



Town of Berthoud Planning Commission
Town Hall
807 Mountain Avenue
Thursday, June 27, 2024 at 6:00 p.m.

1. Call Meeting To Order
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Meeting Minutes

Documents:

[2024 05 23_MEETING MINUTES_PC STUDY SESSION_DRAFT.PDF](#)

5. Public Hearing: Consider Amendments To Chapter 30 Of The Municipal Code, Specifically Amending Section 3 Regarding Land Uses, Permits And Zoning Classifications; Section 1 By Amending Definitions; Section 2 Regarding The Protection Of Viewsheds
Presented by: Anne Johnson, Community Development Director

Documents:

[2024 06 13_PROPOSED CODE AMENDMENTS DOCUMENTS.PDF](#)

6. Presentation: Oil & Gas Regulations
Presented by: Mike Foote, Foote Law Firm, LLC - Environmental & Energy Law
7. Public Hearing: Present Proposed Regulations For Short-Term Rentals, Amending Chapter 30, Section 1 (Definitions) And Section 3 (Use-Specific Standards) Of The Berthoud Municipal Code
Presented by: Tawn Hillenbrand, Senior Planner

Documents:

[SHORT TERM RENTAL DOCUMENT PACKET.PDF](#)

8. Report By Staff
9. Adjourn

Join Zoom Meeting <https://us02web.zoom.us/j/86049631362> Meeting ID: 860 4963 1362
One tap mobile +17193594580,,86049631362# US

Individuals needing special accommodation may request assistance by contacting the Town Clerk at 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



MEETING MINUTES OF THE PLANNING COMMISSION – STUDY SESSION

Town Board Room
807 Mountain Avenue, Berthoud, CO 80513
May 23, 2024, at 6:02 p.m.

1. Meeting Called To Order – Chair Karen Anderson
Meeting Called to Order at 6:02 p.m.

2. Roll Call

The following Commission members were present:

Karen Anderson, Chair
Abigail Smith, Vice Chair
Nick Semedallas, Secretary
Joe Donnelly, Commissioner
Marc Hofmans, Commissioner

The following Staff members were present:

Anne Johnson, Community Development Director
Tawn Hillenbrand, Senior Planner
Teri Reger, Planning Technician
Sheriff Zack Anderson, Larimer County Sheriff, Berthoud Squad
Walt Elish, Business Development Manager
Erin Smith, Town Attorney

3. DDA - Downtown Development Authority
Walt Elish, the Town of Berthoud's Business Development Manager gave a presentation and update on the proposed DDA.
4. Deliberation Tips and Q & A
Erin Smith, Town Attorney presented tips on productive deliberation based on the five-step decision-making process and following the criteria of the land use code. The discussion ended question-and-answer period.
5. Room Safety
Zack Anderson of The Larimer County Sheriff's Office, Berthoud Squad gave a presentation on safety in the Board Room.
6. Adjourn

**MOTION was made by Commissioner Semedallas to adjourn the May 23, 2024, Planning Commission Study Session. SECONDED by Commissioner Donnelly.
With all in favor, THE MOTION CARRIED.**

The meeting was adjourned at 8:15 p.m.

Chairperson

Secretary

PLANNING COMMISSION INFORMATION

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	June 13, 2024
Agenda Title/Subject:	Ordinance 1342 (Series 2024) Public Hearing to consider changes of Chapter 30 regarding land uses and defining terms; Section 3 regarding zoning; and implementation of the Comprehensive Plan goals regarding view protection, adding clarifying language regarding transect-based planning, and further refining Accessory Dwelling Units
Type of Item:	Public Hearing
Purpose:	Public Hearing of Ordinance 1342 (Series 2024)
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Ordinance 1342 (Series 2024)
- Attachment to Ordinance 1342 (Series 2024)
- Publication

BACKGROUND:

Proposed Code amendments further the implementation of the 2021 Comprehensive Plan vision into the Land Use Code. The Land Use Code's land use table and definition sections also needed review and refinement. Staff has spent several months reviewing these proposed changes and have collaborated with the consulting team who lead the 2021 Comprehensive Plan update.

UPDATE/NEXT STEPS:

Two readings before the Town Board of Trustees are scheduled for June 25 and July 23, 2024.

Notice was published in the *Berthoud Surveyor* according to required publication deadlines.

FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in clarifying the expectations for land use activities and incorporating the Comprehensive Plan into the Land Use Code.

COMMUNITY TOUCHSTONES:

Consideration of the amendment requests does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the development community with a transparent set of standards to know what the expectations are for developing in the Town of Berthoud.

RECOMMENDED ACTION(S):

Staff recommends that the Planning Commission recommend approval of the proposed amendments to Chapter 30 of the Berthoud Municipal Code as presented by staff to the Town Board of Trustees.

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1342
(SERIES 2024)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD MUNICIPAL
CODE CHAPTER 30, SPECIFICALLY SECTION 3 REGARDING LAND USES, PERMITS AND
ZONING CLASSIFICATIONS; SECTION 1 BY AMENDING DEFINITIONS; AND SECTION 2
REGARDING THE PROTECTION OF VIEWSHEDS**

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on June 13, 2024 on this ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Board of Trustees, after proper notice has held a public hearing on June 25, 2024 and July 27, 2024; and

WHEREAS, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Ordinance 1342 (Series 2024) shall be amended as presented in Attachment A and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

[INTENTIONALLY LEFT BLANK]

INTRODUCED, READ, ADOPTED, AND APPROVED on this 27th day of July, 2024.

TOWN OF BERTHOUD

By _____

William Karspeck, Mayor

ATTEST:

By: _____

Christian Samora, Town Clerk

Ordinance 1342 (2024) Attachment A

Note to the reader: This round of amendments to the Land Use Code are divided into “Items” for ease in discussion. The notes and item number are not to be codified and provide background information on why the proposed Code amendment is being made.

Item 1: The Land Use Table contains uses contemplated as being appropriate for the different zone districts in the Town of Berthoud. The Land Use Table presented for discussion combines separate tables, 3.3, 3.5, 3.7 and 3.10. Multiple tables are cumbersome and tables 3.5, 3.7 and 3.10 were difficult to navigate as the zone districts of Conservation, Urban and Suburban were arranged in a way that is not intuitive to the common reader. Staff has taken meaningful time to review each land use category and the zone district most appropriate for the use. In addition to the changes in these land use tables, the uses themselves should be defined so that future developers understand the expectations of development through clear definitions. New definitions and amendments to existing definitions are proposed for consideration.

The Town Code shall not include numbered definitions. MuniCode is instructed to remove all numbering of definitions. When a definition includes a lettered list, the numbered list may remain. Definitions shall be placed in alphabetical order.

Item 1, Part 1: 30-1-116 Definitions

Accessory dwelling means An internal, attached, or detached residential dwelling that provides complete independent living facilities, including but not limited to provisions for sleeping, eating, cooking, and sanitation for one or more persons. The accessory dwelling is located on a lot with an existing primary dwelling unit and is secondary and subordinate to that primary residential dwelling. Mobile homes, manufactured homes and recreational vehicles shall not be included within the definition of the term Accessory Dwelling Unit.

Amphitheater, outdoor – An outdoor space with tiers of seats for spectators at events.

Appliance sales and service – A retail establishment for the sale and service of appliances including portable devices or instruments used for domestic functions such as vacuum cleaners, kitchen appliances, radios, ovens/ranges, dishwashers, washers, driers, refrigerators, freezers, for example.

Banks and financial institutions are open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities with or without drive through windows and/or an attached or stand-alone banking kiosk (Automated Teller Machine (ATM)).

Bus shelters – A small, roofed structure, usually having three walls and located near a street. The structure is designed primarily for the protection and convenience of bus passengers who are waiting to board transit.

Caretaker Dwelling means an accessory dwelling on a non-residential property, secondary to the non-residential use of the property, occupied by the person who oversees the non-residential operation 24 hours a day, and their family.

Car and motor vehicle sales – Storage and display of operational automobiles, motorcycles, RV’s, boats and trucks in the open or in an enclosed space for sale or trade.

Car/motor vehicle washes – A building or portion of a building used for the washing of automobiles, light trucks and vans, but not commercial fleet, buses and heavy trucks. Operating functions are performed mechanically, manually (self-service), and some may include partial manual detailing by the operator/owner of the vehicle. Vacuum stations may be included.

Commercial and retail businesses, indoor sales and service – An establishment or place of business primarily engaged in selling merchandise or providing a service to individuals located indoors.

Community garden – A private or public facility used for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

Contractor’s office/shop – An establishment for the indoor repair, maintenance, or storage of contractor’s vehicles, equipment or materials for use in the mechanical, plumbing, electrical, electronic repair, small engine, landscaping contracting industry, for example. A contractor’s office/shop may include the business office.

Cremation facility – A business containing properly installed, certified apparatus intended for use in the act of cremation.

Farmer’s Market – A temporary or occasional location for the outdoor retail sales of farm produce, art, fresh flowers, craft items, food and beverages from vehicles or temporary stands.

Fire station – A building used to store and maintain fire equipment and to house firefighters.

Family care, elderly day care center – A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. No overnight care is provided.

Fireworks sales – temporary – An establishment for the sale of fireworks on a temporary basis.

Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, ~~breeding, boarding or training or selling~~ of animals is conducted as business. Outdoor runs may be allowed when screened from view of adjacent properties and where sound mitigation is established.

Live work buildings are used for both living and working. The particular building is officially designated to allow the occupant of the residential portion of the building to operate their business. An example is a professional or business office on the first floor and residential uses on the second floor.

Marina – A waterfront establishment where docking, moorings and dry storage is offered for boats and marine sporting equipment. Retail sales of supplies may be included.

Movie Theater: A structure that contains audience seating, on one or more screens and auditoriums, and a lobby with or without a refreshment station. If more than one auditorium/theater will be in one

overall structure, they shall share a box office/ticket office, lobby areas, parking facilities, restrooms, concession areas, signs, and other service and maintenance facilities.

Museum – An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Nursing facility means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally ~~retarded~~ or developmentally disabled.

Places of religious assembly (neighborhood scale) means any structure or place wherein religious worship, ceremonies, rituals, and education are held in space less than 25,000 square feet in size. ~~for a congregation, and one that is not considered a community scale religious assembly.~~

Places of religious assembly (community scale) means any structure or building larger than 25,000 square feet in size wherein religious worship, ceremonies, rituals, and education are held.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same; or wireless telecommunication facilities. A public utility includes main lines, transmission lines and substations.

