

RESOLUTION NO. 2023-__

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLANNING CASE #PLN22-061; AMENDMENTS TO THE SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE FOR THE PURPOSE OF UPDATING THE SHORT-TERM RENTAL (STR) AND BED AND BREAKFAST REGULATIONS IN CHAPTER 3 AND DEFINITIONS IN CHAPTER 15 OF THE CODE, AND OTHER AMENDMENTS TO ACCOMPLISH THE FOREGOING. (Applicant: Summit County Planning Department);

WHEREAS, Summit County Government has applied to the Board of County Commissioners for a an amendment to the Summit County Land Use and Development Code for the purpose of smoothly implementing the changes made to Summit County Ordinance No 20, Amended, to protect and preserve the health, safety, and welfare of Summit County; and,

WHEREAS, the Countywide Planning Commission has reviewed and recommended that the Board of County Commissioners approve the Code Amendment at a public hearing on January 4, 2023; and,

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on February 15, 2021, and considered the evidence and testimony presented at the meeting; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. The proposed Code amendments generally described in the staff report serve to make a further distinction between resort areas and neighborhood areas in unincorporated Summit County. Uniform application procedures are established furthering the distinction between the overlay zones, encouraging the economic health of Summit County with regulations that speak to both resort character and neighborhood character.
2. Overall, the amendments generally described above give consideration to the goals and policies in the Summit County Countywide Comprehensive Plan and the applicable basin and sub-basin master plans because, without limitation, the proposed amendments will help to maintain the character of Summit County by ensuring compatibility of uses while protecting the traditional residential neighborhoods and the tourist-based economy in Summit County.
3. Pursuant to the County land use statutes at C.R.S. 30-28-101 et seq. and the Local Government Land Use Control Enabling Act at C.R.S. 29-20-101 et seq., the County has broad authority to regulate the use of land and to protect areas of historical and community importance. Staff believes that all of the proposed amendments generally described in this staff report are in conformance with applicable State Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT PLN22-061: Amendments to the Summit County Land Use and Development Code for the purpose of updating the Short-Term Rental (STR) and Bed and Breakfast regulations in Chapter 3 and definitions in Chapter 15 of the Code, and other amendments to accomplish the foregoing.

ADOPTED THIS 15TH DAY OF FEBRUARY 2023.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Joshua Blanchard, Chair

ATTEST:

Taryn Power, Clerk & Recorder

ORDINANCE NO. 20-C

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A REVISED AND RESTATED ORDINANCE FOR SHORT-TERM VACATION RENTAL REGULATIONS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

WHEREAS, over the last five to ten years, the advent and increasing popularity of individuals and companies purchasing, advertising, and renting out residential properties as short-term lodging has resulted in approximately 30% of Summit County's housing stock being utilized as such short-term vacation rentals; and

WHEREAS, the conversion of residential properties to short-term vacation rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community as a whole, including issues with increased noise at all hours, parking problems, and trash not being kept or disposed of properly; and

WHEREAS, in an effort to address these problems and the concerns of the community, the Board of County Commissioners previously adopted an amendment to the Summit County Land Use and Development Code ("Development Code"), which sets forth numerous regulations applicable to short-term vacation rentals and requires that short-term vacation rental operators obtain a permit from the Summit County Planning Department; and

WHEREAS, in conjunction with the aforementioned Development Code amendment, Summit County has contracted with an outside monitoring company to monitor the internet spaces where short-term vacation rentals are advertised to determine compliance with the regulations; and

WHEREAS, pursuant to C.R.S. §30-15-401(s), the Summit County Board of County Commissioners has broad authorization to promulgate, through an ordinance, regulations concerning the licensing and operation of short-term vacation rentals located within the boundaries of unincorporated Summit County;

WHEREAS, the Board of County Commissioners adopted Ordinance 20 on June 22, 2021, to improve the existing regulations regarding short-term vacation rentals with a licensing ordinance incorporating the then-existing regulations and providing additional provisions addressing the granting, enforcement, and revocation of a short-term vacation rental license; and

WHEREAS, the Board of County Commissioners subsequently amended Ordinance 20 on December 16, 2022, adding two overlay zones, the Neighborhood Overlay Zone and the Resort Overlay Zone, and establishing four different license types for short-term vacation rentals within those zones (“Ordinance 20-B”); and

WHEREAS, Ordinances 20 and 20-B also designated the Summit County Planning Department as the department responsible for processing applications for short-term vacation rental licenses; and

WHEREAS, given the Planning Department’s familiarity and experience with regulating short-term rentals both before and after the adoption of Ordinances 20 and 20-B, the Board of County Commissioners wishes to continue to designate the Planning Department as the licensing entity for short-term vacation rental licensing; and

WHEREAS, since the adoption of Ordinance 20-B, the housing crisis in Summit County has continued to present challenges and the steady increase of short-term vacation rentals in unincorporated Summit County has continued without pause; and

WHEREAS, despite the more restrictive license types and regulations established for Neighborhood Overlay Zone in Ordinance 20-B, data shows that the percentage of new short-term vacation rental licenses in the Neighborhood Overlay Zone continues to increase, while the stock of seasonal and long-term rental as well as local worker ownership housing, which has traditionally been located in those non-resort areas, continues to decrease; and

WHEREAS, the majority of citizen complaints regarding short-term vacation rentals continue to come from the non-resort, neighborhood areas;

WHEREAS, on May 24, 2022 the Board of County Commissioners adopted Resolution 2022-37, placing a moratorium on the acceptance and processing of short-term vacation rental licenses in order to allow County staff time to gather additional data and work on changes to the rules and regulations for licensing short-term vacation rentals that would help to halt the continued loss of local housing as well as better address the impacts year-round residents experience from short-term vacation rentals in their neighborhoods; and

WHEREAS, Resolution 2022-37 was established for a nine month period in order to afford ample time for public involvement and feedback on the development of new short-term vacation rental regulations; and

WHEREAS, after numerous public work sessions with the Board of County Commissioners, public open houses, a publicly disseminated survey, multiple public work sessions with all four basin planning commissions as well as the Countywide Planning Commission, and one facilitated neighborhood

public meeting, County staff has prepared an amended and revised Ordinance 20, which, if adopted, will be known as Ordinance 20-C; and

WHEREAS, the Summit County Land Use and Development Code is concurrently being amended to ensure consistency between the regulations set forth herein and the Development Code; and

WHEREAS, the Board of County Commissioners held a public meeting on this ordinance for a first reading on January 24, 2023, published the draft Ordinance 20-C in full ten days prior to the second reading, and held a second reading on February 15, 2023; and has considered evidence and testimony presented at the meetings; and

WHEREAS, the Board of County Commissioners finds such rules and regulations are reasonable and necessary to protect the public health, safety, and welfare for both residents of and visitors to Summit County.

NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, that Ordinance 20-C, “Short Term Vacation Rental Regulations” is hereby adopted setting forth rules and regulations that shall apply to the licensing, advertising, and operation of short-term vacation rental units:

SUMMIT COUNTY SHORT TERM VACATION RENTAL REGULATIONS

SECTION 1. GENERAL

1.1. Definitions.

- a. Unless otherwise defined herein, the words and terms used in this Ordinance shall have the meaning as set forth in the Summit County Land Use and Development Code (“Development Code”).
- b. For purpose of this Ordinance, the term “short-term vacation rental property” is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days (“Property”).
- c. “Booking” means an agreement to rent a unit for a period of less than 30 consecutive days for an exchange of consideration.
- d. “Qualified Occupant” means a person 18 years of age or older, along with his or her Dependents, if any, who at all times during ownership or occupancy of the Unit, resides and is employed within the County year round, an average of at least 30 hours per week on an annual basis. “Employed within the County,” also referred to as “Local Employment”, shall mean that the person earns his or her living from a business or organization operating in and serving Summit County, which requires his or her physical presence within the boundaries of Summit County in order to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis.
 - i. Self-Employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves Summit County and requires their physical presence within the boundaries of Summit County in order to complete the task or furnish the service, and such individuals must demonstrate they are earning at least minimum wage from this employment.
 - ii. Retirees: Qualified Occupants may be authorized to retire if the person is at or above the full benefit age for federal Social Security, has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 10 continuous years prior to retirement.
 - (a) Partial Retirement: Qualified Occupants may be authorized to reduce local employment to a minimum of 15 hours per week on annual basis, if the occupant has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 15 continuous years prior to partial retirement.
- e. STR Resort Overlay Zone: maps of the STR Resort Overlay Zone are included in Exhibit A and described in Section 4302 of the Code.
- f. STR Neighborhood Overlay Zone is defined as all areas of unincorporated Summit County outside of the STR Resort Overlay Zone.

1.2. Purpose. The purpose of this Ordinance is to:

- a. Designate a department of Summit County Government to process applications for licenses for Short-Term Vacation Rentals (“STRs”) in unincorporated Summit County and to provide the structure by which such entity will process and review the applications.
 - b. Establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
 - c. Ensure that short-term vacation rentals are operated in a manner that is in compliance with all applicable rules, laws, and regulations, as well as compatible with the surrounding neighborhood and protects the overall community character.
- 1.3. Applicability. The regulations set forth in this Ordinance shall apply to short-term vacation rental Property only, as defined herein. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, lodges, or units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to long-term leases.

SECTION 2. PROCEDURES

- 2.1. Licensing Authority. The Summit County Planning Department is hereby designated as the Review Authority and enforcement agency for all STR applications and operations and is responsible for collecting fees, providing an application system, assisting the applicant with the application process, and monitoring and enforcement of this Ordinance and any applicable sections of the Development Code (collectively, the “STR Regulations”). The Planning Department shall be authorized to promulgate all reasonable administrative rules and procedures necessary to the operation and enforcement of the STR Regulations.
- 2.2. License Required. No person or entity may advertise or operate an STR without a valid license.
- 2.3. Review Process. An application for an STR license shall be reviewed by the Review Authority in accordance with the applicable criteria set forth in this Ordinance.
- 2.4. Review Criteria. The Review Authority shall consider all of the required application materials and submissions and determine that all criteria have been met and required materials submitted prior to issuing an STR license.
- 2.5. Decision. A decision regarding the issuance of a license under this Ordinance shall be issued by the Review Authority within 30 days once the application has been deemed complete.
- 2.6. Appeal. If an application for a short-term vacation rental license is denied, the applicant may appeal that decision to the Community Development Director within ten (10) days of receipt of written notice of such denial; otherwise, the license denial shall be final and not subject to appeal. All decisions by the Community Development Director may then be appealed to the BOCC pursuant to the applicable appeal procedures set forth in Section 13200 of the Development Code.
- 2.7. Length of Validity and Renewal

- a. A short-term vacation rental license shall expire on September 30 of the calendar year following the year of initial license issuance, or when title of the short-term vacation rental Property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term vacation rental Property shall require a new license, unless meeting one of the exceptions as listed in Section 2.8 below.
- b. An application for renewal of a short-term vacation rental license shall be submitted within the renewal period established by the Review Authority.
 - i. A short-term vacation rental license which is not submitted for renewal during the established renewal period shall be considered expired.
- c. Open Permits. When there is an open building permit or septic permit for an upgrade, remodel, or demolition, the STR license will remain in effect subject to annual renewal; however, no rentals may occur until the permit has received all final approvals from the county, including a Certificate of Completion or Certificate of Occupancy, if required.

2.8. Transfer of Ownership.

- a. Ownership of a license may not be transferred, unless meeting one of the exceptions as listed herein.
 - i. The transfer of title to real property when there is no consideration if the grantee is a member of the grantor's immediate family. For purposes of this section, a family transaction shall mean between parents and children, spouses or domestic partners, siblings, grandparents and grandchildren, or other similar family relationship.
 - ii. The transfer of title to real property from a grantor to a trust established by the grantor.
 - iii. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity. Any transfer of title wherein the majority interest is no longer held by the same party or parties as who *originally* obtained the STR license shall be considered a non-exempt transfer and a new license will need to be obtained.
 - iv. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
 - v. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.
 - vi. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.
 - vii. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.

