. If no conforming application is submitted by 5:00 p.m. MT on the deadline, the property owner shall be removed from the waiting list, and the City shall provide notice to the next property owner on the list of the availability of a license. Positions on the list shall be personal to the owner and shall not transfer with the property except as to the transfers described in Section 12-577(b) of this Article.

- (c) Restricted licenses shall be issued for properties in Zone C of the Short-Term Rental Overlay adopted as part of the Official Zone Map of the City of Steamboat Springs only if the property that is the subject of the application is registered as a lawfully nonconforming short-term rental use or is a permitted Vacation Home Rental use.
- (d) The number of Restricted licenses issued by the City in Zone B of the Short-Term Rental Overlay adopted as part of the Official Zone Map of the City of Steamboat Springs may exceed the caps established by this Article IX to accommodate legal nonconforming short-term rental uses that were lawfully established prior to the effective date of the Short-Term Rental Overlay zone and registered with the City in accordance with the provisions of the Community Development Code and Vacation Home Rental uses permitted in accordance with the provisions of the Community Development Code. No application made by the owner of such a property shall be denied on the basis of the limitations on license numbers established by this Section.
- (e) The exemption provided in subsections (c) and (d) shall not apply to any property for which a license has been revoked pursuant to Section 12-579(f).
- (f) When the number of available licenses in a Subzone exceeds the number of short-term rental uses that have either been permitted as a VHR or registered as a lawfully nonconforming use, the Director shall establish a waiting list for that Subzone using the following procedures:
 - (1) Prior to January 1, 2023, Restricted Licenses shall only be issued to short-term rental uses that were lawfully established prior to the effective date of the Short-Term Rental Overlay Zone and registered with the City in accordance with the Community Development Code or that are permitted as Vacation Home Rental uses.

- (2) The Director shall publish notice of the availability or anticipated availability of licenses for a period of thirty (30) days. During that period, the Director shall accept written requests from all interested owners of property in the Subzone.
- (3) Requests shall identify the subject property, all owners, and shall include any other information required by the Director for the purpose of administering the waiting list.
- (4) If more requests are received than the amount of licenses that are available or anticipated to be available, the Director shall conduct a lottery to establish the order of the waiting list and shall begin to issue any available licenses in accordance with the waiting list procedures set forth above. Thereafter, requests shall be placed on the list in the order received.

Section 12-575. Issuance of a License.

- (a) In determining whether to issue or renew a license under this article, the City Manager may consider the following:
 - (1) Whether the application is complete and signed by the applicant;
 - (2) Whether the applicant has paid the application fee;
 - (3) Whether the proposed short-term rental use complies with all the requirements of this Article, the Community Development Code, building and fire codes, and any other applicable government regulations;
 - (4) Whether the application contains any material misrepresentations;
 - (5) Any other facts pertinent to the application; and
 - (6) Whether the applicant has previously had a license suspended or revoked.
- (b) The City may deny the license application for good cause if the application or property does not comply with the requirements of this Article or any other provision of this Revised Municipal Code.
- (c) The City shall not issue a license until the building in which the short-term rental use is to be conducted is ready for occupancy and has been inspected for compliance with applicable regulations.
- (d) The City Manager shall not issue a license for: a property that is subject to the two-year ban on licensure pursuant to Section 12-571(a); a property that is subject to the two-year ban on licensure provided for in Section 101.H.4 of the CDC for violations occurring prior to its repeal; or to a person who is subject to the two-year ban on licensure provided for in Section 12-579(f).

Section 12-576. Term; renewal.

- (a) All licenses granted pursuant to this Article IX shall expire one (1) year after issuance.
- (b) Renewal of an existing license may be had by payment of the annual licensing

fee and filing of a complete renewal application not less than thirty (30) days prior to the date of expiration. Renewal applications filed after the date of expiration will be denied, and application for a new license will be required. If the licensed property is in a capped Subzone identified in Section 12-574(b) the new license application will be subject to the waiting list established pursuant to Section 12-574(b). If the licensed property is located in Zone C of the Short-Term Rental Overlay adopted as part of the Official Zoning Map of the City of Steamboat Springs, no new license may be issued.