~~*Mini-storage warehouse* means a building or a group of buildings, not consisting of containers as defined herein, comprised of separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.~~

Research facilities – Research, development, testing, manufacturing, assembling, repair of goods and products. The facilities shall be free of dust, smoke, fumes, odors or unusual vibrations and noise. The waste shall meet the requirements of the appropriate health authority.

Roadside or temporary retail stand/tent – A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. There shall be no more than one roadside stand on any one property. A building permit is required as necessary.

Safe house for adults or children (up to 8 persons) – A facility providing temporary protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for individuals, such as victims of a violent crime and abuse.

Sales of farm implements, heavy equipment, mobile/manufactured homes – An establishment for the sale of farm implements, heavy equipment or manufactured homes without repair facilities.

Schools, public and private (preschool – grade 12) – An institution for the teaching of children on a site that is operated as a school, and which contains all improvements required by local, state or federal regulations necessary for general academic instruction.

Schools, including colleges, vocational and technical training – An institution for the teaching of adults including colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities on a site that is operated as a school, and which contains all improvements required by local, state or federal regulations necessary for general academic instruction.

~~Mini-storage warehouse~~ Storage facilities, enclosed - A building or a group of buildings, not consisting of containers as defined herein, comprised of separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Storage facilities, outdoor – Property for use as storage for RV's, boats, trailers, etc. outdoors screened from adjacent properties. The facility shall be free of dust, smoke, fumes, odors or unusual vibrations and noise. There shall be no waste disposal on site.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses, **with or without sales occurring on site.**

Item 1, Part 2: Tables 3.3, 3.5, 3.7 and 3.10 shall be deleted in their entirety and replaced with a new Table 3.10 which consolidates all tables into one master Land Use Table.

Table 3.10

Table 3.3: Land Use Table																
Land uses contemplated in the Town's Zone Districts are found in the table below. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those Land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as listed below.																
Land Use	Zone District															
Residential Land Uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2	
Dwelling, single-family detached	B	B	B		B		B	B	B	B S	B S	B	S			
Dwelling, Urban House, Single-family detached					B											
Dwelling, Suburban House, Single-family detached				B												
Dwelling, two family; and Dwelling, single-family attached; Duplex/Paried Home				B	B		B S	B P	B P	B P		B P				
Dwelling, Garden House, Single-family detached or attached				B	B											
Dwelling, Townhome, Multi-family dwelling (3-4 or more units)				P	P			P S	P	P		P	S			
Multi-family dwelling (4 or more units)									P	P		P	S			
Multi-family dwellings (fewer than 4 units)								P	P	P		P	S			
Dwelling, Apartment/Condo, Multi-family dwelling (4 or more units)				P	P			S	S-P	S-P		S-P	S			
Manufactured/mobile home and park											P					
Zero lot line single or two-family dwellings								P	P	P		P				
Accessory dwelling unit (including carriage units)-associated with a permitted use, See Section 30-1-116.A.2	P B	P B	B, Dwelling, single family detached		B, Dwelling, single family detached; S, with a duplex or townhome		P B	P B, Primary dwelling needs to be single-family	P	P		P	S	S	S	

Mixed Land Uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Bed and breakfast establishments	P		S		S; prohibited in Apartment/Condo		S	S	S	S		P	P		
Boarding and rooming houses								S	S	S		S	P		
Single-room occupancy boarding house							S	S	S	S		P	P		
Caretaker dwelling												S	S		
Child care home (up to 12 persons)	B	B	B		B		B	B	B	B		P			
Class A Recreational vehicles										S	P				
Family care, elderly day care homes	P	S	P, Dwelling, single family detached		P, Dwelling, single family detached		P	P	P	P		P			
Flex buildings (start as residential and shift to commercial over time)										S		S	P		
Group homes	P		S, Dwelling, single family detached		S, Dwelling, single family detached			P	P	P		P	P		
Live-work units and buildings					P	P				P		P	P	S	S
Long-term care facilities						P	P	P	P			P	P		
Mixed use buildings (residential, commercial, office, workshops, etc.)				P		P				P		P	P	S	S
Safe house for adults or children (up to 8 persons)		S	S, Dwelling, single family detached		S, Dwelling, single family detached			P	P						
Senior housing			S		S			S	P	P	P	P	S		
Nursing facility			S		S			S	P	P	S	P	S		

Commercial, retail or service land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Suburban Commercial				P											
Urban Commercial						P									
Administrative, office and research facilities				P						P		P	P	P	P
Adult entertainment															S
Agricultural activity uses: ranching, farming, grazing, etc.	P	P		P											
Appliance sales and service				P						S		P	P	P	P
Automotive service and repair - minor				P S						S		S	P	P	P
Automotive service and repair - major				P S									S	P	P
Banks and financial institutions with or without drive through and/or ATM kiosks				P		P				P		P	P	P	P
Bars/taverns/micro-breweries				P		P				P		P	P	P	P
Business / Professional offices (professional offices for attorneys, realtors, service contractors, administrative services, and similar service providers)				P		P				P		P	P	P	P
Car/motor vehicle washes				P									P	P	P
Child care center	S			P			S	S	S	P		P	P	P	
Cremation facility														S	S
Commercial and retail businesses, indoor sales and service				P		P				P		P	P	P	P
Contractor's office/shop (electronic repair, small engine, motorcycle)				P S						P		P	P	P	P
Distillery including tasting room and retail sales				P						P		P	P	P	P
Entertainment facilities, commercial theatres, etc.				P						P		P	P		
Equipment rental (small) establishments without outdoor				P								S	P	P	P
Equipment rental (heavy) establishments with outdoor sales				S										S	P
Fireworks sales - temporary				P								P	P	P	
Gasoline/fueling station				P		S				S		S	P	P	P
Gas, oil and other hydrocarbon well drilling and production, See Section 11	P S			P										S	S
Plant nursery and Greenhouses, public or private	P	P		P						P		P	P	P	P
Grocery store less than 25,000 square feet of floor area				P		P				P		P	P	S	S
Grocery store greater than 25,000 square feet of floor area				P		P				S		S	P	S	S
Home Occupations, See Section 30-3-112, "P" in this line item represents a Home Occupation Permit is needed	P	P	P		P		P	P	P	P	P	P			
Hospital				P		P	S	S	S	S		P	P	P	S
Hotel/motel (no room limit)				P		P				S		S	P	P	
Inn (up to 12 rooms)				P		P				P		P	P	P	
Kennel - small animal	P			P		P				P		P	P	P S	S
Laundry mat and dry cleaning retail outlets				S						S		P	P	P	

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Marina	P			S						P			P		
Medical and dental offices/clinics				P		P	S	S	S	P		P	P	S	S
Allowed Marijuana Business, See Section 30-3-113														S	S
Mixed Use Building (Building with a variety of uses including Commercial and Residential)				P		P									
Movie theater				P						P		P	P	P	
Office building						P				P		P	P	P	P
Parking lots and parking garages (as principal use)				P						S		S	P	P	P
Passenger terminal or park-n-ride				P						P		P	P	P	P
Personal and business service shops				P						P		P	P	P	P
Professional offices						P				P		P	P	P	P
Push cart (sidewalk /mobile vending)						P				P		P	P	P	
Recycling facilities (including biofuel) processing and sales														S	S
Administrative, office and research facilities				P						P		P	P	P	P
Restaurant not including drive-through				P		P				P		P	P	P	P
Restaurant with drive-through				P		S				S		S	P	P	P
Retail sales - general				P		P				P		P	P	P	P
Retail sales building/center <=50,000 gross square feet				P		P				P		P	P	P	P
Retail sales building/center >= 50,000 gross square feet				P		P				S		S	P	P	P
Retail and supply yard establishments with outdoor storage				S											S
Roadside or temporary retail stand/tent	P			S						S		P	P	P	P
Sales of farm implements, heavy equipment, Mobile/manufactured homes															P
Storage facilities, outdoor storage for RV's, boats, trailers, etc.														S	S
Mini-storage facilities - enclosed												S	S	S	S
Truck depot				S									S	P	P
Truck maintenance				S									S	P	P
Vehicle sales including automobiles, motorcycles, RV's, boats and trucks				S									P	P	P
Veterinary facilities, clinic for small animal clinics with no outside kennels	P			P		P				P		P	P	P	P
Veterinary facilities, small animal clinic with outside kennels	P			S		S				S		S	S	S	S
Veterinary hospitals - small animals	P			P		P				P		P	P	P	P
Veterinary hospitals - large animals	P			S								S	S	S	P S

Public, quasi-public, other land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Accessory buildings and uses incidental to the principal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative power generation facilities	S						S	S	S	S	S	S	S	S	S
Bus shelters	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery	P						S	S	S						
Clubs and lodges										P		P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P		
Conference / convention center, see Places of Assembly										P		S	P	P	
Farmer's market				P		P				S		P	P	P	S P
Fire station	P			P		P	S	S	S	S		P	P	P	P
Municipal uses without equipment yards										S		P	P	P	P
Municipal uses with equipment yards														P	P
Museum	P			P		P	P	P	P	P		P	P	P	
Parks and open space	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Parks and playgrounds - neighborhood			P	P	P	P	P	P	P	P	P	P	P		
Outdoor amphitheater, outdoor	P		S	S	S	S				P		P S	P S	P S	
Public or other non-profit recreational uses	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility main lines and substations	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Places of Religious assembly (neighborhood scale)	P				P	P	P	P	P	P	P	P	P	P	P
Places of Religious assembly (community scale)					P	P						P	P	P	P
Rest stop	P									P		P	P		
Schools, public and private (preschool - grade 12)	P			P		P	P	P	P	P		P	P	P	
Schools, including colleges, vocational and technical training				P		P						S	P	P	P
Wireless telecommunications facility, see Section 30-3-111	P		S	P	S	P				S		S	P	P	P
Industrial land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Laboratory and/or research facility										S			S	P	P
Light industrial facility, light										S			P	P	P
Heavy industrial facility, heavy															P
Manufacturing plants including assembly, sales and service of commodities														P	P
Warehouse and distribution and wholesale uses													S	P	P
Workshops and custom small industry including art studio with/without sales	S		S			P				P		P	P	P	P

Item 2: *Reference to the consolidated Land Use Table, Table 3.3 can now be referenced in the Use by Special Review and Site Plan purpose statements and in the zoning district introduction statement.*

30-3-106 Use by Special Review

30-3-106.A Purpose. In order to provide flexibility and to help diversity uses within a zoning district, specified uses are permitted in certain districts subject to granting of a Use by Special Review permit. Refer to Table 3.3 for uses that may be contemplated through the Use by Special Review permit process. Because of their unusual or special characteristics, the proposed use requires review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between adjacent land uses, surrounding properties, the vision of the Comprehensive Plan for the property and surrounding area, applicable overlay districts, and the Town at large. The Use by Special Review permits may be permitted, denied or permitted subject to conditions of approval and limitations as the town may prescribe to ensure that the location and operation of the uses proposed in the permit application will be in accordance with the Use by Special Review criteria. The scope and elements of any Use by Special Review may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for a Use by Special Review Permit shall be denied.