- b. Either prior to or within 30 days after the transfer, a property transfer purportedly meeting the requirements of this section, the new owners shall contact the Review Authority, providing all necessary materials to determine if the transfer meets the exempt criteria above.

2.9. Property Owner. The owner of the STR Property shall be the holder of the license, i.e. the licensee. A property manager or other individual may submit the application for an STR license, but the license will be issued in the Property owner's name and the Property owner is ultimately liable for compliance with the STR Regulations.

SECTION 3. STR LICENSE TYPES

3.1. Resort Overlay Zone: A Resort License will apply to properties within the Resort Overlay Zone.

- a. Maximum occupancy at any time may not exceed the following, unless further restricted by an on-site wastewater treatment system (OWTS), and shall be in accordance with Section 3.3:
 - i. Single family, duplex and townhome units: a) two (2) persons per bedroom plus four (4) additional occupants; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy.
 - ii. Condominium units: a) two (2) persons per bedroom plus four (4) additional occupants, or two (2) persons per bedroom plus two (2) additional occupants in buildings with interior egress components less than 44 inches wide and without a sprinkler system; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy. When a condominium unit contains a County-approved lock-off room that meets the definition of a lock-off room set forth in Chapter 15 of the Development Code, the lock-off room shall be allowed a total of 4 occupants.
 - iii. Properties requesting occupancy in excess of 19 must first obtain a Class 2 Conditional Use Permit through the Planning Department.
- b. Limitation on Number of Bookings: no annual limit.
- c. Review Process: STR License.

3.2. Neighborhood Overlay Zone: A Type I or Type II License will apply to properties within the Neighborhood Overlay Zone, subject to the limitations on the availability of licenses in Section 4.

a. Type I License:

- i. To be eligible for a Type I license, the STR Property must be the primary residence of a member of the local workforce, meeting the definition of a Qualified Occupant. A primary residence is that which is occupied by the Qualified Occupant as that individual's principal place of residence at least 9 months out of the year and for which the licensee can provide supporting documentation as set forth in Section 6.2.1 below.
- ii. If an ADU is removed from a property by the current owner, such property shall not be eligible for a Type I License for a period of 3 years from the date of removal.
- iii. Maximum Occupancy at any time shall not exceed 2 renters per bedroom + 2 additional renters, unless further restricted by an OWTS, and shall be in accordance with Section 3.3.
- iv. Allowable Uses of a Type I License:

- (a) When the Qualified Occupant is on-site during rentals and is engaged in partial home rental, no more than 50% of the approved bedrooms in the home, up to 2 bedrooms may be short-term rented.
- (b) The Qualified Occupant may live on a property with a permitted ADU.
 - (i) Management of the STR on the property shall not comprise a majority of the hours claimed for Qualified Occupant status.
 - (ii) Applicants with an ADU seeking a Type I license shall utilize the most recent ADU covenant required by Section 3809 of the Code.
 - (iii) As required by the ADU covenant, the Owner may not be the Qualified Occupant of the restricted unit (usually the ADU) since the restricted unit must be *rented* to a member of the local workforce meeting the definition of Qualified Occupant, i.e. the owner may not live in the ADU and apply for a Type I STR license to rent their main house, or vice-versa.
- (c) At all times the property shall be the principal place of residence of the Qualified Occupant at least 9 months out of the year.
- (d) A Bed and Breakfast may not be operated under a Type I license.
- v. Limitation on Number of Bookings: no more than 30 bookings per year, as calculated from October 1 through September 30.
- b. Type II License:
 - i. Maximum Occupancy may not exceed 2 renters per bedroom + 2 additional renters, unless further restricted by an OWTS, and shall be in accordance with Section 3.3 below.
 - ii. Limitation on Number of Bookings: no more than 30 bookings per year, as calculated from October 1 through September 30, unless approved as a Bed and Breakfast under the Code.

3.3. Occupancy Standards Applicable to All Licenses:

- a. Units on on-site wastewater treatment systems (OWTS): the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.
- b. For the purposes of these regulations, a loft which meets the Summit County Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one-bedroom units for the purposes of this Section.
- c. Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.

SECTION 4. LIMITATIONS ON NUMBER OF STR LICENSES PER OVERLAY ZONE

- 4.1. Resort Overlay Zone. There is no cap on the number of licenses available in the Resort Overlay Zone.
- 4.2. Neighborhood Overlay Zone.

- a. Type I Licenses: Type I Licenses approved after the effective date of this ordinance are an exception to the cap in the Neighborhood Overlay Zone.
- b. Type II Licenses: Caps on the number of Type II licenses in the Neighborhood Overlay Zone of each Basin¹ are established as follows:
 - i. Lower Blue Basin: 550
 - ii. Snake River Basin: 130
 - iii. Ten Mile Basin: 20
 - iv. Upper Blue Basin: 590

4.3. Process for Managing the Cap. By January 5 of each calendar year, unless otherwise authorized by the Board of County Commissioners, the Review Authority will determine the number of licenses in each basin. At such time that the number of licenses is determined to be within 10% of the cap, the Review Authority will proceed to draft and promulgate a process for issuing new licenses.

SECTION 5. RESPONSIBLE AGENT REQUIRED

- 5.1. Responsible Agent. Each owner of a short-term vacation rental Property shall designate a person or company to serve as the responsible agent (“Responsible Agent”). An owner of a short-term vacation rental Property may designate themselves as the Responsible Agent.
- a. The Responsible Agent shall have access and authority to assume management of the unit and take remedial measures. The Responsible Agent shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Ordinance. The Responsible Agent must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Responsible Agent 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.
 - b. In the event of a fire ban within Summit County, the Responsible Agent is required to notify renters of the current fire restrictions and provide renters with instructions on how to access the Summit County Alert System for real-time emergency information during their stay.
 - c. The owner shall keep all property management and Responsible Agent information updated in the established STR system.

SECTION 6. APPLICATION

- 6.1. Application. The owner shall file a complete application for a short-term vacation rental license with the Planning Department via the established application system. The application shall not be deemed complete until all required information is submitted.
- 6.2. Application Materials. An application for a short-term vacation rental license shall include the following,:
- a. Application materials shall include all information and materials as set forth in this Ordinance as required in the application system.

¹ Basins are described in Section 2102.01 of the Land Use and Development Code.

- b. Contact information for Owner, property manager, if applicable, and Responsible Agent, including names, mailing address, phone number, and email. All contact information shall be kept up to date.
- c. Application fee as established by the Board of County Commissioners in the Development Review Fee Schedule, or as subsequently established by resolution by the Board.
- d. Self-Compliance Affidavit, signed by the owner under penalty of perjury, certifying compliance with the STR Regulations.
- e. Documentation listing all owners of a property, including form of ownership and percentage share, as applicable.
- f. Designation of Responsible Agent including contact information who shall be available 24 hours per day, 7 days per week, in accordance with the requirements set forth in Section 5 above.
- g. If applicable, documentation of water supply and septic capacity adequate to serve the proposed use, including but not limited to improvements such as hot tubs. Such documentation shall include submittal of well permit, OWTS permit, and pumper report.
- h. A parking plan or description for the Property, which complies with the parking requirements set forth in subsection 7.2.a below.
- i. A waste disposal plan or description for the Property, which complies with the requirements set forth in subsection 7.2.b below.
- j. Proof of all required state and local sales tax licenses.
- k. Owner shall certify that they have read and understood the Good Neighbor Guidelines, and shall make these guidelines available to all renters in the rental agreement and by posting it in a prominent location within the STR.
- l. Application Materials Specific to a Type I License shall include the following:
 - i. Affidavit submitted at time of application attesting to primary residency by a Qualified Occupant for a minimum of 9 months of the year.
 - ii. Evidence showing the STR Qualified Occupant has a mailing address in Summit County.
 - iii. Evidence to the satisfaction of the Review Authority showing the STR property occupant meets the definition of Qualified Occupant, including but not limited to place of employment and hours worked on a weekly basis.
 - iv. Copy of a lease to Qualified Occupant, if applicable.
 - v. At least 2 of the following showing the STR address (where applicable) and any additional document as requested by the Review Authority to determine primary residence of the Qualified Occupant:
 - (a) Voter registration
 - (b) Tax returns or other tax documents such as a 1041 or W2.
 - (c) Motor Vehicle Registration

SECTION 7. STANDARDS AND REQUIREMENTS FOR STR LICENSE ISSUANCE AND OPERATION

7.1. Health and Safety

- a. All improvements on the Property shall be permitted by the Building Inspection Department, Environmental Health Department, Engineering Department, and all other applicable agencies. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended, i.e. rooms not approved as “sleeping rooms” by the Building Inspection Department shall not contain beds.²
- b. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and good repair.
- c. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable per CRS 38-45-104, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.
- d. An operable toilet, sink, and either bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- e. There shall be a sufficient number of waste receptacles to accommodate all waste generated by those occupying the short-term vacation rental Property.
- f. Partial home short-term vacation rentals are rentals of rooms within a dwelling unit where access and cooking facilities are shared by other occupants within the home. Partial-home rentals may not be advertised as separate units, such as but not limited to, a separate lockoff, studio, or apartment; and advertisements for such Properties shall contain language about shared access and cooking facilities.
- g. Outdoor fire pits on a Property shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the Building Inspection Department, if required per applicable building and fire code requirements. STR owners/applicants should check with their applicable fire district and the Building Inspection Department to determine if permits are needed. The use of portable outdoor fireplaces is prohibited.
- h. Electrical panels shall be clearly labeled.
- i. All short-term vacation rental properties shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable renters to call 911 in the event of an emergency.

² The Building Inspection Department refers to bedrooms as a sleeping room / area. The Code and this Ordinance use the term bedroom which is defined in Chapter 15 of the Code and which definition is the same as the definition of sleeping room / area in the Building Code.

- j. Sanitary Standards and Rules for Public Accommodations – Where Applicable, all short term rental Property owners shall understand and maintain compliance with the Sanitary Standards and Regulations for Public Accommodations set forth in the Code of Colorado Regulations, Official Publication of the State Administrative Rules Section 6 CCR 1010-14. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public accommodations and community residents. All hot tub / spa installations require both a building permit and an electrical permit from the Building Inspection Department, in accordance with existing County regulations and compliance with 7.1.m below, if applicable. Hot tubs / spas and swimming pools shall be properly maintained in a way to prevent the spread of illness and shall comply with the requirements set forth in the Colorado Regulation Pertaining to Swimming Pools and Mineral Baths 5 CCR 1003-5.
- k. Occupancy of a recreational vehicle is prohibited on any Property that has obtained a short-term vacation rental license.
- l. STRs on Well or Septic:
 - i. If a short-term vacation rental Property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, a septic tank pumping shall be completed by a Summit County Licensed System Cleaner every 3 years, or more frequently as determined by the Summit County Environmental Health Department during each County review of a STR license renewal application for the Property.
 - (a) Upon initial application, a pumping report will be accepted within 3 years of the date of that inspection. If the OWTS is in a state of malfunction, the Short-Term Rental license will not be issued until repairs are made and approved.
 - ii. If a short-term vacation rental Property is served by an on-site well for domestic water use, an adequate water supply in terms of quantity, quality, and dependability for the proposed use per the Colorado Primary Drinking Water Regulation 5 CCR 1002-11 where applicable. In addition, if the property has an improvement such as a hot tub, such Property shall be served by a well that is permitted for such use.

7.2. Site Plan and Operations

- a. Parking: A minimum of one (1) parking space is required per unit, up to a maximum of five (5) vehicles permitted to be parked outdoors on any Property.
 - i. Designated parking spaces shall comply with all applicable parking requirements set forth in Section 3700 of the Development Code. All vehicles shall be parked on-site in designated parking areas; parking is prohibited on County roads, in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys or mailboxes).