- (c) A short-term rental license may not be renewed if there is good cause for denial as set forth in Section 12-575 or there is cause for suspension or revocation as provided for in Section 12-579. Renewals may be approved on a provisional basis pending resolution of any action pursuant to Section 12-578.
- (d) Except where the City Manager has received a timely and complete renewal application and fee, it shall be unlawful for any person to operate a short-term rental after the expiration date recorded on the short-term rental license.
- (e) If the licensee is a corporation, partnership, limited liability company, trust or other business entity, the renewal application shall include a notarized affidavit from an authorized partner, member, shareholder, trustee, or officer describing any changes to the ownership structure or beneficiaries or confirming that there have been no changes in ownership structure or beneficiaries of the business entity since the license was issued or last renewed.

Section 12-577. Transferability.

- (a) No license granted pursuant to this Article IX shall be transferable from one (1) person to another or from one (1) location to another. If the property that is subject to the license is transferred, the new owner shall be required to apply for a new license. If the property is owned by a corporation, partnership, limited liability company, trust or other business entity and an ownership or beneficial interest in the business entity is transferred to a person who does not hold such an interest, the business entity shall be required to apply for a new license.
- (b) Transfers of ownership in the following circumstances shall be exempt from the prohibition on transfers set forth above and, in the Subzones described in Section 12-574(b), shall not require the new owner(s) to obtain a new license via the waiting list:
 - (1) From the owner to a trust established by the owner for the benefit of the owner as a named beneficiary of the trust;
 - (2) From the owner to a corporation, partnership, limited liability company or business entity, so long as the owner has a controlling interest in the business entity;
 - (3) Between the same parties creating or terminating a joint tenancy;
 - (4) Due to death, pursuant to a will, the law of descent and distribution or otherwise;

- (5) As ordered by a court under bankruptcy code or in equity receivership proceeding;
- (6) Without consideration for the purpose of confirming, correcting, modifying or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights of way, easements or licenses;
- (7) Pursuant to any decree or order of a court of record quieting, determining, or vesting title, including a final order awarding title pursuant to a condemnation proceeding; or
- (8) Between spouses or former spouses made pursuant to a separation agreement or as otherwise ordered by a court in proceedings for the dissolution of a marriage.

Section 12-578. Remedial Action.

- (a) Subject to subsection (d) of this section, the City may on its own motion or on complaint, after investigation and public hearing before a hearings officer appointed by the City at which the licensee shall be afforded an opportunity to be heard, impose a civil penalty or suspend or revoke, in whole or in part, any short-term rental license for any violation by the licensee or by any of the agents, servants, or employees of the licensee or by any occupant of the licensed premises of the provisions of this article; or any of the terms, conditions, or provisions of the short-term rental license; or of any other provision of this Revised Municipal Code; or on the grounds that false statements were made in any license or renewal application. Notices of hearings shall be given no later than thirty (30) days prior to the hearing date. The City may impose a civil penalty pursuant to this subsection (a) regardless of whether a licensee has petitioned the City pursuant to subsection (d)(1) of this section for permission to pay a civil penalty in lieu of license suspension, and the City need not make the findings specified in subsections (d)(1) of this section.
- (b) The City shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the City is authorized to conduct.
- (c) Notice of suspension or revocation, as well as any required notice of such hearing, shall be given by mailing the same in writing to the licensee at the address contained in the license. No such suspension shall be for a longer period than six months. If any license is suspended or revoked, no part of the fees paid therefor shall be returned to the licensee. Any license may be summarily suspended by the City Manager without notice pending any prosecution, investigation, or public hearing. Nothing in this section shall prevent the summary suspension of a license for a temporary period of not more than fifteen days.

- (d) Whenever a decision suspending a license or permit becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a civil penalty in lieu of the license suspension for all or part of the suspension period. Upon the receipt of the petition, the City may, in its sole discretion, stay the proposed suspension and cause any investigation to be made that it deems desirable and may, in its sole discretion, grant the petition if it is satisfied that:
 - (1) The public welfare would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the civil penalty will achieve the desired remedial purposes;
 - (2) Suspension would adversely affect the interests of innocent third parties; and
 - (3) The books and records of the licensee are kept in such a manner that the licensee's revenues can be determined with reasonable accuracy.
- (e) The civil penalty accepted by the licensee shall be equivalent to one hundred percent of the licensee's gross revenues during the period of the proposed suspension.
 - (1) Upon payment of the civil penalty pursuant to subsection (d)(3) of this section, the hearings officer shall permanently stay the imposition of the suspension.
 - (2) The City's authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed. If the City does not make the required findings and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the hearings officer.

Sections 12-579. Guidelines for remedial action.