30-6-112.A - Site plan purpose

Site Plan Purpose. The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the Town can ensure that the site design will be in compliance with all Town regulations and this Code. Refer to Table 3.3 for uses that may be contemplated through the Site Plan permit process.

30-3-104 Principal and conditional uses permitted by zoning district

- A. *General application of uses.* Uses contemplated in the Town's Zone Districts can be found in Table 3.3. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review Permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as found in Table 3.3.

Item 3: *The Traditional Neighborhood District was developed without zoning properties to this District. The new Districts of Suburban and Commercial reflect the intent of the Traditional Neighborhood District and are an outcome of the 2021 Comprehensive Plan update. There are properties that have changed zones to these new Districts vs. requesting Traditional Neighborhood zoning.*

SECTION 3 ZONING¹

30-3-103 Zoning districts and boundaries

- A. *Zoning Districts.* In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:
1. URC – Urban Residential/Commercial District
 2. SRC – Suburban Residential/Commercial District
 3. CD – Conservation District
 4. AG – Agricultural District
 6. R1 – Single Family District
 7. R2 – Limited Multi-Family District
 8. R3 – Multi-Family District
 9. R4 – Mixed Use District
 10. R5 – Manufactured/Mobile Home District
 11. C1 – Neighborhood Commercial District
 12. C2 – General Commercial District
 13. M1 – Light Industrial District
 14. M2 – Industrial District
 15. T – Transitional District
 16. PUD – Planned Unit Development Overlay District

30-3-104 Principal and conditional uses permitted by zoning district

- 1.

30-3-104 - Principal and conditional uses permitted by zoning district, Table 3.1

Dimensions ☼	R-1	R-2	R-3	R-4	R-5 ☼☼		AG
Maximum Density Per Gross Acre	8 Dwelling units	16 dwelling units	20 dwelling units	24 dwelling units	12 dwelling units		1 dwelling unit (unless on septic)
Maximum building height	40	40	40	50 ☐	16		40
Minimum lot width ☐ :	30	20 ☐	16 ☐	16 ☐			150
Minimum setback:							
Front yard Front loaded (with garage)	20*	20*	20*	20*	25 (entire park)		25
Front Yard Rear loaded (rear, or no garage)	15	10	10	10 ☐	25 (entire park)		25
Rear yard With front loaded garage	20 ☐ ☐	10 ☐	10 ☐	10 ☐ ☐	15 (entire park)		25
Rear yard With rear loaded garage	5-8 ☐ ☐	5-8 ☐ ☐	5-8 ☐ ☐	5-8 ☐ ☐	15 (entire park)		25
Side: MF: 3 Storeys	5 ☐	5 ☐ ☐	5 ☐ ☐ 10	5 ☐ ☐ ☐ 10	15 (entire park)		15
Corner Side	10	10	10	10	15 (entire Park)		15
Minimum lot area:	3,500	2,000	1,400	1,200	3,000		1 acre

Table 3.1, Footnote 4:

On building lots in R-2, R-3 and R-4, dwelling units may be located on the lot at zero feet from one side lot line, if there is a maintenance agreement agreed to by the owner of the lot adjacent to that zero-lot line. Off-setting setbacks, setbacks of 0 ft. and 10 ft. are allowed in each district.

D. Height Transition: Any portion of a building located within the R-4 Mixed Use District, and within 75 feet of the Mixed Use Boundary, shall have a maximum height no greater than the maximum height allowed in the adjacent zoning district. Where a street separates the zoning districts, the measurement shall be from the street right-of-way line opposite the R-4 and TN District.

30-2-117 - Commercial and industrial standards

- A. Intent. The Town has distinctly different downtown, commercial and industrial types of development contemplated within the community.
- B. General provisions for commercial and industrial proposals.
 - 1. Connections. Commercial developments must be linked with surrounding areas by extending Town streets, sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.
 - 2. Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists and the emphasis must not be placed solely on parking and drive-thru functions. Site plans shall equally emphasize the following:
 - a. pedestrian access to the site and buildings;
 - b. gathering areas for people; and
 - c. auto access and parking lots.
 - 3. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
 - 4. On-street parking. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets, or within the exempt Downtown parking areas as defined in [Section 30-2-106](#)).
 - 5. Building orientation. Buildings in the C1 and R-4 Zone District shall be at the front property/built-to line as required in [Section 30-2-117 C](#)); buildings within the R-4 Mixed-Use district are strongly encouraged to place the building and facades at the front property line, to form a continuous street façade. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street frontage.

Item 4: *The 2021 Comprehensive Plan update provided an action plan to guide staff in implementing the vision of the comprehensive plan into the land use code. The Comprehensive Plan is the vision document which guides development. The land use code represents regulatory framework for development. In order to achieve the vision of the Comprehensive Plan, updates to the land use code are required. Several updates were presented in 2023 and the following are some of the last items to be brought into the land use code and are listed below followed by the proposed amendments.*

- *Update the land use code to protect views of lake shorelines and other key viewsheds*
- *Update the land use code to support (and define) the transect-based planning approach*
- *Update the land use code to support affordable housing. Note that the More Housing Now grant received from DOLA will address many housing items raised in the 2021 Comprehensive Plan update, provisions regarding Accessory Dwelling Units have been proposed with this amendment proposal.*

Update the land use code to protect views of lake shorelines and other key viewsheds

Section 30-3-104, Table 3.1 Revision:

Dimensions ☼	R-1	R-2	R-3	R-4	R-5 ☆☆	Traditional Neighborhood	AG
Maximum building height	40 35	40 35	40	50 ③	16	50 ③	40

30-2-109 Parks, trails and open space

C. *General provisions.*

2. *Buffering.* Buffering and setbacks shall be used between environmentally sensitive areas (including but not limited to shorelines, wetlands, river and riparian corridors) and proposed development to ensure that the proposed development does not degrade the existing habitat. Developers shall provide an open space buffer zone of at least 150 feet around all natural areas, natural preserved open lands, and/or environmentally sensitive open lands, as defined in the definitions section of this Chapter, unless otherwise authorized by the Town.

30-2-114 Commercial and Industrial buffering and screening techniques

B. *General provisions.*

3. Buffering of up to 100 feet of non-buildable area may be required between any development and adjacent or different uses. A minimum of 150 feet of non-buildable area may be required between any development and adjacent natural or environmentally sensitive areas. The actual amount of any buffer area will be determined on a site-specific basis by the Community Development Director or the Town Administrator.

30-2-119 Environmental considerations

B. *General provisions.*

1. *Protection of wildlife and natural areas.* Development shall be designed to ensure that disturbances which occur to any Natural Area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a Natural Area, the development project shall mitigate such lost natural resource either on — or off-site and any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance. The Town shall encumber Natural Areas accepted by the Town with conservation easements.
 - a. *Natural Areas include:* floodplains and floodways, natural drainage and water ways, lakes and water bodies, significant native trees and vegetation, wildlife travel corridors and habitats, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, remnant native habitat, cottonwood galleries, and any wetland greater than one-quarter acre in size .

-
- b. A buffer zone shall be required between natural areas including but not limited to shorelines, wetlands, river and riparian corridors, and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be a minimum of 150 feet, as determined by the Town which may choose to consult with other agencies or individuals. The Town may decrease this buffer when strict application of this subsection can be proven to impose an exceptional hardship upon the property owner and appropriate mitigation measures approved by the Town are taken.
- d. *Ecological characterization.* If the Town determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included with the open space plan and describe the following:
- i. The wildlife use of the natural area showing the species of the wildlife using the area, the times or seasons the areas is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - ii. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - iii. Any prominent mountain or lake views from or across the site;
 - iv. The pattern, species, and location of any significant native trees and other native site vegetation;
 - v. The bank, shoreline and high water mark of any perennial stream or body of water on the site;
 - vi. The boundary of any floodplain and floodway and a description of the ecological and flood control functions and characteristics provided by these designations.
 - vii. Wildlife travel corridors, and
 - viii. The general ecological functions provided by the site and its features.

Update the land use code to support (and define) the transect-based planning approach

30-1-105 Purpose

- A. The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals and objectives as identified in the Town of Berthoud Comprehensive Plan (Comprehensive Plan). This Code is designed to:
1. Encourage the most appropriate uses of land in the Town;
 2. Encourage innovative, quality site design, architecture and landscaping;
 3. Encourage new development to relate to the Town's historic development pattern;
 4. Incorporate transect development place types and character districts for guiding Berthoud's physical development. (Transect development is a multi-tiered approach to plan for the community at various scales, starting from the Town-wide macro scale down to the block level micro scale).
 5. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
 6. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
 7. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
 8. Protect agricultural lands, sensitive natural and historic areas and the Town of Berthoud's environmental quality;
 9. Integrate a high quality natural environment into the developed portions of the community;
 10. Facilitate adequate and efficient provision of transportation, water, waste water treatment, schools, parks and other public requirements;
 11. Provide protection from geologic, flood and fire hazards and other dangers; and
 12. Promote the health, safety, morals and general welfare of Town of Berthoud and its residents.

Update the land use code regarding Accessory Dwelling Units

30-2-116 Residential design standards

D. 2. G.

1. Accessibility:

- 50 percent or more of homes are built with a ground-floor master bedroom and full bath.
- 10 percent of homes in the block diversity plan have built in accessory dwelling unit, with separate entry and garage.