- ii. The allowable number of parking spaces / vehicles shall be clearly stated in all short-term vacation rental advertising. A copy of the County-approved parking plan for the short-term vacation rental Property shall be provided to all renters in the rental agreement and posted in a prominent location within the Property.
- iii. In the Resort Overlay Zone, a Property owner may request an increase in the maximum number of allowed parking spaces through a Conditional Use Permit if the proposed parking meets all applicable regulations and criteria, and is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.
- b. Waste Disposal and Collection: All short-term vacation rental Properties shall provide a waste disposal and collection plan to ensure that waste containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed waste disposal and collection plan shall be reviewed and approved by the County during initial license review and during review of any license renewals, if needed. Waste disposal plans shall comply with all applicable County regulations including the Summit County Disposal District Regulations. Examples of acceptable waste disposal and collection plans may include but are not limited to:
 - i. Indoor storage of waste with concierge/valet collection service provided by the waste hauler at the time of pickup.
 - ii. Storage of waste containers in garage, with waste containers to be put out by the Responsible Agent no earlier than 6:00 a.m. and returned to the garage by 7:00 p.m. on the day of pickup.
 - iii. Waste disposal is managed by the development's homeowner's association, and renters will be instructed on the location and requirements for waste disposal.
 - iv. Waste is stored in bear proof containers located outside of the right-of-way and any snow storage areas.
- c. Noise: Renters shall be informed of the Summit County noise ordinance, which is enforced by the County Sheriff's Office for all properties located in unincorporated Summit County.
- d. Outdoor Lighting: All outdoor lighting shall comply with the exterior lighting requirements set forth in Section 3505.07 of the Development Code.
- e. Pets: If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise provisions set forth in the Summit County Animal Control and Licensing Regulations; such regulations are enforced by the County Sheriff's Office. All short-term vacation rental Properties shall comply with the County Animal Keeping Regulations set forth in Section 3802 of the Development Code, and all pet food shall be stored indoors.
- f. Winter Traction and Snow Removal: Renters shall be informed in advance of arrival and via the Good Neighbor Guidelines of winter driving conditions and the need for appropriate vehicle traction, including Colorado Department of Transportation's Traction Law. Snow shall be removed from parking areas as necessary to accommodate the approved parking plan.

- 7.3. Good Neighbor Guidelines and Practices. The Planning Department shall promulgate Good Neighbor Guidelines setting forth various recommended and/or required practices for STR owners and their renters. Owners shall endeavor to have their renters abide by the Good Neighbor Guidelines in a reasonable and effective manner. This may include changing or altering rental practices to address repeat concerns; for example, posting clear quiet hours for hot tub use, establishing a multi-night minimum for renters, clearly communicating and monitoring number of vehicles allowed, renting to fewer guest than allowed by the maximum occupancy provisions, or other practices to mitigate impacts in the neighborhood.

SECTION 8. SIGNAGE

- 8.1. An owner shall post a sign or notice conspicuously inside the short-term vacation rental Property, which includes the Responsible Agent's current contact information and/or the owner's current contact information, the street address of the short-term vacation rental Property and the short-term vacation rental license number.
- 8.2. The Good Neighbor Guidelines, permitted occupancy, parking plan, and waste disposal requirements, including location of recycling centers, shall be posted in a prominent location within the short-term vacation rental Property.
- 8.3. Any exterior signs advertising a short-term vacation rental must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of the Development Code.

SECTION 9. ONE PARTY RENTAL, ADVERTISING

- 9.1. Unless approved as a Bed and Breakfast per the Code, a short-term vacation rental property shall not be rented to more than one booking party at a time.
- 9.2. All advertising for a short-term vacation rental Property shall include the Summit County short-term vacation rental license number, immediately following the accurate description of the short-term vacation rental Property as reflected by County records, along with the permitted occupancy, permitted bedroom count, and parking limitations.

SECTION 10. TAXES

- 10.1. All property taxes lawfully assessed against a short-term vacation rental unit shall be paid to the County Treasurer prior to approval of the short-term vacation rental license, and payment of such taxes shall continue thereafter. Non-compliance may result in suspension, revocation, non-renewal, or denial of the short-term vacation rental license.

SECTION 11. NOTICE

- 11.1. Any notice of violations, hearings, or other legal matters given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent permit or renewal application. Notice given to the Responsible Agent, by first-class mail, except as provided in 12.6, to the address provided by the owner, shall also be sufficient to satisfy any legal notice to the owner under this Ordinance.
- 11.2. The Review Authority may send notice of administrative matters such as renewals, newsletters, updates, etc. via email to the registrant email address provided by the Owner on the most recent license or renewal. Failure to provide an accurate email address may result in an owner or registered agent not receiving important information.

SECTION 12. VIOLATIONS, ENFORCEMENT AND REVOCATION

12.1. Obligation for Ongoing Compliance of Licensee.

- a. Issuance of a license is expressly contingent upon the licensee maintaining compliance with all requirements set forth in the STR Ordinance. If at any time a licensee fails to maintain such compliance as is required, the licensee shall be in violation of this Ordinance.
- b. A licensee shall avoid any illegal, dangerous, or harmful practices or conditions which are detrimental to the public property, health, welfare, peace or safety.
- c. A licensee shall neither advertise nor operate an STR on the Property during the period the STR license is revoked or suspended.

12.2. Complaints and Remedies for Non-Compliance.

- a. Complaints concerning a short-term vacation rental Property shall be first directed to the Responsible Agent. The agent shall respond to the complaint, including visiting the site if necessary. Failure of a Responsible Agent 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.
- b. The County may investigate any complaint received, in order to determine if it is a substantiated complaint which may result in 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 violations are not corrected or if there are repeat offenders of the requirements, performance standards, conditions or restrictions in this Ordinance, Summit County may pursue action as provided for herein, including but not limited to suspension or revocation of the rental license.

12.3. Enforcement. Enforcement of this Ordinance shall be by the Review Authority and the Sheriff's Office, as deemed necessary and appropriate.

12.4. Violations. Violations of the STR Ordinance shall be a civil infraction and punishable by the procedure established in Sections 16-2-201 and 30-15-402, C.R.S, as amended from time to time.

12.5. Graduated Fine Schedule. A graduated fine schedule is hereby adopted:

- a. 1st: \$250
- b. 2nd: \$750
- c. 3rd or more: \$1,000

12.6. Revocation.

- a. A license issued pursuant to this Ordinance *may* be revoked by the Review Authority following a hearing for *any* violation of the Ordinance.
- b. The Review Authority *shall* commence revocation proceedings if any of the below occurs:
 - i. A licensee has been issued 2 or more citations within a 3-month period;
 - ii. A licensee has had 3 or more documented violations within a 3-month period;
 - iii. A licensee submits a license application or other document as part of the license review process that contains or represents fraud, intentional misrepresentation, or a false statement of material fact;
 - iv. A licensee has violated or is currently violating the STR Ordinance or the prior in a manner that significantly endangers the public health, safety, and/or welfare;
 - v. A licensee fails to pay sales and/or property taxes as required.
- c. Hearing on Revocation:
 - i. Notice of a hearing pursuant to this Subsection 12.6 shall be given to a licensee in writing at the address shown on the license application, and to the Responsible Agent identified in the license application. Such notice shall be mailed via certified mail at least fourteen (14) calendar days prior to the date set for the hearing.
 - ii. The licensee may appear with or without representation, and may appear remotely by telephone or video conference.
 - iii. The licensee may present evidence at the hearing and shall provide copies of such evidence to the hearing officer at or before the hearing.
 - iv. The hearing officer shall consider the following:
 - (a) The nature and seriousness of the violation
 - (b) Impact of the violation on the neighborhood and/or community
 - (c) Corrective action, if any, taken by the licensee or the designated Responsible Agent
 - (d) Prior violations
 - (e) The likelihood of recurrence of the violation or violations
 - (f) Entirety of the circumstances surrounding the violation
 - (g) Willfulness or lack thereof on the part of the licensee
 - (h) Length of time the licensee has held a license
 - v. The hearing officer shall be the Summit County Community Development Director or their designee.
 - vi. Following the hearing, if the hearing officer determines that a violation or violations has occurred and good cause exists for the imposition of a sanction against the licensee, the hearing officer may impose the following sanctions:
 - (a) License suspension for a time period not to exceed six months.
 - (b) License revocation.

- (c) Conditions on the operation of the STR reasonably related to the violation(s), and to which the licensee agrees in lieu of revocation or suspension.
 - vii. Any action taken pursuant to this subsection 12.6 shall be commensurate with the seriousness of the violation(s) and the action or lack thereof taken by the licensee to resolve the violation(s).
 - viii. The hearing officer shall provide his or her decision in writing to the licensee within 15 days of the hearing.
 - ix. Individuals or entities who have had their license revoked may, if applicable in their overlay zone per Section 4, reapply for a new license after the expiration of one year from the time of revocation, unless a longer period of time is imposed by the hearing officer, which period of time shall not exceed 3 years. The hearing officer shall not be empowered to alter or change the caps established in Section 4 of this Ordinance.
- d. Appeals of License Revocations.
- i. A licensee who has had their STR license revoked or suspended may appeal the revocation or suspension to the Board of County Commissioners by emailing, mailing, filing, or otherwise submitting a letter of appeal to the Office of the Summit County Manager within ten (10) days after the date the letter of decision by the hearing officer is emailed. The date of an appeal letter shall be the time it is marked as received by the Manager's Office.
 - ii. The Board of County Commissioners shall conduct a de novo hearing on the appeal at a regular or special meeting held within 30 days of the date of the appeal letter.
 - iii. Any such hearing shall be conducted pursuant to the parameters set forth in Section 13200 of the Development Code.

12.7. Costs of Enforcement, Revocation, and Appeal. In the event it is necessary for the County to take action for enforcement of the STR Ordinance, there shall be added to any fees due hereunder all reasonable costs and fees incurred by the County, 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 or defense of such action.

12.8. Additional Remedies. In addition to the remedies set forth herein and in the Development Code, the County reserves the right to employ all other remedies that may exist at law and in equity to enforce the STR Regulations.

SECTION 13. LICENSING FEES

13.1. License Fees. Licensing fees shall apply at the time of application and shall be established and updated in the Development Review Fee Schedule.

SECTION 14. COMPLIANCE TIMELINE

- 14.1. Pre-Existing Licenses. With the exception of licenses in the Resort Overlay Zone, all STR licenses approved prior to the effective date of Ordinance 20-B (adopted December 16, 2021) shall be allowed to operate pursuant to the occupancy parameters set forth in Ordinance 20 (adopted June 22, 2021), and without limitations on bookings until renewal 2023, at which point they will need to conform to all requirements of this Ordinance.
- a. Neighborhood Overlay Zone: Pre-Existing STR licenses in the Neighborhood Overlay Zone will automatically convert to a Type II license upon approval of the STR license at the next applicable renewal date.
 - b. All Pre-Existing Licenses operating under the previously established occupancy allowances of Ordinance 20 must still comply with all other provisions of this Ordinance.
- 14.2. Licenses Issued After the Adoption of Ordinance 20-B.
- a. Type I licenses will be required to show compliance with the revised Type I standards as listed in this ordinance at renewal 2023, or they will be converted to a Type II license and pay all applicable fees.
 - b. Type II licenses shall operate pursuant to the nightly limitations set forth in Ordinance 20-B until renewal 2023 at which point they will need to conform to all requirements of this Ordinance.
 - c. Type III licenses will automatically convert to a Type II license at the time of renewal 2023.
- 14.3. New Licenses. Upon the effective date of this Ordinance, all new applications for an STR license will be subject to all applicable provisions of this Ordinance.