- (a) If after the hearing provided for in Section 12-578 the hearings officer determines by a preponderance of the evidence that the licensee has violated any of the terms and provisions of this article, the terms and conditions of the license, or any other provisions of the Municipal Code relating to the operation of a short-term rental, the hearings officer may impose a civil penalty in an amount not to exceed \$2,650 per violation per day or may suspend or recommend revocation of the license.
- (b) Guidelines for the imposition of fines or the suspension or revocation of licenses shall be as follows:
 - (1) For a first offense in a two-year period: warning, imposition of a civil penalty, or suspension for a period of fourteen (14) to sixty (60) days;
 - (2) For a second offense in a two-year period: suspension for a period of

- thirty (30) days to ninety (90) days
- (3) For a third offense in a two-year period: suspension for a period of sixty (60) days to one hundred and eighty (180) days;
 - (4) For a third offense in a one-year period: recommendation of revocation of the license.
 - (5) For operating during a suspension, false statements in a license or renewal application, or for any violation that would be a basis to deny a license: recommendation of revocation of the license.
- (c) The time periods referred to above shall be calculated on the basis of the date of violation. Suspension periods shall run continuously and shall commence on the first day of one of the following months: June, July, August, December, January, February, or March. The suspension period shall commence on the first day of the first month listed above that is at least sixty (60) days from the date the suspension is imposed.
- (d) In determining whether to impose a civil penalty or suspend or revoke the license as provided above, the hearings officer and/or City Council shall consider the following factors:
- (1) Whether the violation presented a danger to public safety or the safety of occupants of the licensed premises;
 - (2) Impacts to neighboring property owners or residents;
 - (3) Whether the violation was a knowing or willful violation by the licensee;
 - (4) Whether the licensee took reasonable steps to correct the violation upon receiving notice of the violation;
 - (5) Whether the licensee had taken or proposes to take measures to prevent the violation from occurring or re-occurring;
 - (6) Whether and to what extent the violation provided an economic benefit to the licensee.
- (e) In any case in which the hearings officer recommends revocation of a license, the matter shall be scheduled for review by the City Council within forty-five (45) days. Council review shall be limited to determining whether the license should be suspended or revoked. The City Council may revoke the license or impose a lesser period of suspension.
- (f) In the event a license is revoked, the licensee and, in the case of a licensee that is a corporation, partnership, limited liability company, trust or other business entity, any person holding an ownership or beneficial interest in the business entity may not apply for or be issued a new short-term rental license or hosted short-term rental license for a period of two (2) years and re-licensing of the property shall be subject to the caps and prohibitions set forth in Section 12-574 without regard to registered nonconforming status or Vacation Home Rental permitting.

Sections 12-579–599. Reserved.”

SECTION 2. This ordinance shall take effect five (5) days after publication following final passage except that enforcement of the prohibition on operating a short-term rental or hosted short-term rental without a license set forth in Section 12-571 shall be suspended until January 1, 2023. The operation of a short-term rental during this period shall not constitute lawful establishment of a short-term rental use for purposes of registration of lawful nonconforming status pursuant to the Community Development Code.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

SECTION 5. A public hearing on this ordinance shall be held on _____ at any time after the meeting is called to order at approximately 5:00 p.m. in the City Council Chambers at Centennial Hall, at the corner of 10th Street and Oak Street, Steamboat Springs, Colorado, or by remote attendance at <https://us02web.zoom.us/j/985289877>.

SECTION 6. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith. Section 1-13(b) of the Revised Municipal Code shall apply to preserve any causes of action existing as of the effective date of this ordinance pursuant to any ordinance repealed by this Ordinance.

SECTION 7. The City Council finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Steamboat Springs at its regular meeting held on May 17, 2022.



Robin Crossan, City Council President

ATTEST:

Julie Franklin

Digitally signed by Julie Franklin
Date: 2022.06.16 16:39:25
-06'00'

Julie Franklin, CMC, City Clerk

FINALLY READ, PASSED, ADOPTED, AND APPROVED this 7th day of June, 2022.


Robin Crossan, City Council President

ATTEST:

Julie Franklin Digitally signed by Julie Franklin
Date: 2022.06.16 16:39:35
-06'00'
Julie Franklin, CMC, City Clerk

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2883

AN ORDINANCE AMENDING ORDINANCE NO. 2858 BY EXTENDING THE DEADLINE FOR OBTAINING SHORT-TERM RENTAL LICENSES.