Tables 3.3, 3.5, 3.7 and 3.10

Accessory dwelling unit associated with a permitted use

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING
Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Berthoud Planning Commission on Thursday, June 13, 2024 at 6:00 p.m. and before the Town Board on Tuesday, June 25, 2024 and Tuesday, July 23, 2024 at 6:30 p.m. to consider amendments to Chapter 30 of the Municipal Code, specifically amending Section 3 regarding land uses, permits and zoning classifications; Section 1 by amending definitions; Section 2 regarding the protection of viewsheds. The public hearings will be held at Town Hall, 807 Mountain Avenue Berthoud 80513.

Given and Posted on this _____ day of May, 2024.

Published: _____

PLANNING COMMISSION INFORMATION

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	June 27, 2024
Agenda Title/Subject:	Ordinance ## (Series 2024) Public Hearing to present proposed regulations for Short-term Rentals, amending Chapter 30, Section 1 (Definitions) and Section 3 (Use-Specific Standards) of the Berthoud Municipal Code
Type of Item:	Public Hearing
Purpose:	Recommendation to the Planning Commission regarding amendments to Section 1 and Section 3, Chapter 30, creating Short-term Rental regulations.
Presented by:	Tawn Hillenbrand, Senior Planner

ATTACHMENTS:

- Ordinance ## (Series 2024)
- Appendix A: Code Amendments in redline format, Section 1 (Definitions) and Section 3 (Use-Specific Standards)
- Appendix B: Code Amendments in clean format, Section 1 and Section 3
- Public Notice
- Summary of STR Community Questionnaire
- Public Comment

BACKGROUND:

As the demand for second homes and short-term rentals continues to grow, many jurisdictions have developed programs and regulations to manage short-term rentals and achieve positive outcomes. While short-term rentals provide options for visitors and owners, short-term rentals could impact the neighborhoods in which they are located with respect to parking, noise, and neighborhood livability and character. Short-term Rentals are not currently allowed in the Town of Berthoud.

Following discussions with Staff, the Town Board of Trustees has decided to move forward with allowing Short-term Rentals within the Town and requested the development of a set of standards to ensure the health and safety of renters while managing impacts to the surrounding neighborhoods.

In January 2024, Staff kicked off the Short-term Rental Regulations project with an introduction to the Short-term Rental Regulations project webpage and the launch of a community questionnaire to collect feedback on short-term rentals. The purpose of the Short-term Rental Regulations Community Questionnaire was to gather general feedback and ideas from the community early in the Short-term Rental Regulations project process. Members of the community were able to self-select to participate in the questionnaire and could participate multiple times. Generally, the questionnaire was intended for those community members who reside within Town limits; however, individuals living in unincorporated Larimer and Weld County, outside of Town limits, could also

participate.

A link to the questionnaire was available to the Community on the project webpage (<https://arcg.is/r5vz9>) from February 1, 2024, to February 16, 2024. In addition, the Town created a media release about the project which was spotlighted on the Town website and the Town's social media accounts (Facebook, Instagram). A link to the Questionnaire was provided to the Town Board as well as to the Planning Commissioners.

In the two weeks that the questionnaire was active, 437 community members completed the questionnaire. The feedback received through the Community Questionnaire was valuable and helped Staff in refining the 1st Draft of Short-term Rental Regulations.

In addition to the Community Questionnaire, Staff completed extensive research into other jurisdictions short-term rental regulations, from across Colorado and beyond, to better understand the common issues related to short-term rentals and the common practice amongst those communities to address the common issues. Many of the proposed regulations reflected in the Public Hearing Draft are consistently seen in other communities' short-term rental regulations. Many of these standards are recognized as being reasonable and fair and are considered either industry standard or are recognized as best management practices.

Staff also met with special interest groups, including town staff, Berthoud Fire District, and SAFEBuilt (administers Town's Building Code) to collaborate on best practices and approaches to the application process and life safety inspections.

Based upon the research completed, written email comments received from the public, special interest group discussions, and discussions with the Town Board of Trustees during Work Sessions in November 2023 and January 2024, Staff developed a 1st Draft of Regulations. The 1st Draft of Regulations was presented to and discussed with the Town Board of Trustees at a Work Session in March 2024. The Town Board provided valuable input on a number of items and requested revisions of others. Those revisions and points of clarification are reflected in the Public Hearing Draft.

The following is a summary of the proposed Public Hearing Draft of Short-term Rental Regulations amending the Development Code. The sections below are organized to follow the draft regulations which have been organized based on sections of the Development Code, first presenting definitions, then defining where short-term rentals area allowed based on zoning districts, and then addressing the standards.

Definitions

The Public Hearing Draft proposes a definition for *Short-term Rental*, which is currently not defined in the Development Code. This includes total maximum occupancy for short-term rentals. This also includes clarifying of total maximum occupancy for *Bed and Breakfast* use as currently defined by code.

Zoning

The Public Hearing Draft proposes adding short-term rentals to the tables of Principal and Conditional Uses (Table 3.3), Conservation Subdivision Uses (Table 3.5), Suburban Uses (Table 3.7), and Urban Uses (Table 3.10) as a Principal Use By Right with licensing in specific zone districts.

Use Specific Standards

The Public Hearing Draft proposes use-specific standards for short-term rentals. The use specific standards are organized into subsections.

The first subsection proposes Short-term Rental Business License requirements, including annual renewal, license non-transferability standards, limit to number of license per owner, and posting of business license information.

The second subsection proposes general standards for Short-term Rentals. General standards cover the majority of the regulations and address many of the best management practices and industry standard requirements seen in other jurisdictions throughout Colorado. This includes such requirements as establishing a cap on the number of approved short-term rentals, limiting short-term rentals to one per property, legal dwelling unit standards, total occupancy limit, minimum off-street parking requirements, and restricting use of the short-term rental as an event space.

The third subsection proposes safety standards, including life-safety inspection requirements, fire extinguisher, safety signage, operations manual, and property manager requirements, as well as neighbor notification requirements and proof of liability insurance requirements.

The fourth and final subsection proposes violations and penalties as well as taxes and record keeping requirements.

UPDATE/NEXT STEPS:

The Planning Commission's recommendation on the proposed Public Hearing Draft of Short-term Rental Regulations amending the Development Code will be provided to the Town Board of Trustee's introduction hearing on July 23, 2024, and at the public hearing on August 13, 2024.

Staff will continue to develop and refine the internal procedures and policies necessary to implement the short-term rental business license review process. This includes structuring the application packet and submittal requirements, creating document templates, and creating the life-safety inspection checklist.

Following the approval of the final Town Board of Trustees public hearing on August 13, 2024, Staff will host two (2) public webinars to go over the Short-term Rental Business License approval process for those property owners interested in applying. These webinars will provide valuable information about the application process, including timelines, fees, submittal requirements, and expectations for the required life safety inspection. We will provide more information on the proposed webinars as the Town Board of Trustee hearing dates approach. Staff will post information to the project webpage (<https://arcg.is/r5vz9>) as information becomes available.

FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in amending the Town Development Code, Chapter 30 of the Municipal Code to allow short-term rentals.

COMMUNITY TOUCHSTONES:

Consideration of the amendment request does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the community with a transparent set of standards to know what the expectations are for establishing and maintaining a short-term rental in the Town of Berthoud.

RECOMMENDED ACTION(S):

Staff recommends the Planning Commission approve the recommended amendments contained in the attached Ordinance ## (series 2024) with all attached Ordinance Appendices and forward their recommendation of approval to the Town Board of Trustees.

Suggested Motions:

Approval: I move to forward our recommendation of approval of the amendments contained in Ordinance ## (Series 2024) with Appendices A and B to the Town Board of Trustees. The rationale for approval is that the proposed regulations provide transparent expectations for establishing and maintaining a short-term rental in the Town of Berthoud and supports the Town's community identity outlined in the 2021 update to the Comprehensive Plan.

Denial: I move to forward our recommendation of denial of the amendments contained in Ordinance ## (Series 2024) with Appendices A and B to the Town Board of Trustees for the following reasons: _____.

**TOWN OF BERTHOUD ORDINANCE
NUMBER ##
(SERIES 2024)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD
MUNICIPAL CODE CHAPTER 30, TO ALLOW SHORT-TERM RENTALS.
SPECIFICALLY, SECTIONS 1 AND 3 ARE PROPOSED FOR AMENDMENT**

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

WHEREAS, the Town wishes to allow Short-term Rentals within the Town; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on June 27, 2024, on this Ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Board of Trustees, after proper notice introduced this Ordinance at their meeting on July 23, 2024, and heard the proposal at a public hearing on August 13, 2024, on this Ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

WHEREAS, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Ordinance ## (Series 2024) shall be amended as presented in Appendices A and B and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

[INTENTIONALLY LEFT BLANK]

INTRODUCED on this 23rd day of July 2024.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

READ, ADOPTED, AND APPROVED on this 13th day of August 2024.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

Town of Berthoud – Development Code Short-term Rental Regulations

Public Hearing Draft – June 2024

This Public Hearing Draft of Short-term Rental Regulations amending the Development Code to allow Short-term Rentals, reflects analysis and public input on the short-term rental regulations project following three Town Board work sessions, a community questionnaire, and a 1st Draft of regulations.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 Bed and breakfast means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to 12 or fewer guests.

NEW 369: Short-term Rental a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Short-term Rental shall be limited to 10 or fewer guests who are part of one party or single group of renters.

Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 10 guests), See Section 30-3-113			■	■	■	■		■			

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10 guests), See Section 30-3-113		■	■	■	■

Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: ‘■’ in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: ‘□’ in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code.

Section 3: Use-Specific Standards

NEW 30-3-113 – Short-term Rentals

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person or entity shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
 - a. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
 - b. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
 - c. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
 - d. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
 - e. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
 - f. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
 - a. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met.
 - b. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
 - c. A short-term rental shall only be conducted in a legally constructed dwelling unit.
 - d. Accessory Dwelling Units (ADU) shall not be utilized as a short-term rental.
 - e. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
 - f. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. On-street parking shall not be counted toward the required minimum number of on-site parking spaces. If the short-term rental does not have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of

guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:

<u>Number of Bedrooms in STR Unit</u>	<u>Number of Off-Street Parking Spaces</u>
<u>1-2</u>	<u>1</u>
<u>3-4</u>	<u>3</u>
<u>5</u>	<u>4</u>

- g. In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.
 - h. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.
 - i. The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.
 - j. -There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.
- E. Safety Standards.
- a. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
 - b. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
 - i. In each room with a cooking appliance, fireplace, heating appliance, or water heater.
 - ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - iii. At least one on each story.
 - c. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
 - i. The required number of smoke detectors in good working order;
 - ii. The required number of carbon monoxide detectors in good working order;
 - iii. Adequate and functional building egress from each sleeping room in the dwelling; and
 - iv. Posted egress maps.
 - d. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
 - i. The property address.
 - ii. The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
 - iii. Contact information for the Fire Department and Police/Sheriff Department.

iv. Contact information for the short-term rental property manager or property owner.

e. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.

b.f. The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. Local as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the local criteria.

g. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500-feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.

h. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F. Taxes, Records, Violations and Penalties.

a. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.

e.b. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.

d.c. A violation of this section may subject the short-term rental license to suspension, revocation, or the Town may refuse to renew any license issued hereunder. Any licensee who violates any provision of this Section may be punished by a fine. Additionally, the Town may take any other legal action available to address violations of the provisions of this Section.