SECTION 15. SCHEDULE OF REPORTING TO BOCC

- 15.1. Establishment of Review and Reporting Requirements. In order to ensure consistent and effective application of the Regulations contained herein, the following review and reporting requirements are hereby established:
- a. Reporting: Unless otherwise directed by the Board of County Commissioners, County staff shall provide a report on the administration of the STR regulatory program once a year.
 - b. Review: Unless otherwise directed by the Board of County Commissioners, County staff shall ensure that a meaningful opportunity for review, including public, staff, and Board of County Commissioners, input, of the effectiveness of the regulations contained herein occurs at least every 2 years.
 - c. Nothing herein shall constrain the Board of County Commissioners from having more frequent review and reporting opportunities as the Board so directs.

SECTION 16. EFFECTIVE DATE

- 16.1. Effective Date of Ordinance. The Ordinance shall be effective immediately upon adoption, except as set forth above in Section 14.
- 16.2. Necessity of Ordinance for Immediate Preservation of Public Health and Safety. This Ordinance is necessary for the immediate preservation of public health and safety because, without limitation:

- a. The proliferation of short-term vacation rentals in the unincorporated area of Summit County is substantially impacting Summit County's neighborhoods; and
 - b. There is currently a moratorium on the acceptance and processing of new STR license applications. The moratorium is set to expire February 24, 2023. If the Ordinance does not immediately take effect, staff anticipates hundreds of STR applications will be submitted under the old regulations, creating additional impacts and frustrating the significant and substantial efforts undertaken by staff and the BOCC during the moratorium to revise the STR regulations.
- 16.3. Severability. If any part or parts of this ordinance are for any reason held to be invalid, such provision shall not effect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.
- 16.4. Repeal. Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, are hereby repealed, except that this repeal shall not affect or prevent the enforcement against any person for any act done or committed in violation of any ordinance hereby repealed prior to the date such ordinance no longer applies to such person.

INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING ON THIS _____ DAY OF _____, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORADO**

Joshua Blanchard, Chair

**READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED IN FULL
THIS _____ DAY OF _____, 2023.**

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Joshua Blanchard, Chair

ATTEST:

Taryn Power, Clerk & Recorder

ORDINANCE NO. 20-~~CB~~

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A REVISED AND RESTATED ORDINANCE FOR SHORT-TERM VACATION RENTAL REGULATIONS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

WHEREAS, over the last five to ten years, the advent and increasing popularity of individuals and companies purchasing, advertising, and renting out residential properties as short-term lodging has resulted in approximately 30% of Summit County's housing stock being utilized as such short-term vacation rentals; and

WHEREAS, the conversion of residential properties to short-term vacation rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community as a whole, including issues with increased noise at all hours, parking problems, and trash not being kept or disposed of properly; and

WHEREAS, in an effort to address these problems and the concerns of the community, the Board of County Commissioners previously adopted an amendment to the Summit County Land Use and Development Code ("Development Code"), which sets forth numerous regulations applicable to short-term vacation rentals and requires that short-term vacation rental operators obtain a permit from the Summit County Planning Department; and

WHEREAS, in conjunction with the aforementioned Development Code amendment, Summit County has contracted with an outside monitoring company to monitor the internet spaces where short-term vacation rentals are advertised to determine compliance with the regulations; and

WHEREAS, pursuant to C.R.S. §30-15-401(s), the Summit County Board of County Commissioners has broad authorization to promulgate, through an ordinance, regulations concerning the licensing and operation of short-term vacation rentals located within the boundaries of unincorporated Summit County;

WHEREAS, the Board of County Commissioners adopted Ordinance 20 on June 22, 2021, to improve the existing regulations regarding short-term vacation rentals with a licensing ordinance incorporating the then-existing regulations and providing additional provisions addressing the granting, enforcement, and revocation of a short-term vacation rental license; and

WHEREAS, the Board of County Commissioners subsequently amended Ordinance 20 on December 16, 2022, adding two overlay zones, the Neighborhood Overlay Zone and the Resort Overlay Zone, and establishing four different license types for short-term vacation rentals within those zones (“Ordinance 20-B”); and

WHEREAS, Ordinances 20 and 20-B also designated the Summit County Planning Department as the department responsible for processing applications for short-term vacation rental licenses; and

WHEREAS, given the Planning Department’s familiarity and experience with regulating short-term rentals both before and after the adoption of Ordinances 20 and 20-B, the Board of County Commissioners wishes to continue to designate the Planning Department as the licensing entity for short-term vacation rental licensing; and

WHEREAS, since the adoption of Ordinance 20-B, the housing crisis in Summit County has continued to present challenges and the steady increase of short-term vacation rentals in unincorporated Summit County has continued without pause; and

WHEREAS, despite the more restrictive license types and regulations established for Neighborhood Overlay Zone in Ordinance 20-B, data shows that the percentage of new short-term vacation rental licenses in the Neighborhood Overlay Zone~~outside of Summit County’s resort areas~~ continues to increase~~is increasing~~, while the stock of seasonal and long-term rental as well as local worker ownership housing, which has traditionally been located in those non-resort areas, continues to ~~is~~ decrease~~ing~~; and

WHEREAS, the majority of citizen complaints regarding short-term vacation rentals continue to come from the non-resort, neighborhood areas; ~~and~~

WHEREAS, on May 24, 2022 the Board of County Commissioners adopted Resolution 2022-3766, placing a moratorium on the acceptance and processing of short-term vacation rental licenses in order to allow County staff time to gather additional data and work on changes to the rules and regulations for licensing short-term vacation rentals that would help to halt the continued loss of local housing as well as better address the impacts year-round residents experience from short-term vacation rentals in their neighborhoods; and

WHEREAS, Resolution 2022-37 was established for a nine month period in order to afford ample time for public involvement and feedback on the development of new short-term vacation rental regulations; and

WHEREAS, after numerous public work sessions with the Board of County Commissioners, public open houses, a publicly disseminated survey, multiple public work sessions with all four basin

planning commissions as well as the Countywide Planning Commission, and one facilitated neighborhood public meeting and two public open houses, County staff has prepared an amended and revised Ordinance 20, which, if adopted, will be known as Ordinance 20-CB; and

WHEREAS, the Summit County Land Use and Development Code is concurrently being amended to ensure consistency between the regulations set forth herein and the Development Code; and

WHEREAS, the Board of County Commissioners held a public meeting on this ordinance for a first reading on January 24, 2023, published the draft Ordinance 20-C in full ten days prior to the second reading, and held November 23, 2021 and a second reading on February 15, 2023; and December 16, 2021 has~~ve~~ considered evidence and testimony presented at the meetings; and

WHEREAS, the Board of County Commissioners finds such rules and regulations are reasonable and necessary to protect the public health, safety, and welfare for both residents of and visitors to Summit County.

NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, that Ordinance 20-CB, “Short Term Vacation Rental Regulations” is hereby adopted setting forth rules and regulations that shall apply to the licensing, advertising, and operation of short-term vacation rental units:

SUMMIT COUNTY SHORT TERM VACATION RENTAL REGULATIONS

SECTION 1. GENERAL

1.1. Definitions.

- a. Unless otherwise defined herein, the words and terms used in this Ordinance shall have the meaning as set forth in the Summit County Land Use and Development Code (“Development Code”).
- b. For purpose of this Ordinance, the term “short-term vacation rental property” is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days (“Property”).
- c. “Booking” means an agreement to rent a unit for a period of less than 30 consecutive days for an exchange of consideration.
- d. “Qualified Occupant” means a person 18 years of age or older, along with his or her Dependents, if any, who at all times during ownership or occupancy of the Unit, resides and is employed within the County year round, an average of at least 30 hours per week on an annual basis. “Employed within the County,” also referred to as “Local Employment”, shall mean that the person earns his or her living from a business or organization operating in and serving Summit County, which requires his or her physical presence within the boundaries of Summit County in order to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis.
 - i. Self-Employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves Summit County and requires their physical presence within the boundaries of Summit County in order to complete the task or furnish the service, and such individuals must demonstrate they are earning at least minimum wage from this employment.
 - ii. Retirees: Qualified Occupants may be authorized to retire if the person is at or above the full benefit age for federal Social Security, has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 10 continuous years prior to retirement.
 - (a) Partial Retirement: Qualified Occupants may be authorized to reduce local employment to a minimum of 15 hours per week on annual basis, if the occupant has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 15 continuous years prior to partial retirement.
- b.e. STR Resort Overlay Zone: maps of the STR Resort Overlay Zone are included in Exhibit A and described in Section 4302 of the Code.
- f. STR Neighborhood Overlay Zone is defined as all areas of unincorporated Summit County outside of the STR Resort Overlay Zone.

1.2. Purpose. The purpose of this Ordinance is to:

- a. Designate a department of Summit County Government to process applications for licenses for Short-Term Vacation Rentals (“STRs”) in unincorporated Summit County and to provide the structure by which such entity will process and review the applications.
- b. Establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
- c. Ensure that short-term vacation rentals are operated in a manner that is in compliance with all applicable rules, laws, and regulations, as well as compatible with the surrounding neighborhood and protects the overall community character.

1.3. Applicability. The regulations set forth in this Ordinance shall apply to short-term vacation rental Property only, as defined herein. ~~This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, lodges, or bed-and-breakfast establishments, timeshares / fractional ownership units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to properties with long-term leases.~~

SECTION 2. ~~SECTION II:-~~ PROCEDURES

2.1. Licensing Authority. The Summit County Planning Department is hereby designated as the Rreview Aauthority and enforcement agency for all STR applications and operations and is responsible for collecting fees, providing an application system~~application forms~~, assisting the applicant with the application process, and monitoring and enforcement of this Ordinance and any applicable sections of the Development Code (collectively, the “STR Regulations”). The Planning Department shall be authorized to promulgate all reasonable administrative rules and procedures necessary to the operation and enforcement of the STR Regulations.

2.2. License Required. No person or entity may advertise or operate an STR without a valid license.

2.3. Review Process. An application for an STR license shall be reviewed by the ~~review authority~~Review Authority ~~as a Class 1 Development Code Application~~ in accordance with the applicable criteria set forth in this Ordinance.

2.4. Review Criteria. The Review Authority shall consider all of the required application materials and submissions and determine that all criteria have been met and required materials submitted prior to issuing an STR license.

2.5. Decision. A decision regarding the issuance of a license under this Ordinance shall be issued by the ~~review authority~~ Review Authority within 30 days ~~pursuant to timelines set forth in the Class 1 Development Code Application Review Process~~ once the application has been deemed complete.

2.6. Appeal. If an application for a short-term vacation rental license is denied, the applicant may appeal that decision to the Community Development Director within ten (10) days of receipt of written notice of such denial; otherwise, the license denial shall be final and not subject to appeal. All decisions by the Community Development Director may then be appealed to the BOCC pursuant to the applicable appeal procedures set forth in Section 13200 of the Development Code.

2.7. Length of Validity and Renewal

- a. A short-term vacation rental license shall expire on September 30 of the calendar year following the year of initial license issuance, or when title of the short-term vacation rental Property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term vacation rental Property shall require a new license, unless meeting one of the exceptions as listed in Section 2.8 below.
- b. An application for renewal of a short-term vacation rental license shall be submitted ~~at least thirty (30) days prior to expiration of the existing license~~ within the renewal period established by the Review Authority.
- ~~c. A short-term vacation rental license which is not submitted for renewal during the established renewal period prior to expiration shall be considered expired, with the exception of the following grace period provided:~~
 - ~~i. When title of a short-term vacation rental Property transfers to a new owner, the new owner or Responsible Agent shall be given a 30-day grace period to submit a new STR license application within 30 days of closing on the Property. Applicants submitting a new STR license application within this 30-day grace period are not subject to a penalty fee.~~
- c. d. Open Permits. When there is an open building permit or septic permit for an upgrade, remodel, or demolition, the STR license will remain in effect subject to annual renewal; however, no rentals may occur until the permit has received all final approvals from the county, including a Certificate of Completion or Certificate of Occupancy, if required.