WHEREAS, on June 7, 2022, the City Council adopted Ordinance 2858 which added a new Article IX to Chapter 12 of the Steamboat Springs Revised Municipal Code relating to licensing of short-term rentals; and

WHEREAS, Ordinance 2858 took effect on June 15, 2022, except that enforcement of the prohibition on operating a short-term rental or hosted short-term rental without a license set forth in Section 12-571 was suspended until January 1, 2023; and

WHEREAS, the City has contracted with CityView to configure the City's land management software to accept, review, approve, and renew short-term rental license types; and

WHEREAS, it is anticipated that the CityView scope of work will not be completed prior to January 1, 2022; and

WHEREAS, once the CityView scope of work is completed, it is anticipated that approximately 3,000 short-term rental license applications are likely to be submitted, property owners will need sufficient time to prepare applications, and staff will need sufficient time for review.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS THAT:

SECTION 1. Enforcement of the prohibition on operating a Short-Term Rental or Hosted Short-Term Rental without a license set forth in Section 12-571 shall be suspended until April 30, 2023 for Owners of property located in Zone A (Green Zone) of the Short-Term Rental Overlay and for Owners of property located in Zones B (Yellow Zone) and C (Red Zone) of the Short-Term Rental Overlay who have registered or have a pending application for registration of the property as a legal nonconforming Short-Term Rental use. Owners of property located in Zones B (Yellow Zone) or C (Red Zone) who have not registered or do not have a pending application for registration of their property as a legal nonconforming Short-Term Rental use shall be subject to enforcement of Short-Term Rental licensing requirements as of January 1, 2023.

SECTION 2. This ordinance shall take effect five (5) days after publication following final passage.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

SECTION 5. A public hearing on this ordinance shall be held on December 6, 2022 at any time after the meeting is called to order at approximately 5:00 p.m. in the City Council Chambers at Centennial Hall, at the corner of 10th Street and Oak Street, Steamboat Springs, Colorado, or by remote attendance at <https://us02web.zoom.us/j/985289877>.

SECTION 6. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

SECTION 7. The City Council finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Steamboat Springs at its regular meeting held on November 15, 2022.

Robin Crossan

Robin Crossan, City Council President

ATTEST:

Julie Franklin, CMC, City Clerk

FINALLY READ, PASSED, ADOPTED, AND APPROVED this 6th day of December, 2022.

Robin Crossan

Robin Crossan, City Council President

ATTEST:

Julie Franklin, CMC, City Clerk

101 VIOLATIONS AND ENFORCEMENT

101.A Violations

Failure to comply with the requirements of this CDC shall constitute a violation of the Steamboat Springs Municipal Code and such violation may be enforced as provided by this Article. Each day during which a violation continues shall be deemed a separate offense and violation. Enforcement action may be taken against a specific property owner, tenant, or user of the property where the violation is alleged to occur, or against any other persons as permitted by state or federal law.

Violations of this CDC may include, but are not limited to:

1. Using any land, or erecting, constructing, enlarging, altering, moving, using, or maintaining any structure (including any sign) in a manner inconsistent with this CDC, except as provided in [Section 103](#), [Section 104](#), and [Section 105](#).
2. Failure to obtain any required approval or permit.
3. Failure to abide by approvals, permits, or conditions attached to approvals or permits.
4. Obtaining approvals or permits through fraud or misrepresentation.
5. Proceeding with a development without proper approvals or permits.
6. Continuing construction or development activity after approvals have lapsed.
7. Failure to remove any sign installed, created, erected, or maintained in violation of this CDC, or for which the sign permit has lapsed.
8. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this CDC.
9. Reducing or diminishing the lot area, setbacks, or open space below the minimum required by this CDC.
10. Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this CDC or without first obtaining all requisite land use approvals required by this CDC or other applicable regulations.

Applicable Timeline

- March 25, 2022:STR stay at the Property
- June 7, 2022: Steamboat adopts STR Prohibition Ordinance
- June 15, 2022: effective date of STR Prohibition Ordinance, however enforcement suspended until January 1, 2023
- August 14, 2022: submitted applicable for legal nonconforming registration
- December 6, 2022: City adopts Ordinance delaying enforcement of STR Prohibition ordinance until April 30, 2023.
- March 21, 2023: Applicant's legal nonconforming registration is approved
- April 19, 2023: Applicant submitted application for 2023 short term rental license
- April 30, 2023: STR Prohibition Ordinance Enforcement begins
- June 15, 2023: Short Term rental license for 2023 is approved
- November 24, 2023: Hennesy has a STR stay at the Property
- June 4, 2024: applied for STR license renewal with proof of rental
- July 5, 2024: received Denial letter – Planning Director denies STR License renewal