Town of Berthoud – Development Code Short-term Rental Regulations

Public Hearing Draft – June 2024

This Public Hearing Draft of Short-term Rental Regulations amending the Development Code to allow Short-term Rentals, reflects analysis and public input on the short-term rental regulations project following three Town Board work sessions, a community questionnaire, and a 1st Draft of regulations.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 Bed and breakfast means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to 12 or fewer guests.

NEW 369: Short-term Rental a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Short-term Rental shall be limited to 10 or fewer guests who are part of one party or single group of renters.

Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 10 guests), See Section 30-3-113			■	■	■	■		■			

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10 guests), See Section 30-3-113		■	■	■	■

Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: ‘■’ in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: ‘□’ in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code.

Section 3: Use-Specific Standards

NEW 30-3-113 – Short-term Rentals

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person or entity shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
 - a. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
 - b. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
 - c. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
 - d. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
 - e. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
 - f. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
 - a. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met.
 - b. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
 - c. A short-term rental shall only be conducted in a legally constructed dwelling unit.
 - d. Accessory Dwelling Units (ADU) shall not be utilized as a short-term rental.
 - e. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
 - f. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. On-street parking shall not be counted toward the required minimum number of on-site parking spaces. If the short-term rental does not have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of

guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:

Number of Bedrooms in STR Unit	Number of Off-Street Parking Spaces
1-2	1
3-4	3
5	4

- g. In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.
 - h. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.
 - i. The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.
 - j. There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.
- E. Safety Standards.
- a. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
 - b. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
 - i. In each room with a cooking appliance, fireplace, heating appliance, or water heater.
 - ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - iii. At least one on each story.
 - c. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
 - i. The required number of smoke detectors in good working order;
 - ii. The required number of carbon monoxide detectors in good working order;
 - iii. Adequate and functional building egress from each sleeping room in the dwelling; and
 - iv. Posted egress maps.
 - d. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
 - i. The property address.
 - ii. The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
 - iii. Contact information for the Fire Department and Police/Sheriff Department.

- iv. Contact information for the short-term rental property manager or property owner.
 - e. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.
 - f. The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the *local* criteria.
 - g. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500-feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.
 - h. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.
- F. Taxes, Records, Violations and Penalties.
- a. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.
 - b. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.
 - c. A violation of this section may subject the short-term rental license to suspension, revocation, or the Town may refuse to renew any license issued hereunder. Any licensee who violates any provision of this Section may be punished by a fine. Additionally, the Town may take any other legal action available to address violations of the provisions of this Section.

Note for the reader/Municode: The following Development Code Section numbers are being updated due to the incorporation of the new Short-term Rental regulations as Section 30-3-113. The content contained within each Section referenced below does not change, only the Section number will change.

Section 30-3-114– Medical and Retail Marijuana

Section 30-3-115 – Mountain Avenue Overlay District

Section 30-3-116 – 30-3-xxx – Reserved

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING

Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission on Thursday, June 27, 2024 at 6:00 p.m. and before the Town Board on Tuesday, July 23, 2024 and Tuesday, August 13, 2024 at 6:30 p.m. to consider amendments to Chapter 30, Section 3 of the Berthoud Municipal Code, specifically creating Short-term Rental regulations in the Land Development Code. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 6th day of June, 2024.



Town of Berthoud Short-term Rental Regulations Summary of Community Questionnaire Feedback

Community Questionnaire Details

The purpose of the Short-term Rental Regulations Community Questionnaire was to gather general feedback and ideas from the community early in the Short-term Rental regulations update process. Members of the community were able to self-select to participate in the questionnaire and could participate multiple times. Generally, the questionnaire was intended for those community members who reside within Town limits; however, individuals living in unincorporated Larimer and Weld County, outside of Town limits, could also participate. Therefore, the summary of feedback is presented in a more thematic manner rather than quantitatively.

Information about the project and a link to the questionnaire was available to the Community on the project webpage (<https://arcg.is/r5vz9>) from February 1, 2024, to February 16, 2024. In addition, the Town created a media release about the project which was spotlighted on the Town website and the Town's social media accounts (Facebook, Instagram). A link to the Questionnaire was provided to the Town Board as well as to the Planning Commissioners.

The Short-term Rental Regulations Project webpage remains active and available to the public. The webpage provides an up-to-date timeline and details on the project. Additionally, the webpage provides a link to this Community Questionnaire Summary and the questionnaire raw data.

Participant Feedback

Total participants: 437 participants

Each question is provided below followed by a brief summary of the feedback received in a box.

Question #1 – Do you currently own or operate a Short-term Rental? This may be in the Town of Berthoud or elsewhere in Colorado or beyond.

Summary of Responses to Question #1: Overall, more than three-quarters of participants indicated that they do not currently own or operate a Short-term Rental.

Question #2 – Do you currently or have you ever lived near a Short-term Rental?

Summary of Responses to Question #2: A little more than half of participants indicated that they currently or have lived near a Short-term Rental. A small portion of participants indicated that are not sure if they currently or have lived near a Short-term Rental.

Question #3 – As a community member of the Town of Berthoud, have Short-term Rentals affected you and/or your daily life? This could include both positive and negative experiences.



Summary of Responses to Question #3:

- Generally, STRs create significant noise, congested to no parking, no oversight by owners and have overall negative impact to the community. We've experienced garbage/litter issues, and alcohol issues.
- We currently live by a STR and they throw parties every weekend which is a disturbance.
- Upsetting to neighbors having to deal with short term "party" rentals and guests that don't take care of the property.
- The STR located in our neighborhood caused anxiety and detracted from a sense of community.
- STRs degrade/devalue long term owners' homes and guests overtake community benefits (i.e. pickle ball courts, golf practice, pools). Garbage not picked up and is blown around the neighborhood.
- Uncomfortable having strangers coming in and out of the neighborhood frequently.
- People coming in-and-out can present safety concerns and doesn't help to build stronger community relationships.
- Guests do not respect local rules and regs.
- My kids do not see consistency in their neighborhood because "neighborhood families" are moving in & out.
- Have found they are handy for visiting family and friends. Not having them in town means visitors must look in Loveland or Longmont for lodging.
- When I moved to Berthoud, the closing of my home was delayed, and a short-term rental (in Longmont) was a blessing.
- Enjoy using STRs for our family when we travel.
- Was a host before it became an Airbnb money grab. I've used them in the past but not again. I can usually spot the Airbnb house by the vibe and lack of neighborliness by the different faces each week.
- Only positive experiences. I frequently utilized short term rentals for family members visiting us. They loved their stay in town. It allowed them to stay closer to us and to walk to local businesses.
- We use them often when we travel as a family. However, having very large luxury homes on our street rented out as Airbnb's and ultimately used as event spaces for parties and weddings has negatively impacted my family's right to quiet enjoyment of our cul-de-sac street.
- As someone deeply invested in both the well-being of our Berthoud community and the success of my short-term rental, running this rental has been more than just a business to me; it's a way to welcome new faces into our town and show them what makes Berthoud so special.
- There is an Airbnb down the street. For the most part there wasn't any problem, but a couple of times last summer, the different renters had a big noisy party over a weekend night.
- As surrounding homes of the STR we never knew who was staying there and we felt more insecure about letting our children play freely in our yard.
- Occasionally renters have made it more crowded for homeowners to use the recreational facilities.
- Not directly impacted, however when family visit from out of state, they have to stay in Loveland because there is nowhere in town (either hotel or short-term).



- Haven't encountered any negative aspects of being near STRs.
- Have found most people renting an Airbnb have been kind and happy to get the vibe of the community.
- Have had nothing but positive experiences and find this is not an issue.
- Moved from Estes Park to Berthoud because of their short-term rental policies. If the Town allows STR's in Berthoud, we will leave immediately.
- Living directly next to a STR. We have to monitor the property because the owners won't.
- Not yet in Berthoud but we have a place in Granby that has been impacted by STRs. While most are fine, it is the 20% that create the issues for full-time residents. When rentals decline, they cut rates & get more problem renters.
- Affected me positively. As an operator of a STR, I am extremely particular who rents & I enforce my house rules strictly. As someone who has lived next to a STR, I have not had any problems. Most guests are extremely respectful & are not home much, as are here to see the area or do other activities.
- My husband relies on STRs for his job and is living in one right now. We have only had overall positive experiences to date with landlords. Negatives would be lack of availability and often inflated prices.
- We use short-term rentals nearly everywhere we travel. It provides a great way to get to know a community that we're traveling to and is often the only family friendly option when we're staying in a more rural or non-city area.
- STRs have made it harder in recent years to find a long-term rental.
- We prefer them when traveling, especially with our kids. Prefer not sharing a room/bedtime or buying 2 rooms with kids. Access to a kitchen cuts down costs when traveling.
- My livelihood is cleaning houses. STRs have tremendously benefited my family to help provide income for my family.
- The STR didn't affect me much. Half the time it was vacant and the rest of the time everyone kept to themselves. Overall, not a problem.
- As an owner of a STR, I have benefited from supplemental income when my family is not using our property.
- Renting our property allows us the ability to afford a second home, our retirement home.
- Depends on the person or people staying in the STR.
- Positively- we own a shop downtown and we've had people who are visiting from out of town and staying nearby who come in to shop.
- We were having repairs done in our home here in Berthoud. We were so grateful that we found a short-term rental here in town so that we could be close to the construction while it was going on and still have a place to work out of.

Question #4 – Do you think Short-term Rentals should be allowed in the Town of Berthoud?

Summary of Responses to Question #4: About three-quarters of participants indicated that they believe STRs should be allowed in the Town of Berthoud.