2.8. Transfer of Ownership. ~~Ownership of a license may not be transferred.~~

- ~~—Ownership of a license may not be transferred, unless meeting one of the exceptions as listed herein.~~
- a.
 - i. The transfer of title to real property when there is no consideration if the grantee is a member of the grantor's immediate family. For purposes of this section, a family transaction shall mean between parents and children, spouses or domestic partners, siblings, grandparents and grandchildren, or other similar family relationship.
 - ii. The transfer of title to real property from a grantor to a trust established by the grantor.

- iii. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity. Any transfer of title wherein the majority interest is no longer held by the same party or parties as who originally obtained the STR license shall be considered a non-exempt transfer and a new license will need to be obtained.
- iv. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
- v. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.
- vi. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.
- The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title.
- ~~iv.~~ vii. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.
- Either prior to or within 30 days after the transfer, a property transfer purportedly meeting the requirements of this section, the new owners shall contact the Review Authority, providing all necessary materials to determine if the transfer meets the exempt criteria above.
- b.

2.8.2.9. Property Owner. The owner of the STR Property shall be the holder of the license, i.e. the licensee. A property manager or other individual may submit the application for an STR license, but the license will be issued in the Property owner's name and the Property owner is ultimately liable for compliance with the STR Regulations.

SECTION 3. STR LICENSE TYPES

- 3.1. 3.1 Resort Overlay Zone: A Resort License will apply to properties within the Resort Overlay Zone.
- a. Maximum occupancy at any time may not exceed the following, unless further restricted by an on-site wastewater treatment system (OWTS), and shall be in accordance with Section 3.3 Standards:
 - i. Single family, duplex and townhome units: a) two (2) persons per bedroom plus four (4) additional occupants; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy.

ii. Condominium units: a) two (2) persons per bedroom plus four (4) additional occupants, or two (2) persons per bedroom plus two (2) additional occupants in buildings with interior egress components less than 44 inches wide and without a sprinkler system; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy. When a condominium unit contains a County-approved lock-off room that meets the definition of a lock-off room set forth in Chapter 15 of the Development Code, the lock-off room shall be allowed a total of 4 occupants.

—Properties requesting occupancy in excess of 19 —must first obtain a Class 2 Conditional Use Permit through the Planning Department.

~~i.iii. shall be in accordance with Section 6.1.f.f~~

b. ~~Maximum Nights Rented~~Limitation on Number of Bookings: no annual limit.

c. Review Process: STR License.

3.2. ~~3.2~~ Neighborhood Overlay Zone: A Type I or Type II License will apply to properties within the Neighborhood Overlay Zone, subject to the limitations on the availability of licenses in Section 4.

a. Type I License:

i. ~~To be applicable-eligible~~ for a Type I license, the STR Property must be the ~~owner's~~ primary residence of a member of the local workforce, meeting the definition of a Qualified Occupant. - A primary residence is that which is occupied by the ~~owner~~ Qualified Occupant as that individual's principal place of residence at least 9 months out of the year and for which the ~~owner~~ licensee can provide supporting documentation as set forth in Section ~~5.2.j~~ 6.2.liv below.

~~i.ii. If an ADU is removed from a property by the current owner, such property shall not be eligible for a Type I License for a period of 3 years from the date of removal.~~

~~ii.iii. Maximum Occupancy at any time Standards shall be in accordance with Section 6.1.g and may shall~~ not exceed 2 ~~guests-renters~~ per bedroom + 2 additional ~~guests-renters~~, -unless further restricted by an OWTS, and shall be in accordance with Section 3.3.

iv. Allowable Uses of a Type I License:

(a) When the Qualified Occupant is on-site during rentals and is engaged in partial home rental, no more than 50% of the approved bedrooms in the home, up to 2 bedrooms may be short-term rented.

(b) The Qualified Occupant may live on a property with a permitted ADU.

(i) Management of the STR on the property shall not comprise a majority of the hours claimed for Qualified Occupant status.

~~(i)~~ Applicants with an ADU seeking a Type I license shall utilize the most recent ADU covenant required by Section 3809 of the Code.

(ii)

(iii) As required by the ADU covenant, the Owner may not be the Qualified Occupant of the restricted unit (usually the ADU) since the restricted unit must be rented to a member of the local workforce meeting the definition of Qualified Occupant, i.e. the owner may not live in the ADU and apply for a Type I STR license to rent their main house, or vice-versa.

(c) At all times the property shall be the principal place of residence of the Qualified Occupant at least 9 months out of the year.

(d) A Bed and Breakfast may not be operated under a Type I license.

iii.v. ~~Nights~~ Limitation on Number of Bookings Offered for Rent: no more than 30 bookings per year, as calculated from October 1 through September 30.

b. Review Process: STR License.

e.b. Type II License:

i. Maximum Occupancy ~~Standards shall be in accordance with Section 6.1.g and~~ may not exceed 2 ~~guests~~renters per bedroom + 2 additional ~~guests~~renters, unless further restricted by an OWTS, and shall be in accordance with Section 3.3 below.

i.

ii. ~~Limitation on Number of Maximum Nights Rented~~Bookings: no more than ~~135~~30 ~~nights~~bookings per year, as calculated from October 1 through September 30, unless approved as a Bed and Breakfast under the Code.

ii.

3.3. Occupancy Standards Applicable to All Licenses:

a. Units on on-site wastewater treatment systems (OWTS): the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.

b. For the purposes of these regulations, a loft which meets the Summit County Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one-bedroom units for the purposes of this Section.

—Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.

d.c.

i. ~~Maximum Nights Rented: no more than 135 nights per year, as calculated from October 1 through September 30.~~

ii. ~~Review Process: STR License.~~

a. Type III License

i. Maximum Occupancy Standards:

a. For Multi-family homes: shall be in accordance with Section 6.1.g and may not exceed 2 guests per bedroom + 2 additional guests.

b. ~~For Single Family homes: shall be in accordance with Section 6.1.g and may not exceed 2 guests per bedroom + 2 additional guests unless further restricted by an OWTs; however, for lots in excess of 40,000 square feet, a property owner may~~

~~request excess occupancy to be reviewed as part of the Conditional Use Permit (CUP) process.~~

- ~~ii. Maximum Nights Rented: unlimited unless a limit is established by the CUP.~~
- ~~iii. Review Process: Conditional Use Permit per 3821 of the Code and STR License. The CUP must be approved prior to applying for a Type III license.~~
- ~~iv. The Minimum Standards to Request a CUP review for Type III License are as set forth in the Code.~~

SECTION 4. LIMITATIONS ON NUMBER OF STR LICENSES PER OVERLAY ZONE

4.1. Resort Overlay Zone. There is no cap on the number of licenses available in the Resort Overlay Zone.

4.2. Neighborhood Overlay Zone.

- a. Type I Licenses: Type I Licenses approved after the effective date of this ordinance are an exception to the cap in the Neighborhood Overlay Zone.
- b. Type II Licenses: Caps on the number of Type II licenses in the Neighborhood Overlay Zone of each Basin¹ are established as follows:
 - i. Lower Blue Basin: 550
 - ii. Snake River Basin: 130
 - iii. Ten Mile Basin: 20
 - iv. Upper Blue Basin: 590

4.3. Process for Managing the Cap. By January 5th of each calendar year, unless otherwise authorized by the Board of County Commissioners, the Review Authority will determine the number of licenses in each basin. At such time that the number of licenses is determined to be within 10% of the cap, the Review Authority will proceed to draft and promulgate a process for issuing new licenses.

SECTION 4.SECTION 5. RESPONSIBLE AGENT REQUIRED

4.1.5.1. Responsible Agent. Each owner of a short-term vacation rental Property shall designate a person or company to serve as the responsible agent (“Responsible Agent”). An owner of a short-term vacation rental Property may designate ~~himself/herself~~themselves as the Responsible Agent.

- a. The Responsible Agent shall have access and authority to assume management of the unit and take remedial measures. The Responsible Agent shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Ordinance. The Responsible Agent must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Responsible Agent 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.
- b. In the event of a fire ban within Summit County, the Responsible Agent is required to notify renters of the current fire restrictions and provide renters with instructions on how to access the Summit County Alert System for real-time emergency information during their stay.

- c. The owner shall keep all property management and Responsible Agent information updated in the established STR system~~notify the Planning Department in writing of any modification to the Responsible Agent appointment within five (5) days of any such modification.~~

¹ Basins are described in Section 2102.01 of the Land Use and Development Code.

~~SECTION 5.~~SECTION 6. APPLICATION

~~5.1.6.1. Application. At least thirty (30) days prior to any advertising for or lease, licensing, or other authorization to occupy a short-term vacation rental Property, the~~The owner shall file a complete ~~written~~ application for a short-term vacation rental license with the Planning Department via the established application system, on forms supplied by the County. -The application shall not be deemed complete until all required information is submitted.

~~5.2.6.2. Application Materials. An application for a short-term vacation rental license shall include the following, and may be electronically submitted in accordance with the submittal process as may be established by the County:~~

~~a. Application form.~~

a. Application materials shall include all information and materials as set forth in this Ordinance as required in the application system.

b. Contact information for Owner, property manager, if applicable, and Responsible Agent, including names, mailing address, phone number, and email. All contact information shall be kept up to date.

~~b.c.~~ Application fee as established by the Board of County Commissioners in the Development Review Fee Schedule, ~~this ordinance~~ or as subsequently established by resolution by the Board.

d. Self-Compliance Affidavit, signed by the owner under penalty of perjury, certifying ~~that the short-term vacation rental Property is in habitable condition and complies with the health and safety standards set forth in subsection 6.1 below, the site and operation standards for mitigating community impacts set forth in subsection 6.2 below, and the advertising requirements set forth in subsection 8.1~~ compliance with the STR Regulations Ordinance.

~~e.e.~~ Documentation listing all owners of a property, including form of ownership and percentage share, as applicable.

~~d.f. A short-term vacation~~Designation of ~~rental~~ Responsible Agent including and Owner Authorization Form. This form appoints and provides contact information for the Responsible Agent, who shall be available 24 hours per day, 7 days per week, in accordance with the requirements set forth in Section ~~4~~5 above.

~~e.g. If applicable, D~~documentation of ~~an adequate~~ water supply and ~~sewer-septic capacity adequate service~~ to serve the proposed use, including but not limited to improvements such as hot tubs. Such documentation shall include submittal of ~~(i.e. special district, well permit, OWTS permit, and pumper report~~ septic system).

~~f.h.~~ A parking plan or description for the Property, which complies with the parking requirements set forth in subsection 7.2.a below.

~~g.i.~~ A ~~waste~~trash disposal plan or description for the Property, which complies with the requirements set forth in subsection 7.2.b below.

~~h.j.~~ Proof of all required state and local sales tax licenses, ~~and personal property tax declaration forms.~~

~~i.k.~~ Owner shall certify that they have read and understood ~~A copy of~~ the Good Neighbor Guidelines, ~~signed by the owner, certifying that owner has read and understands the guidelines for responsible operation and~~ will shall make these guidelines available to all renters in the rental agreement and by posting it in a prominent location within the STR ~~unit~~.

l. Application Materials Specific to a Type I License shall include the following:

- ~~i. Affidavit submitted~~ affidavit at time of application ~~attesting to~~ of primary residency by a Qualified Occupant and owner occupancy for a minimum of 9 months of the year. ~~The following will be required:~~
 - ~~— a Colorado driver's license or Identification Card with the address of the STR property.~~

- ii. ~~Evidence showing~~ the STR ~~property~~ Qualified Occupant ~~must have~~ has a mailing address in Summit County.
- iii. ~~Evidence to the satisfaction of the Review Authority showing the STR property occupant meets the definition of Qualified Occupant, including but not limited to place of employment and hours worked on a weekly basis.~~
- ~~i.iv.~~ Copy of a lease ~~Lease to Qualified Occupant, if~~ applicable.
- ~~ii.v. and~~ At least 2 of the following showing the STR address (where applicable) and any additional document as requested by the Review Authority in order to determine primary residence of the Qualified Occupant:
 - (a) Voter registration
 - (b) Tax returns or other tax documents such as a 1041 or W2.
 - (c) Motor Vehicle Registration

STANDARDS AND REQUIREMENTS FOR STR LICENSE ISSUANCE AND -OPERATION

SECTION 6. SECTION 7.