Question #5 – If allowed, do you think the Town should have a set of regulations for Short-term Rentals?



Summary of Responses to Question #5: About three-quarters of participants indicated that they believe the Town should have a set of regulations for Short-term Rentals.

Question #6 – If allowed, do you think there should be a cap or limit on the total number of Short-term Rentals in the Town?

Summary of Responses to Question #6: Slightly more than half of participants indicated that they believe that there should be a cap or limit on the total number of Short-term Rentals in the Town.

Question #7 – Do you have concerns with Short-term Rental properties? If so, please rank the following options in order of most concern to least concern: incompatibility with neighborhood, degradation of neighborhood character, noise, parking, traffic, in conflict with HOA and/or covenants, events/parties, trespassing, neighborhood safety, impact to property values, loss of long-term housing options, trash, and no concern.

Summary of Responses to Question #7: About one-quarter of participants responded that they have no concerns with Short-term Rental properties.

For the remaining participants who responded with concerns, Noise, Events/Parties, and Parking were of higher concern, followed by Incompatibility with Neighborhood, Degradation of Neighborhood, Trespassing, Neighborhood Safety, Impact to Property Value, and Long-term Housing. Trash, Traffic, and In Conflict with HOA and/or Covenants were noted as being of less concern.

Question #8 – Referring to the previous question, focusing on your top 3 concerns, please elaborate or provide more details.

Summary of Responses to Question #8:

- Zoning regulations are meant to keep types of uses compatible with the neighborhood. STR's are not compatible with single family homes for full-time residents. Lack of oversight, no enforcement of any regulations on a 24/7 basis are all major concerns with STR's in R1/R2.
- People bought in our neighborhood to live there, not to have short term rentals.
- No one wants to buy a house and then the neighbor becomes a never-ending revolving door of strangers coming and going.
- The first priority should be to Berthoud's residents, not property management companies and individuals using this community's unique qualities for personal financial gain. If Berthoud needs lodging for visitors, then make that happen, but STRs are not the solution because they can easily ruin the quality of life for residents.
- Studies have shown that short term rentals negatively impact the availability of housing. This goes against the small town feel of Berthoud. As evidenced by the town's website, Berthoud projects a strong community feel. There are a significant number of facilities/events for its residents. Allowing short-term rentals will make it more difficult for families to live in and enjoy Berthoud.



- A study showed a connection between an increase in crime and the introduction of short-term rentals in a neighborhood. Short-term tenants do not have the same commitment to neighborhood community standards as long-term residents and owners.
- We like to know who is next door to us. Agreeing to short-term rentals would take away of us knowing the people of our community.
- Safety of our children when we don't know who is living in the STR.
- I am concerned that if too many homes become STRs, certain neighborhoods will become glorified hotels with no character or community cohesion.
- I strongly advocate for implementing clear guidelines for short-term rentals (STRs) to ensure they align with the community's values and needs. It's essential to establish strict rules delineating what is permissible and what is not within the realm of STRs. A successful STR should seamlessly blend into the neighborhood, offering a positive experience for both guests and those living nearby.
- When we buy our homes, we always consider the return on our investment should we decide to sell. The stability of the neighborhood, the appearance, the quality of the homes, the socioeconomic environment all play into our decision. Transient or transitional housing is not what we desire nor want to see in the Berthoud community.
- Uncertainty about who your neighbors are from day to day makes for less "settled" living. It isn't that the strangers who are renting are bad people, but having the flow of strangers in and out of the intimate environment we enjoy is detrimental to the overall lifestyle. Creates significant parking issues and lessens the availability to our recreational facilities for which we are paying. I am getting no obvious benefit from the rent they pay to the rental owners. I appreciate that having short-term renters in the Town probably contributes to the income of stores, bars, and restaurants, and if they lose that income, that loss may come back to me in the form of higher prices, but I would accept that impact.
- I don't believe short-term rental guidelines will be effective as they are almost impossible to enforce. It would be much wiser to not allow short-term rentals at all.
- "Incompatibility with neighborhood" encompasses all of the subsequent answers very well. Short term rentals need to be strictly regulated and enforced in neighborhoods where children play, elderly walk, etc. Nobody deserves to live in a neighborhood that becomes overrun with traffic (speeding, distracted driving, etc.), or noise, or trash.
- Current city zoning does not permit running a commercial enterprise in an R1/R2 zoned neighborhood. Increased traffic will occur since STR's encourage customers trips and multiple vehicles. Traffic trips proportionally increase relative to renter turnover. Peaceful neighborhood norms suffer from churn related to STR businesses. HOA and covenant enforcement becomes strained and more costly when in conflict with City code. Parking becomes burdensome to residents due to limited on-street parking from narrow lot frontages. Enforcing parking restrictions on temporary renters can be contentious and dangerous. This will strain city/county policing resources.
- I really went back and forth about "should Berthoud allow them". Loss of long-term housing is the primary concern - hence the desire for the town to limit the number if they do. And this is coming from someone whose husband relies on STRs. The Front Range is already financially inaccessible to so many and is leading us to a bigger employment crisis because people can't afford to live where they work. We are not second-property owners (nor do we want to be) but wonder if owners might be more prone to reduce their rent and have a



longer-term renter than leave a place sitting empty in hopes of a higher-paying but more temporary one?

- As hosts ourselves, we've tried to be thoughtful and not degrade or disrupt housing availability. The last thing I'd like to see is someone not able to find housing because of short term rentals taking that part of the market. I think this is why being an owner occupant has been especially beneficial, as we were renting a part of our home as opposed to an entire single-family dwelling being used solely as an STR.
- I think they are a nice addition to a town without hotels/overnight options, but I do worry that it is impacting the rental market as a whole.
- Regulations may not be able to protect neighborhoods from illegal activity or potentially dangerous persons.
- The usual concerns seem to be almost always overstated. My top concern was not listed. Which is -- exaggerated and unsubstantiated complaints by neighbors without contacting the property manager first. Neighbors should not be allowed to influence the Board with multiple unsubstantiated complaints without contacting the property manager first.
- I have only one concern. All laws and rules like HOA must be followed. I have no other concerns.
- Do not have a concern about short-term rentals in Berthoud. With regulations and guidelines, short-term rentals can be effective and provide lodging.
- I have zero concerns. Frankly, if the short-term rental is, let's say loud, then it will be for a short time. If a person has a year-long rental and they're loud, then I have to deal with it for an entire year. If short-term rentals presented major problems, Airbnb, VRBO, etc. would not be successful. They work, they work well, and should not be under "regulation" from the town.
- The only concern I have is large companies buying up properties for short-term rentals. So the regulation I'd like to see limiting ownership to individual or small sized local operations.
- It's a hard thing to quantify, but short-term rentals can be awesome for events like family reunions, the Korn Ferry, or events that Berthoud wants to host that would bring in people from out of town but doing that without opening the door for "just anybody" is a hard thing to define.
- My biggest concern is ensuring my rental positively affects Berthoud, enhancing local business without altering the town's essence. I encourage guests to immerse themselves in our local culture and economy in a respectful manner.
- As a short-term rental owner, I want to uphold the quality of the home and the neighborhood for our current neighbors, for our long-term real estate investment, and to attract better renters. We don't want to contribute to unwanted events, noise, trash or undesirable living conditions for our nearby neighbors.

Question #9 – Do you have other general comments about Short-term Rentals in the Town of Berthoud and how the Town should address them?

Summary of Response to Question #9:

- The Town needs to be able to enforce the rules. Without enforcement, they are worthless.
- Recommendation that any policy be taken out to the community in forums to ensure open input. Trustee study session/meetings do not allow for "open" discussions as did our recent forum at Heron Lakes.



- Hotels are for short term rentals. Neighborhoods should be able to decide for themselves through their own HOA process.
- HOA should be able to opt out of Airbnb if they want. Out of town landlords no way.
- Concerned about the potential conflict between Metro District policies and Town of Berthoud policies, should STRs be approved. The Metro District policies we agreed to when purchasing our lot specifically do not allow STRs. Conflict between town /metro district will occur if approved.
- Berthoud is struggling to grow while maintaining environmental and social standards, and this would further degrade the objectives of the town.
- I can't speak more strongly about making STR's outright illegal. This would rob normal people of their sense of safety and community, so that a few people can pad their already padded pockets.
- Why? The town is not going to make significant income from this. It boils down to do you want to protect the rights of the multitude of single-family homeowners or give a small handful of people the right to make a few bucks at the expense of their neighbor's quality of life.
- Enforcement! This issue created anxiety, fear, and tension. We became STR police and had to confront property managers/owners. Berthoud lacked the resources to enforce a no STR policy; where will it come from if approved? Are STRs so important to risk something that cannot be managed and enforced?
- Please don't pursue a one-size-fits-all approach. And don't proceed with any formal expansion of STRs until an enforcement plan is fully agreed upon and funded. Limiting STRs to multi-use areas may make enforcement easier.
- If short-term rentals are allowed, with regulations or a cap, who is going to be monitored?
- Our biggest concern is taking away from the neighborhood culture and atmosphere. We built our dream home in a neighborhood that we love, and it is concerning to have a rental property next door.
- If this is allowed, you must be a resident of Berthoud. Limited owner occupied STR homes. Need to have one to two full time Berthoud employees policing these.
- Consider a special use in limited areas. Through that neighbors have input; special conditions can be placed to minimize impacts, owners/renters would be clear on what is allowed, and enforcement would be easier. Special use process allows more than a one size fits all option.
- Covenant control is all that is needed beyond city laws that are already in place. Cities should not treat all neighborhoods equally and they are not all zoned equally. Rules should not be put in place to control private property use like this.
- STRs should be regulated to protect the character of existing neighborhoods. There should not be a set cap on STRs, which would just give an advantage to people first to obtain licensing.
- Since Berthoud offers no hotels or B&B's, short-term rentals are crucial to house visitors for events like the Newell Farm Concert, golf tournaments, class reunions, etc. Visitors stay within walking distance of downtown where they eat and shop, i.e., spend money.
- Using STRs for a corporate meeting or some kind of retreat is inappropriate in my opinion.
- We're fine with rules and regs to keep it all aligned and have a way to measure if a rental unit is upholding its end of the deal or not.