6.1.7.1. Health and Safety Standards

- a. All improvements on the Property shall be permitted by the Building Inspection Department, Environmental Health Department, Engineering Department, and all other applicable agencies. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended, i.e. rooms not approved as "sleeping rooms" by the Building Inspection Department shall not contain beds.²
- b. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and good repair.
- c. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable per CRS 38-45-104, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.
- d. An operable toilet, sink, and either bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- e. There shall be a sufficient number of ~~trash-waste~~ receptacles to accommodate all ~~trash-waste~~ generated by those occupying the short-term vacation rental Property.
 - ~~i. Single family, duplex and townhome units: a) two (2) persons per bedroom plus four (4) additional occupants; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy.~~

² The Building Inspection Department refers to bedrooms as a sleeping room / area. The Code and this Ordinance use the term bedroom which is defined in Chapter 15 of the Code and which definition is the same as the definition of sleeping room / area in the Building Code.

~~iii.i. Condominium units: a) two (2) persons per bedroom plus four (4) additional occupants, or two (2) persons per bedroom plus two (2) additional occupants in buildings with interior egress components less than 44 inches wide and without a sprinkler system; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy. When a condominium unit contains a County approved lock off room that meets the definition of a lock off room set forth in Chapter 15 of the Development Code, the lock off room shall be allowed a total of 4 occupants.~~

~~iii.i. Units on OWTS: the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.~~

~~iv.i. For the purposes of these regulations, a loft which meets the Summit County Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one bedroom units for the purposes of this Section.~~

~~v.i. Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.~~

~~vi.i. Properties requesting occupancy in excess of 19 guests must first obtain a Class 2 Conditional Use Permit through the Planning Department.~~

~~vii.i. Units on OWTS: the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.~~

~~viii.i. For the purposes of these regulations, a loft which meets the Summit County Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one bedroom units for the purposes of this Section.~~

~~ix.i. Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.~~

- f. Partial home short-term vacation rentals are rentals of rooms within a dwelling unit where access and cooking facilities are shared by other occupants within the home. Partial-home rentals may not be advertised as separate units, such as but not limited to, a separate lockoff, studio, or apartment; and advertisements for such Properties shall contain language about shared access and cooking facilities. ~~Lockoff units that have been approved by Summit County shall be permitted to be used as separate short term rental units in accordance with the regulations in this section, unless such lockoff units have been encumbered by a covenant that expressly prohibits short term rentals. The permitted occupancy of a Property containing both a primary STR unit and a secondary STR lockoff unit shall be calculated as the combined maximum occupancy, considering each of the two units operating as separate individual short term rental units.~~

- g. Outdoor fire pits on a Property shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the ~~County~~ Building Inspection Department, if required per applicable building and fire code requirements. STR owners/applicants should check with their applicable fire district and the ~~County~~ Building Inspection Department to determine if permits are needed. The use of portable outdoor fireplaces is prohibited.
- h. Electrical panels shall be clearly labeled.
- i. All short-term vacation rental properties shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable ~~tenants-renters~~ to call 911 in the event of an emergency.
- j. Sanitary Standards and Rules for Public Accommodations – Where Applicable, all short term rental Property owners shall understand and maintain compliance with the Sanitary Standards and Regulations for Public Accommodations set forth in the Code of Colorado Regulations, Official Publication of the State Administrative Rules Section 6 CCR 1010-14. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public accommodations and community residents.
- k. All hot tub / spa installations require both a building permit and an electrical permit from the ~~County Building~~ Building Inspection —Department, in accordance with existing County regulations and compliance with 7.1.m below, if applicable. Hot tubs / spas and swimming pools shall be properly maintained in a way to prevent the spread of illness and shall comply with the requirements set forth in the Colorado Regulation Pertaining to Swimming Pools and Mineral Baths 5 CCR 1003-5.
- l. Occupancy of a recreational vehicle is prohibited on any Property that has obtained a short-term vacation rental license.
- m. STRs on Well or Septic:
 - i. If a short-term vacation rental Property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, a septic tank pumping shall be completed by a Summit County Licensed System Cleaner every 3 years, or more frequently as determined by the Summit County Environmental Health Department during each County review of a STR license renewal application for the Property.
 - (a) Upon initial application, a pumping report will be accepted within 3 years of the date of that inspection. If the OWTS is in a state of malfunction, the Short-~~Term~~ Rental license will not be issued until repairs are made and approved.
 - ii. If a short-term vacation rental Property is served by an on-site well for domestic water use, an adequate water supply in terms of quantity, quality, and dependability for the proposed use per the Colorado Primary Drinking Water Regulation 5 CCR 1002-11 where applicable. In addition, if the property has an improvement such as a hot tub, such Property shall be served by a well that is permitted for such use.

6.2.7.2. Site Plan and Operations ~~Standards~~

- a. Parking: A minimum of one (1) parking space is required per unit, up to a maximum of five (5) ~~cars-vehicles~~ permitted to be parked outdoors on any Property; ~~provided, however, if a customized parking arrangement has been previously authorized by the County for the subject development, the applicant shall demonstrate compliance with the existing parking plan previously approved through the relevant site plan review or PUD for the subject residential development.~~
- i. ~~If a lockoff unit is proposed for separate occupancy (i.e. 2 STR units on the same Property) a minimum of one (1) additional parking space will be required for the lockoff unit, in excess of the parking provided for the primary unit.~~ Designated parking spaces shall comply with all applicable parking requirements set forth in Section 3700 of the Development Code. All vehicles shall be parked on-site in designated parking areas; parking is prohibited on County roads, in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys or mailboxes). ~~A copy of the County-approved parking plan for the short-term vacation rental Property shall be provided to all renters in the rental agreement and posted in a prominent location within the Property.~~
- ii. The allowable number of parking spaces / vehicles shall be clearly stated in all short-term vacation rental advertising. A copy of the County-approved parking plan for the short-term vacation rental Property shall be provided to all renters in the rental agreement and posted in a prominent location within the Property.
- iii. In the Resort Overlay Zone, a Property owner may request an increase in the maximum number of allowed parking spaces through a ~~Class 2 Development Code administrative review~~ Conditional Use Permit if the proposed parking meets all applicable regulations and criteria, and is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.
- b. Trash-Waste Disposal and Collection: All short-term vacation rental Properties shall provide a ~~trash-waste~~ disposal and collection plan to ensure that ~~trash-waste~~ containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed ~~trash-waste~~ disposal and collection plan shall be reviewed and approved by the County during initial license review and during review of any license renewals, if needed. Waste disposal plans and shall comply with all applicable County regulations including the Summit County Disposal District Regulations. Examples of acceptable ~~trash-waste~~ disposal and collection plans may include but are not limited to:
- i. Indoor storage of ~~trash-waste~~ with concierge/valet collection service provided by the waste hauler at the time of pickup.
- ii. Storage of ~~wastetrash~~ containers in garage, with ~~trash-waste~~ containers to be put out by the Responsible Agent no earlier than 6:00 a.m. and returned to the garage by 7:00 p.m. on the day of pickup.
- iii. Trash-Waste disposal is managed by the development's homeowner's association, and renters will be instructed on the location and requirements for ~~trash-waste~~ disposal.

- iv. Trash-Waste is stored in bear proof ~~trash~~-containers located outside of the right-of-way and any snow storage areas.
- c. Noise: Renters shall be informed of the Summit County noise ordinance, which is enforced by the County Sheriff's Department-Office for all properties located in unincorporated Summit County.
- d. Outdoor Lighting: All outdoor lighting shall comply with the exterior lighting requirements set forth in Section 3505.07 of the Development Code.
- e. Pets: If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise provisions set forth in the Summit County Animal Control and Licensing Regulations; such regulations are enforced by the County Sheriff's Department-Office~~for all properties located in unincorporated Summit County~~. All short-term vacation rental Properties shall comply with the County Animal Keeping Regulations set forth in Section 3802 of the Development Code, and all pet food shall be stored indoors.
- f. Winter Traction and Snow Removal: Renters shall be informed in advance of arrival and via the Good Neighbor Guidelines of winter driving conditions and the need for appropriate vehicle traction, including Colorado Department of Transportation's Traction Law. Snow shall be removed from parking areas as necessary to accommodate the approved parking plan.

6.3.7.3. Good Neighbor Guidelines and Practices. The Planning Department shall promulgate Good Neighbor Guidelines setting forth various recommended and/or required practices for STR owners and their renters. Owners shall endeavor to have their renters abide by the Good Neighbor Guidelines in a reasonable and effective manner. This may include changing or altering rental practices to address repeat concerns; for example, posting clear quiet hours for hot tub use, establishing a multi-night minimum for renters, clearly communicating and monitoring number of vehicles allowed, renting to fewer guest than allowed by the maximum occupancy provisions, or other practices to mitigate impacts in the neighborhood.

~~SECTION 7.~~SECTION 8. SIGNAGE

~~7.1.8.1.~~ An owner shall post a sign or notice conspicuously inside the short-term vacation rental Property, which includes the Responsible Agent's current contact information and/or the owner's current contact information, the street address of the short-term vacation rental Property and the short-term vacation rental license number.

~~7.2.8.2.~~ The Good Neighbor Guidelines, permitted occupancy, parking plan, and ~~trash-waste~~ disposal requirements, including location of recycling centers, shall be posted in a prominent location within the short-term vacation rental Property.

~~7.3.8.3.~~ Any exterior signs advertising a short-term vacation rental must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of the Development Code.

~~SECTION 8.~~SECTION 9. ONE PARTY RENTAL, ADVERTISING

~~8.1.9.1.~~ Unless approved as a Bed and Breakfast per the Code, Aa short-term vacation rental property shall not be rented to more than one booking party at a time.

~~8.2.9.2.~~ All advertising for a short-term vacation rental Property shall include the Summit County short-term vacation rental license number, immediately following the accurate description of the short-term vacation rental Property as reflected by County records, along with the ~~relevant-permitted~~ occupancy, permitted bedroom count, and parking limitations.

~~SECTION 9.~~SECTION 10. TAXES

~~9.1.10.1.~~ All property taxes lawfully assessed against a short-term vacation rental unit shall be paid to the County Treasurer prior to approval of the short-term vacation rental license, and payment of such taxes shall continue thereafter. Non-compliance may result in suspension, revocation, non-renewal, or denial of the short-term vacation rental license.

~~SECTION 10.~~SECTION 11. NOTICE

~~10.1.11.1.~~ Any notice ~~required by this Ordinance~~ of violations, hearings, or other legal matters ~~to be~~ given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent permit or renewal application. Notice given to the Responsible Agent, by first-class mail, except as provided in 12.6, to the address provided by the owner, shall also be sufficient to satisfy any ~~required-legal~~ notice to the owner under this Ordinance.

~~10.2.11.2.~~ ~~The County shall provide written notice to all contiguous property owners and the homeowners association (HOA), if applicable, notifying them of any STR license application that includes proposed changes to the exterior of a property or building. The Review Authority may send notice of administrative matters such as renewals, newsletters, updates, etc. via email to the registrant email address provided by the Owner on the most recent license or renewal. Failure to provide an accurate email address may result in an owner or registered agent not receiving important information.~~

~~SECTION 11.~~SECTION 12. VIOLATIONS, ENFORCEMENT AND REVOCATION

~~11.1.12.1.~~ Obligation for Ongoing Compliance ~~Obligations~~ of Licensee.

- a. Issuance of a license is expressly contingent upon the licensee maintaining compliance with all requirements set forth in the STR Ordinance. If at any time a licensee fails to maintain such compliance as is required, the licensee shall be in violation of this Ordinance.
- b. A licensee shall avoid any illegal, dangerous, or harmful practices or conditions which are ~~detrimental~~detrimental to the public property, health, welfare, peace or safety.
- c. A licensee shall ~~refrain from engaging in business on the licensed premises~~neither advertise nor operate an STR on the Property during the period the STR license is revoked or suspended.