- I am surprised at how big of an issue this has become in the Berthoud area. I understand how homeowners could see the benefit for both sides during the Korn Ferry event. STR's make sense for places like Denver, Telluride, Aspen, Vail etc. But I am not seeing how STR's make sense for Berthoud.
- I acknowledge the necessity for implementing regulations of short-term rentals in Berthoud. These guidelines are essential in balancing interests of the broader community. By establishing rules, we can maintain Berthoud's charm and character while embracing the benefits that these rentals bring.
- If handled appropriately, STR's can be of value to the area. It is difficult to have no lodging for out-of-town events. It can be an income stream for the community but needs to have enforceable guidelines.
- STR's are a necessity in our town because we have no housing for tourists, our families visiting, and people relocating, STR's are a vital part of a healthy town. If you regulate and take a stance, you will have to pay someone to monitor it either way. Do it like Loveland and don't regulate.
- The town should worry about fixing their own issues not making new ones. Water costs, amount of traffic and our roads are not designed for, road conditions, and schools are just a few things that come to my mind.
- Telling me what I can do with my own property is a blatant overreach of political power. Yes, regulations should be implemented in a timely manner (you have not been timely with this issue as of yet aside from an altogether stop order) to help prevent misuse, but anything behind that is tyrannical.
- The Town of Berthoud is overstepping their bounds and enforcing their will on the private citizen.
- Any council member who votes for this will face steep opposition in the next election.
- I don't think the town should be involved at all with how people want to use their homes. The only time the town should step in is if the property is falling apart, becoming a visual negative or actual physical danger to surrounding residents.
- Don't Allow Them! The Town does not even have the staff/employees to manage it. When I've called with complaints there is one part-time person handling complaints. If you allow this, it will get totally out of control!!!!
- It doesn't matter. The town rulers don't listen to us. You give lip service to our views, then do whatever you want. We see this repeatedly. We repeatedly express concerns over rampant development. You rubber stamp everything. We vote against debt for rec, center, you do it anyway.
- This is an overreach of private property rights, that appears to be looked at as if STR are hotels, but they are in fact not. Return rights back to the property owners in this town.
- STRs can be a substantial source of income. If the city decides to prohibit them, then just compensation should be provided to all property owners for the loss of unrealized gains.
- Follow Larimer County rules and requirements for STR.
- Make the STRs follow and be permitted by Larimer County.
- As a small business owner in a town that has zero hotels or other accommodations and as a large family with my parents and other family living out of state, having some way to host family guests and draw additional revenue to our business is vital.
- Would like that freedom, but don't want to live next to one.



-
- STRs are a contributing factor in pricing locals out of where they grew up, inviting out of town and out of state money buying so called 'investment' properties and artificially inflating housing costs for everyone.

From: Berthoud Football Backers <berthoudhsfootball@gmail.com>
Sent: Thursday, February 1, 2024 8:57 AM
To: Short term rentals; Chris Kirk; Anne Johnson; Tawn Hillenbrand
Subject: Short Term Rental Survey

Some people who received this message don't often get email from berthoudhsfootball@gmail.com. [Learn why this is important](#)

Good morning.

I am a Berthoud resident and have lived in town since 2011. I took the STR survey today but wanted to point out that the survey required me to rank concerns regarding STRs even if I have no concerns. This will result in an inflated picture that everyone has concerns regarding short term rentals. This question should include an option that you can place "No Concerns" at the top of the list or opt out of it if you have no concerns. I just want to point this out so that you are aware of the fact that this will skew your results in making it appear 100% of survey participants have concerns over rentals.

I made it clear in the survey but just so that it is said here, I have had no negative experiences with short term rentals and believe that banning them was a reactionary policy due to a very few bad apples that could be dealt with through normal law enforcement means or, where applicable, through HOA policies in certain communities if they are not desired in a particular HOA. I have personally utilized short term rentals near downtown Berthoud multiple times when I have family visiting for graduations, football games, holidays, etc. It allows my extensive family to stay close by and experience Berthoud rather than staying in Loveland or Longmont. When they stay in town, they walk to local businesses for meals or shopping. The property owners of the STRs have to maintain attractive properties in order to get good reviews (a system already in place through AirBNB and other sites at no cost to the town) and to get more frequent renters.

In contrast, I am aware of multiple long term rentals in town where the property owners disappear as soon as they have a long term tenant and the property falls to disrepair. Neighbors are then left dealing with a long term renter and a neglectful owner that have no incentive to maintain the property.

Fear should not be the basis of policy. The STR's are an incredible option for our residents to have places for visitors to stay without the problems associated with hotels. Multiple nearby towns have made this workable. Berthoud can do the same.

I have multiple members of my family coming to town for graduation in May. Please stop overthinking this and give your residents the option to have places for family to stay for these sorts of momentous occasions. The ban should be lifted while you figure out the regulations.

Thank you
Shara Larson
500 Mayo Court
702-234-7845

From: Richard Stewart <stew3a@gmail.com>
Sent: Friday, February 2, 2024 12:41 PM
To: Chris Kirk; William Karspeck; Tawn Hillenbrand
Subject: Short Term Rental Policy

Some people who received this message don't often get email from stew3a@gmail.com. [Learn why this is important](#)

Will/Chris/Tawn,

After attending the meeting this week I am concerned that the process for developing the STR policy document is not as transparent as was discussed in the previous meeting last year. Our neighborhood has attempted to be involved since the beginning however some of the statement and actions during this recent meeting indicated that the proposed policy had moved on significantly without additional resident participation. While I understand that this type of policy has been discussed and implemented in many other areas, I believe that this should be approached as a new policy discussion not simply a rubber stamp of some other policy created for another county/city. We are not Larimer county/Loveland/Ft Collins or a summit county mountain town. While we can and should take lessons learned from these places, this policy should be crafted with our Berthoud residents and implications for the community in mind.

I was dismayed to hear the statement “we have a draft policy already created and only need to address a couple of areas.” There was a large list of items in the last meeting that needed to be addressed but seemingly, without any further public input, they were “decided” in creating this draft. One key area that was not mentioned during the meeting as the enforcement mechanism of whatever policy is approved. This is probably the most important part of the policy since we have personal examples of what happens in no one enforced the existing regulations. From the website:

Many of the suggested regulations are consistently seen in other communities’ short-term rental regulations; therefore, these regulations are considered industry standard. Additionally, these standards are typically recognized as being reasonable and fair. ➤ Further discussion on these industry standards may not be necessary moving forward.

I’m not sure that this approach necessarily allows for specific impacts to the Town of Berthoud. It would seem that the “draft policy” should be based on existing zoning regulations, Public inputs (neighborhood meetings, comments at Board of Trustee’s meetings) and results of the survey versus creating the draft and then getting inputs. As an example, zoning designations are already meant to ensure that commercial/residential and mixed-use areas are clearly defined within the town. An STR is a ‘commercial’ use of property and should therefore be excluded from any R-1/R-2 areas.

During the meeting the answers to the question relating to “how long will this take” seemed to focus on “getting this done quickly” versus ensuring that the policy is created correctly through a fully transparent, inclusive process. The questionnaire is a step in the right direction but I related my concern that , only inputs from Berthoud residents, should be considered here. We would not expect that people outside the town of Berthoud would participate in electing our town officials so why would we have non-residents provide inputs to a policy that they are not subject to. Owning a property in Berthoud and having a primary residence in Berthoud are two completely different things. The Questionnaire doesn’t

seem to require a respondent to indicate if they have a ‘primary residence” in Berthoud, which should be a prerequisite for having that survey “counted” for inputs to the policy.

I would hope that moving forward this policy development would be more focused on “getting it right” in accordance with the community inputs than “getting it done”. We only have one shot at this policy because once it is in place you can’t put the genie back in the bottle if it opens the door for abuse of the regulations.

Thank you for your consideration.

Rick Stewart

3368 Danzante Bay Ct

303 579 8045.

From: fjonevans@aol.com <fjonevans@aol.com>
Sent: Wednesday, May 22, 2024 12:36 PM
To: William Karspeck <WKarspeck@berthoud.org>; Chris Kirk <CKirk@berthoud.org>
Subject: STR Policy input

Will and Chris,

As you are fully aware, the neighbors in Heron Lakes have been keenly interested in the development of the policy regarding Short-term Rentals in the Town of Berthoud. We truly appreciate the time and attention that the Town, Mayor, Trustees, and staff have dedicated to addressing this topic.

Granted the first draft of the policy was provided in late March with an objective of reviewing the next version of the policy at a Planning Commission meeting in June. Considering that, please see the attached marked up document with suggestions and recommendations for changes that we would like to have reviewed and incorporated in the next version of the policy. I apologize for the format of the document, I had to convert it from a pdf to a Word document and therefore it is not as clean as I would like to present. However, the key points are addressed. The changes are in **RED** and/or **highlighted**.

There are a number of items that were omitted from the language from the Larimer County policy that could be easily integrated into the Berthoud policy, just by referencing the document.

Also, there are a number of policies from surrounding communities that have language that would be beneficial to include in the Berthoud document. I will provide examples of those in a follow up email.

Lastly, I did not address waivers for the TPC golf tournament or other key events to allow for STRs in the interim until a policy is put into place.

Thank you,

Jon Evans

3252 Danzante Bay Ct.

Berthoud, CO

Town of Berthoud – Development Code Short-term Rental Regulations

~~1st~~ **2nd Draft – March 26 May, 2024**

This 1st Draft of Short-term Rental (**STR**) Regulations amending the Development Code to allow Short-term Rentals, represents an initial draft for public discussion and reflects analysis and public input on short-term rentals.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.
4. **Other sections of the code** that need to reference STRs, including Section 2, parking standards.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 *Bed and breakfast* means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee to overnight guests and ~~which that~~ is occupied by the owner/operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The term “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to ~~42-8~~ or fewer guests.

NEW 369: *Short-term Rental (STR)* a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Short-term Rental shall be limited to ~~40-8~~ or fewer guests who are part of one party or single group of renters.

b. **Hosted property:** STRs shall be hosted by an on-site person(s), and/or owner occupied for Zoned districts R1 and R2.

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Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 8 guests)/hosted			□	□	■	■		■	■		
Short-term Rental (max 8 guests)/unhosted					□	□		□	□	□	

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10-8 guests)/hosted	■	■	■	■	

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Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: '■' in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: '□' in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code. STR shall require an on-site host as defined for respective zoning district.

Section 3: Use-Specific Standards

NEW 30-3-### – Short-term Rentals

- A. **Purpose.** The purpose of these regulations is to allow Sshort-term Rrentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. **Applicability.** These regulations apply to all uses meeting the definition of Sshort-term Rrental. Private covenants running with the land, (e.g., HOAs or Metro Districts) may restrict or prohibit Sshort-term Rrentals. I; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. **License Required.** No person or entity shall rent a principal dwelling as a Sshort-term Rrental as defined in this Chapter to a transient guest(s) without first obtaining a Sshort-term Rrental business license issued by the Town and complying with any conditions or restrictions thereof. A Sshort-term Rrental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-###) are met.
- a. The Sshort-term Rrental business license shall be valid for one (1) year and is shall be subject to annual license renewal as prescribed by the Town. The license shall not be renewed in perpetuity.
- b. The fee structure for the one (1) year business license is as follows: One (1) bedroom \$250, two bedrooms \$750, three bedrooms \$1500.
- c. Short-term rentals shall not be permitted in homes with more than three (3) bedrooms.
- b-a. In determining whether to renew a Sshort-term Rrental business license, the Town Administrator, or Designee, will shall consider the history of any violations of the Sshort-term Rrental business license and any documented complaints from nearby property owners or lessees.
- e-b. The Sshort-term Rrental business license is not transferable to any person, legal entity, or residential address upon sale or other transfer of ownership of the property nor is a Sshort-term Rrental business license transferable from one property to another.
- d-c. A copy of the business license shall be prominently and visibly displayed within the Sshort-term Rrental unit (such as next to the front entrance).
- e-d. The Sshort-term Rrental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find and/or book customers.
- D-B. General Standards.
- b-a. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new-Sshort-term Rrental shall be processed on a first-come-first-served basis. Applications shall only be accepted from the legal property owner with proof of ownership and identification. No applications for a Sshort-term Rrental will shall be accepted if the maximum number has been met.

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30-3-105

b-c. Only one ~~S~~short-term ~~R~~rental shall be allowed on a property. A ~~S~~short-term ~~R~~rental shall not be allowed in multi-family residential dwellings, as defined by this code (i.e., apartment complexes).

e-d. A ~~S~~short-term ~~R~~rental shall only be conducted in a legally constructed dwelling unit. ~~d.~~ Accessory Dwelling Units (ADU's) shall not be utilized as a ~~S~~short-term ~~R~~rental.

e. The total number of occupants or guests of the ~~S~~short-term ~~R~~rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ~~ten (10)~~eight (8) total persons.

f. All guest parking for a ~~S~~short-term ~~R~~rental ~~must~~ shall be in a garage or on the driveway. On-street parking shall not be counted toward the required minimum number of off-street parking spaces. The minimum number of off-street parking spaces required are as follows:

Number of Bedrooms in STR Unit	Number of Off-Street Parking Spaces
1-2	1
3	3
5	

a. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the ~~S~~short-term ~~R~~rental property.

b. The ~~S~~short-term ~~R~~rental shall not be used and/or advertised as an event space, be it a commercial event/use or large social gathering such as weddings, receptions, commercial or corporate events.

c. There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such ~~S~~short-term ~~R~~rental and it shall not disturb the neighborhood character.

C. Density

a. The minimum space between any Short-term Rental shall be 1000 feet in a single-family residential (R1, R2) area and 500 feet in the downtown area. Special waivers may be granted by the Town for areas in the downtown corridor, townhomes or condominiums.

E.D. Safety Standards.

a. The ~~S~~short-term ~~R~~rental must undergo and pass a life-safety inspection by a certified residential rental inspector at the owners expense ~~or~~ and other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code.

b. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:

i. In each room with a cooking appliance, fireplace, heating appliance, or water heater.

ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.

iii. At least one on each story.

c. The ~~S~~short-term ~~R~~rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town.

e-d. The property owner shall designate a local property manager who shall be available 24 hours per day, seven (7) days per week to respond to complaints about or violations of law or of license terms. Local as used herein means having a permanent address within a 20-

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mile radius from the Sshort-term Rrental property and shall havea 24-hour contact phone number. The property manager must be able to affirmatively respond to complaints within one (1) hour of notification of such complaint. The property manager's contact information shall be posted in the operations manual located in the Short-term Rental. Changes to the contact information for the property manager shall be provided to the Town Community Development Department within five (5) business days of the change in contact information.

e. The property owner shall provide written evidence that a Short-term Rental is allowed by covenant(s) of the neighborhood, to include, but not limited to, Metro District and/or HOA as per Section 3B. Failure to comply with this section shall result in failure to obtain a license. If no HOA is in force, the property owner shall show approval, in writing, of the adjacent neighbors within 500 feet proximity to the Short term Rental prior to the issuance of a license.

f. The property owner shall provide a written notice, on a form approved by the Town, of the short term rental approval to all property owners within 500 feet of the subject property. Such notice shall be mailed within ten (10) days following the date of Sshort-term Rrental approval.

g. The property owner shall maintain and provide proof of property liability insurance adequate for a Sshort-term Rrental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F.E. Taxes, Records, Violations and Penalties.

a. A short-term rental is subject to lodging, sales, and other applicable taxes.

b. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.

c. A violation of this section may subject the short-term rental license to suspension, revocation, or the Town may refuse to renew any license issued hereunder. Any licensee who violates any provision of this Section may be punished by a fine. Additionally, the Town may take any other legal action available to address violations of the provisions of this Section.

Noise and Disorderly Conduct.

All short-term rentals are subject to the Berthoud and Larimer County Noise Ordinance. The Noise Ordinance is enforced by XXX during business hours and the YYY after hours. Disorderly conduct issues are handled by the Larimer County Sheriff's Office.

Compliance with Other Laws.

Owners, Property Managers, and renters are required to comply with county, state and federal laws. A violation or infraction instituted by another jurisdiction or agency for activity at the short-term rental property shall be counted as a violation as defined in

VIOLATIONS, ENFORCEMENT and REVOCATION

A. On-going Compliance Obligation of Owner. (1) Approval of an application/license is expressly contingent upon the Owner maintaining compliance with all requirements set forth in this Ordinance. If at any time an Owner fails to maintain such compliance as required, the Owner shall be in violation of this Ordinance.

The renewal/re-certification of a short-term rental license is discretionary by the Town of Berthoud and may be denied or approved with additional conditions based on, but not limited to, failure to comply with any terms, condition or requirement as outlined in this

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Ordinance or the Land Use Code regulations and the International Building Code as adopted.

B. Complaints.

(1) Complaints concerning a short-term rental shall first be directed to the Property Manager. The Property Manager shall respond to the complaint, including visiting the site if necessary. Failure of a Property Manager to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.

(2) The Property Manager shall provide a detailed report of all complaints received and their resolution or attempted resolution specifically to the Code Compliance Officer, within 48 hours of notification or attempted notification of the complaint.

(3) The Town may investigate, including but not limited to an inspection of the property, any complaint received, to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violation(s) are not corrected or if there are repeat offenses, the Town of Berthoud may pursue action as provided for herein.

(4) If upon review at any time, the Town of Berthoud determines the Owner has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this Ordinance, the Town of Berthoud may take such action as is deemed necessary to remedy the non-compliance, including but not limited to, revocation of the license as set forth in Section D below.

C. Suspension or Revocation.

(1) A license granted pursuant to this Ordinance may be revoked or suspended by the Town of Berthoud following a Show Cause Determination for any violation of the Ordinance, or violation of the short-term rental regulations in the Land Use Codes (LUC) and Building Codes, as amended. The Town of Berthoud may commence revocation proceedings if any of the following occurs:

- i. An Owner has had three (3) substantiated complaints; or
- ii. An Owner has violated or is currently violating this Ordinance in a manner that significantly endangers the public health, safety and/or welfare.

D. Suspension or Revocation Determination:

1. The Show Cause Determination shall be made by the Town of Berthoud or their designee.

2. A Notice of Violation shall be given to the Owner or Property Manager setting forth the date and substance of the alleged violation(s).

3. Within fifteen (15) days of receipt of the Notice of Violation, the Owners and/or Property Manager may submit a response and provide documentation disputing the allegations to the Town of Berthoud. The Town of Berthoud shall consider the following when determining whether to suspend or revoke the short-term rental license:

- i. The nature and seriousness of the violation
- ii. Impact of the violation on the neighborhood and/ or community
- iii. Corrective action, if any, taken by the Owner or Property Manager
- iv. Prior violations
- v. The likelihood of reoccurrence of the violation or violations
- vi. Entirety of the circumstances surrounding the violation
- vii. Willingness, or lack thereof, to rectify the violation
- viii. Length of time the Owner has held a license

4. Following receipt of any evidence that may be provided to the Town of Berthoud, if it is determined that good cause exists for the imposition of a sanction against the Owner, the Director may impose the following sanctions: ix. Suspension of the license for a time period not to exceed six (6) months; or x. Revocation of the license.

5. Any action taken pursuant to this Section shall be commensurate with the seriousness

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of the violation(s) and the action, or lack thereof, taken by the Owner to resolve the violation(s). Egregious and/or severe life-safety violations may be subject to immediate revocation.

6. The Town of Berthoud shall provide their decision in writing to the Owner and Property Manager.

7. An Owner whose short-term rental license has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension. 8. An Owner whose short-term rental license has been revoked must immediately cease all operations. All advertising shall cease immediately.

E. Appeals of License Revocations. 1. Any determination made by the Town of Berthoud related to the suspension or revocation of the license may be appealed to the Town of Berthoud.

F. Costs of Enforcement, Revocation and Appeal. In the event it is necessary for the County to act for enforcement of this Ordinance, there shall be added to any fees due, all reasonable costs and fees incurred by the Town of Berthoud, including reasonable attorney fees. If any action is brought in a Court of law, by or against the County relating to the enforcement, interpretation, or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution of such action.

G. Violations. Any short-term rental without the required license is deemed in violation and subject to fines, increased fees and injunction proceedings.

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H. Penalties. Pursuant to C.R.S. 30-15-402, any person who is convicted of violating this Ordinance commits a civil infraction and is subject to a fine of up to \$1,000 per violation, per day as long as the violation(s) continues.

I. Advertising. Any advertising listing the short-term rental for rent, such as online rental sites i.e., VRBO, Airbnb, etc., or published to solicit rental of a Short-term Rental, without a license from the Community Development Department is a violation. SECTION 10. REMEDIES NOT EXCLUSIVE A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, or local laws. It is within the discretion of the Town of Berthoud to seek cumulative remedies.

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