~~11.2.12.2.~~ Complaints and Remedies for Non-Compliance.

- a. Complaints concerning a short-term vacation rental Property shall be first directed to the Responsible Agent. The agent shall respond to the complaint, including visiting the site if necessary. Failure of a Responsible Agent 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.
- b. The County may investigate any complaint received, in order to determine if it is a substantiated complaint ~~that represents~~which may result in 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 violations are not corrected or if there are repeat offenders of the requirements, performance standards, conditions or restrictions in this Ordinance, Summit County may pursue action as provided for herein, including but not limited to suspension or revocation of the rental license.
- c. ~~Remedies for Non-compliance: If there is one or more unresolved substantiated complaints for a short-term vacation rental Property, or if upon review at any time, Summit County determines that the license holder has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this Ordinance, Summit County may take such action as is deemed necessary to remedy the noncompliance, including but not limited to suspension or revocation of the license as set forth in Subsection 2010.6 below.~~

~~11.3.12.3.~~ Enforcement. Enforcement of this Ordinance shall be by the ~~Planning Department~~Review Authority and the Sheriff's Office, as deemed necessary and appropriate.

12.4. Violations. Violations of the STR Ordinance shall be a civil infraction-class 2 petty offense, and punishable by the procedure established in a penalty assessment procedure as provided for in Sections 16-2-201 and 30-15-402, C.R.S, as amended from time to time.

~~11.4.~~

~~11.5.~~

11.6.12.5. Graduated Fine Schedule. A graduated fine schedule is hereby adopted:

- a. 1st ~~offense~~: \$250
- b. 2nd ~~offense~~: \$750
- c. 3rd or more offense: \$1,000

11.7.12.6. Revocation.

a. A license issued pursuant to this Ordinance *may* be revoked by the Review Authority following a hearing for *any* violation of the Ordinance, ~~or violation of the short-term rental regulations in the Development Code, and t~~

a.b. The Review Authority *shall* commence revocation proceedings if any of the below occurs:

- i. A licensee has been ~~cited-issued for~~ 2 or more ~~offenses-within~~ citations within a ~~3-~~ month period;
- ii. A licensee has had 3 or more documented substantiated complaints ~~violations~~ within a ~~3-~~ month period;
- iii. A licensee submits a license application or other document as part of the license review process that contains or represents fraud, intentional misrepresentation, or a false statement of material fact;
- iv. A licensee has violated or is currently violating the STR Ordinance or the prior in a manner that significantly endangers the public health, safety, and/or welfare;
- v. A licensee fails to pay sales and/or property taxes as required.

b.c. Hearing on Revocation:

- i. Notice of a hearing pursuant to this Subsection ~~12.10.6~~ 12.10.6 shall be given to a licensee in writing at the address shown on the license application, and to the Responsible Agent identified in the license application. Such notice shall be mailed via certified mail at least fourteen (14) calendar days prior to the date set for the hearing.
- ii. The licensee may appear with or without representation, and may appear remotely by telephone or video conference.
- iii. The licensee may present evidence at the hearing and shall provide copies of such evidence to the hearing officer at or before the hearing.
- iv. The hearing officer shall consider the following:
 - (a) The nature and seriousness of the violation
 - (b) Impact of the violation on the neighborhood and/or community
 - (c) Corrective action, if any, taken by the licensee or the designated Responsible Agent

- (d) Prior violations
- (e) The likelihood of recurrence of the violation or violations
- (f) Entirety of the circumstances surrounding the violation
- (g) Willfulness or lack thereof on the part of the licensee
- (h) Length of time the licensee has held a license
- v. The hearing officer shall be the Summit County Community Development Director or ~~his or her~~their designee.
- vi. Following the hearing, if the hearing officer determines that a violation or violations has occurred and good cause exists for the imposition of a sanction against the licensee, the hearing officer may impose the following sanctions:
 - (a) License suspension for a time period not to exceed six months.
 - (b) License revocation.
 - ~~(b) Conditions on the operation of the STR reasonably related to the violation(s), and to which the licensee agrees in lieu of revocation or suspension.~~
 - (c)
- vii. Any action taken pursuant to this subsection ~~12110.6~~ shall be commensurate with the seriousness of the violation(s) and the action or ~~lack thereof~~lack thereof taken by the licensee to resolve the violation(s).
- viii. The hearing officer shall provide his or her decision in writing to the licensee within 15 days of the hearing.
- ix. Individuals or entities who have had their license revoked may, if applicable in their overlay zone per Section 4, reapply for a new license after the expiration of one year from the time of revocation, unless a longer period of time is imposed by the hearing officer, which period of time shall not exceed 3 years; ~~pending availability of licenses per the Basin cap. The hearing officer shall not be empowered to alter or change the caps established in Section 4 of this Ordinance.~~

~~e.~~

d. -Appeals of License Revocations.

- i. A licensee who has had their STR license revoked or suspended may appeal the revocation or suspension to the Board of County Commissioners by emailing, mailing, filing, or otherwise submitting a letter of appeal to the Office of the Summit County Manager within ten (10) days after the date the letter of decision by the hearing officer is emailed. The date of an appeal letter shall be the time it is marked as received by the Manager's Office.
- ii. The Board of County Commissioners shall conduct a de novo hearing on the appeal at a regular or special meeting held within 30 days of the date of the appeal letter.
- iii. Any such hearing shall be conducted pursuant to the parameters set forth in Section 13200 of the Development Code.

~~11.8.~~ Costs of Enforcement, Revocation, and Appeal. In the event it is necessary for the County to take action for enforcement of the STR Ordinance, there shall be added to any fees due hereunder all reasonable costs and fees incurred by the County, 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](#)~~chapter~~, 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 or defense of such action.

~~11.9.~~12.7.

~~11.10.~~12.8. Additional Remedies. In addition to the remedies set forth herein and in the Development Code, the County reserves the right to employ all other remedies that may exist at law and in equity to enforce the STR Regulations.

~~SECTION 12.~~

SECTION 13. ~~SECTION 12:~~ LICENSING FEES

~~13.1.~~

~~13.2.~~ License Fees. ~~The following~~ licensing fees shall apply at the time of application and shall be established and updated in the Development Review- Fee Schedule~~Planning Department's Fee Schedule.~~ as soon as practicable:

~~13.3.~~ Neighborhood Overlay Zone: Type I License: \$200

~~13.4.~~ Neighborhood Overlay Zone: Type II License: \$300

~~13.5.~~ Neighborhood Overlay Zone: Type III License: \$100 (Does not include CUP Fee)

~~13.6.~~ Resort Overlay Zone: Resort License: \$250

~~13.7.~~ Pre-existing License: \$500

~~13.8.~~ Class 2 and Class 4 CUP Fees are found on the Planning Department's Fee Schedule

~~13.9.~~

~~13.10.~~ Revocation Hearing Fees: The fee for a revocation hearing shall be 1x the amount of the License Fee.

~~13.11.~~

~~13.12.~~ ~~12.3~~ Appeal Fees. The fee for an appeal of a revocation shall be 2x the amount of the License Fee.

~~13.13.~~

~~13.14.~~ ~~12.4.~~ Future Changes to Licensing Fees. Future changes to the Licensing Fees shall be done by resolution or otherwise in accordance with the established procedure for updating or changing the Planning Department's Fee Schedule.

~~13.15.~~13.1.

SECTION 14. ~~SECTION 13:~~ COMPLIANCE TIMELINE

14.1. ~~13.1~~ — Pre-Existing Licenses. With the exception of licenses in the Resort Overlay Zone, all STR licenses approved prior to the effective date of ~~this~~ Ordinance 20-B (~~adopted December 16, 2021~~) shall be allowed to operate pursuant to the occupancy parameters set forth in ~~Section 5 of~~ Ordinance 20 (adopted June 22, 2021), and without limitations on bookings until September 30, renewal 2025 ~~2023, at which point they will need to conform to the occupancy all requirements of this Ordinance.~~

~~a. a.~~ — Neighborhood Overlay Zone: ~~Previously approved~~ Pre-Existing STR licenses in the Neighborhood Overlay Zone will automatically convert to a Type II license upon approval of the STR license at the next applicable renewal date.; not need to obtain a Type I, II, or III license until September 30, 2025, and may operate pursuant to the occupancy and nightly rental allowances that were applicable under the version of this Ordinance adopted on June 22, 2021. These licenses will automatically convert to a Pre-Existing License upon approval of a renewal of the STR license at the next applicable renewal date.

~~a.~~

~~b. b.~~ — Resort Overlay Zone: ~~Previously approved STR licenses in the Resort Zone will automatically convert to a Resort License upon approval of a renewal of the STR license at the next applicable renewal date.~~

~~b. b.d.~~ — All Pre-Existing Licenses operating under ~~the the previously established~~ occupancy ~~and nightly rental~~ allowances of Ordinance 20 (~~adopted June 22, 2021~~) must still comply with all other provisions of this Ordinance.

—— Licenses Issued After the Adoption of Ordinance 20-B.

14.2.

~~a.~~ All ~~pre-existing~~ Type I licenses will be required to show compliance with the revised Type I standards as listed in this ordinance at renewal 2023, or they will be converted to a Type II license and pay all applicable fees.

~~b.~~ Type II licenses shall operate pursuant to the nightly limitations set forth in Ordinance 20-B until renewal 2023 at which point they will need to conform to all requirements of this Ordinance.

~~c.~~ All ~~pre-existing~~ Type III licenses will automatically convert to a Type II license at the time of renewal 2023.

~~14.2.14.3. 13.2~~ New Licenses. Upon the effective date of this Ordinance, all new applications for an STR license will be subject to all applicable provisions of this Ordinance.

SECTION 15. SCHEDULE OF REPORTING TO BOCC

15.1. Establishment of Review and Reporting Requirements. In order to ensure consistent and effective application of the Regulations contained herein, the following review and reporting requirements are hereby established:

- a. Reporting: Unless otherwise directed by the Board of County Commissioners, County staff shall provide a report on the administration of the STR regulatory program once a year.
- b. Review: Unless otherwise directed by the Board of County Commissioners, County staff shall ensure that a meaningful opportunity for review, including public, staff, and Board of County Commissioners, input, of the effectiveness of the regulations contained herein occurs at least every 2 years.
- c. Nothing herein shall constrain the Board of County Commissioners from having more frequent review and reporting opportunities as the Board so directs.

SECTION 15. SECTION 16. EFFECTIVE DATE

~~15.1.16.1. 14.1~~ Effective Date of Ordinance. The Ordinance shall be effective immediately upon adoption-, except as set forth above in Section ~~143~~13.

~~15.2.~~

~~15.3.16.2. 14.2~~ Necessity of Ordinance for Immediate Preservation of Public Health and Safety. This Ordinance is necessary for the immediate preservation of public health and safety because, without limitation:

- a. ~~a.~~ The proliferation of short-term vacation rentals in the unincorporated area of Summit County is substantially impacting Summit County's ~~neighborhoods~~neighborhoods; and
- b. ~~b.~~ There is currently a moratorium on the acceptance and processing of new STR license applications. The moratorium is set to expire ~~February 24, December 16, 2023~~1. If the Ordinance does not immediately take effect, staff anticipates hundreds of STR applications will be submitted under the old regulations, creating additional impacts and frustrating the significant and substantial efforts undertaken by staff and the BOCC during the moratorium to revise the STR regulations.

~~15.4.16.3. 14.3~~ Severability. If any part or parts of this ordinance are for any reason held to be invalid, such provision shall not effect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part of parts be declared invalid.

~~15.5.16.4. 14.5~~ Repeal. Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, are hereby repealed, except that this repeal shall not affect or prevent the enforcement against any person for any act done or committed in violation of any ordinance hereby repealed prior to the date such ordinance no longer applies to such person.

INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING ON THIS _____ DAY OF _____, 202~~32~~³¹.

**BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORADO**

~~Elisabeth Lawrence~~ Joshua Blanchard, ~~CC~~Chair

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED IN FULL THIS _____ DAY of _____, 202~~31~~³¹.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

~~Elisabeth Lawrence~~ Joshua Blanchard, Chair

ATTEST:

~~Kathleen Neel~~ Taryn Power, Clerk & Recorder

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the proposed use of the land. Site plans and construction shall be designed or conducted in accordance with the recommendations of the Colorado Geologic Survey, unless an Applicant provides evidence acceptable to the County that an alternative design is in accord with sound engineering and planning principles.

3514.05: Public Trails/Recreation Access

- A. Public access on existing public roads, identified as significant winter or summer routes in adopted master plans, or that receive documented substantial current and historic use, shall be preserved or acquired to the maximum extent possible for both summer and winter use. The County shall work cooperatively with owners of property in the BC Zoning District to ensure that through-access on such roads is preserved or acquired.
- B. Public access on existing trails, pathways and other established routes and trailhead areas for both summer and winter use, identified as significant winter or summer routes in adopted master plans, or that receive documented substantial current and historic use, should be preserved or acquired to the maximum extent possible. Landowners are encouraged to work cooperatively with the County Open Space and Trails Department to address recreational access issues on their properties. The Open Space and Trails Department shall work cooperatively with landowners to attempt to secure access to important trails and established routes.
- C. Trails shall be kept in their historic alignments to the greatest extent possible. Road and driveway crossings of trails shall be avoided and minimized wherever possible.

3514.06: Site Plan Review Procedures

All developments in the BC Zoning District that require a building permit or disturb more than 500 feet of surface area shall be subject to administrative site plan review of the Planning Department. The site plan shall comply with all requirements of Section 12600 et seq. and shall also comply with all requirements of this section. As part of the site plan submittal, a vicinity map of the area, a boundary survey (if required by the Planning Department to evaluate compliance with Section 14101.02.F) and a topographic survey of the area proposed to be disturbed (shown in one (1) or two (2) foot contour intervals) shall be included. Where snow conditions preclude the ability to perform a field visit to a backcountry site, the Planning Department may extend the review period until such time that the site can be reasonably accessed and evaluated. In order to determine if a conditional use permit is needed for winter plowing, the site plan shall include: 1) a statement regarding whether an Applicant intends to plow snow, or 2) a statement that access inhibited by snow will be by other means (snowshoes, skis, snowmobiles, etc.).

3514.07: Transferable Development Rights

Pursuant to Section 3506.02 et seq., where development rights from BC Zoning District properties in designated Sending Areas are transferred to designated Receiving Areas, restrictions on development rights that exist on the Sending Area property as a result of the BC Zoning District designation (e.g., use limits, limited structure size, site disturbance and design standards, road and driveway construction or maintenance standards, etc.) shall not apply to the Receiving Area property the development rights are transferred to.

3515: B-3 Zoning District

3515.01: Purpose and Intent

- A. The B-3 Zoning District was established to encourage the coordination and clustering of mixed-use development in centers from five (5) to 30 acres in size. The intent is to create a village containing a mix of land uses, although the village need not be self-sufficient. Development standards and review criteria are specifically intended to discourage strip development and encourage a low-scale, low impact village area.
- B. The B-3 Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to B-3, but must instead rezone to one of the zoning districts listed in Section 3301.

3515.02: Permitted Uses

The following land uses are permitted uses pursuant to the procedures and general review criteria set forth in this Code:

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- A. Animal clinic (small animals only).
- B. ~~Bed & breakfast.~~
- C. Games Arcades.
- D. Office, administrative/business/professional.
- E. Office, government.
- F. Restaurant, standard (no carry-out or drive-through).
- G. Service commercial.
- H. Wholesale sales.
- I. Bus shelter.
- J. Clinic.
- K. Museum.
- L. Public safety and emergency services, including fire or police stations and emergency medical services.
- M. Utility facility, minor.
- N. Residential units integrated into a commercial structure, provided that the residential square footage does not exceed the commercial square footage.
- O. Medical Marijuana Center, Optional Premise Cultivation Operation, and Infused Products Manufacturing in accordance with the provisions set forth in Section 3804 et seq.

3515.03: Conditional Uses

The following conditional uses may be permitted within the B-3 Zoning District pursuant to the procedures and general review criteria set forth in Section 12300 et seq. In addition, where specific conditions or standards are set forth in the B-3 regulations, the proposed conditional use shall satisfy both those specific conditions and standards and the general review criteria set forth in Section 12300 et seq.

- A. Animal hospital (small animals only).
- B. Bar/tavern.
- C. Business, retail and service (unless specifically listed as a permitted use in Subsection 3515.02. above), provided the following requirements are met in addition to the general conditional use review criteria set forth in Section 12300 et seq.:
 - 1. Average Daily Trips (ADT) generated by the use shall not exceed 130 ADT per 1, 000 square feet of floor area, according to the Trip Generation Manual (Institute of Transportation Engineers, current edition); and
 - 2. Where applicable, access to the site shall be provided through the use of shared entry drives, secondary access/frontage roads, or other means. Primary access shall not be via Highway 9; and,
 - 3. The use is consistent with the purpose of this zoning district and any applicable master or subbasin plans.
- D. Childcare center.
- E. Church.
- F. Community center.
- G. Convalescent home.
- H. Convenience market, provided the following conditions are satisfied:
 - 1. Where applicable, access to the site shall be provided through the use of shared entry drives, secondary access/frontage road or other means and direct access from a State Highway shall not be relied upon.
 - 2. The total square footage of all convenience markets within a 5,000 foot diameter the B-3 Zoning District shall not exceed 3,500 square feet of floor area and shall not provide more than eight (8) gas pumps.
- I. Fraternal/service club.
- J. Light industrial uses.
- K. Outdoor display of artwork, subject to the standards set forth in Sections 3813 et seq.
- L. Nursery/greenhouse.
- M. Outdoor storage.
- N. Retirement home.
- O. Warehouses and mini-warehouses/storage facilities.
- P. Bed & breakfast with an STR License.
- ~~P.Q.~~ Residential uses that comprise no more than of 50% of the square footage of a mixed-use structure.
- ~~Q.R.~~ Residential-only structures, provided that:

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1. No more than four (4) residential units shall be permitted in a structure.
2. Units must be a minimum of 1,200 square feet and a maximum of 1,800 square feet, excluding all garages and accessory buildings. In multi-unit developments, ten percent (10%) of the units may be smaller than 1,200 square feet, and up to ten percent (10%) of the units may be larger than 1,800 square feet.
3. Restrictive covenants must be in place ~~forbidding-prohibiting~~ short-term ~~(less than six (6) months)~~ rentals.
4. The Planning Commission must determine that an all-residential development is in keeping with the village character and function of the area.
5. Permitted density for all-residential projects shall be calculated as provided for in this section, except that proposed rights-of-way and easements for a residential-only subdivision or project are included in the total site area in determining the maximum permitted floor area (existing rights-of-way are excluded). In figuring FAR for residential projects, the FAR methodology outlined in Section 3515.05.A prevails over the FAR definition contained in Chapter 15.
6. Outdoor residential storage, including snowmobiles, boats and recreational vehicles shall be prohibited.
7. Maximum height of residential buildings shall be no more than 30 feet above existing grade. Appendages such as chimneys, vents and television or radio antennas, or architectural accents approved by the Review Authority, may exceed the height allowance by ten percent (10%).
8. There are no minimum lot area or lot frontage requirements for a residential-only subdivision. The minimum lot size and minimum lot frontage shall be proposed by an applicant and reviewed and approved by the Planning Commission based on input from key referral agencies such as a fire department, the County Engineer, the Planning Department and the County Public Health Department. Proposed lot sizes and lot frontages shall ensure adequate access, permeable area and area for ensuring a buildable lot per the provisions of this section and other applicable provisions of this Code.

3515.04: Accessory Uses

Local resident housing, subject to the standards set forth in Section 3809.

3515.05: Density

- A. **Maximum Density:** One to twelve (1:12) FAR except as provided for in the B-3 regulations. For the purposes of the B-3 Zoning District, FAR shall be measured as the ratio of all enclosed floor area, expressed in square feet permitted on a site to the gross site area.
- B. **Permitted Density:** Permitted density in the B-3 Zoning District is one to twelve (1:12) FAR.
- C. **Density Bonus:** The criteria and required development standards for increases in density in excess of one to twelve (1:12) FAR are stated in Table 3-1.

TABLE 3-1: Density Bonus System for the B-3 Zoning District

Criteria for Increases in Density in Excess of 1:12 F.A.R.		
Floor Area Ratio	Minimum Site Area for Joint Planning/Development*	Landscaping/Open Space Requirement.
1:11	1+ acres	All landscaped areas must be serviced by an automatic irrigation system.
1:10	Same as above	All requirements above, plus 40% landscaping/open space excluding any proposed landscaped or open space area less than five (5) feet in width.
1:9	2+ acres	All requirements listed above, plus landscape/open space must be considered meaningful or useful to the village, as determined by the Planning Commission. Meaningful open space includes any that creates a view corridor, focal point or recreational amenity.
1:8	Same as above	All requirements listed above, and landscaped/open areas must equal 45% of the site.
1:7	3+ acres	All requirements listed above, and 20% of the required landscaping/open space, must be in one contiguous plot.
1:6	Same as above	All requirements listed above, and landscaped/open areas must equal 50% of

3802.04: Conditions Under Which Animals Shall Be Kept

- A. **Keeping of Livestock in Fenced Area:** Persons keeping livestock shall provide a fenced area to contain the animals, except where such livestock is being kept on parcels of 35 acres or greater in the A-1 Zoning District. On such parcels, State Statutes regarding fencing shall apply (C.R.S. § 35-46-101 et seq.). Persons keeping livestock on BC zoning district parcels shall limit fencing to areas as specified in 3505.17.A.6.
- B. **Keeping of Uncastrated Male Livestock Animals:** Persons keeping uncastrated male livestock animals on parcels of less than 35 acres shall keep them in a pen, corral or run area enclosed by at least a six (6) foot chain link fence or by a material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes.
- C. **Storage and Disposal of Manure:** Persons keeping livestock in enclosed corrals or barns, rather than in open pasture, shall remove and store or dispose of manure to prevent unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals or contamination of surface or subsurface water quality.
- D. **Drainage:** Where livestock are kept in enclosed corrals or barns, provision shall be made for proper drainage and control of runoff to prevent stagnant, standing water or the flow of contaminated water into surface or subsurface water supplies.

3802.05: Conditional Use Permits for Animal Keeping

Figure 3-8 indicates when a conditional use permit is required for keeping domestic pets and livestock animals in County zoning districts. The general procedures for review and action on conditional use permits, as stated in Section 12300 et seq., shall be used to review requests for permits for animal keeping. The following criteria shall be used in evaluating applications for conditional use permits for animal keeping:

- A. Size of lot in relation to numbers of animals requested.
- B. Amount of land area to be made available for use by animals.
- C. Need for buffering between the area to be used for animal keeping and any adjacent uses.
- D. Need to mitigate the impact on neighboring properties of odors and noise resulting from animal keeping.
- E. If the applicant is a group of property owners proposing a common pasture, stable or barn for the keeping of livestock, the criteria stated in Section 3802.03 shall be met.

3802.06: Responsibility for Enforcement of Animal Regulations

Whenever an individual is required to obtain a license from CPW for the keeping of animals, CPW shall be responsible for enforcing such requirements. Whenever a conditional use permit is required by County regulations for the keeping of animals, the County Planning Department shall be responsible for enforcing such requirements.

3803: Bed and Breakfasts

Bed and breakfast establishments are allowed as permitted uses in the [A-1](#), CG, and CN zoning districts, subject to the standards set forth herein, and as conditional uses [requiring an STR license](#) in any residential zoning district [including A-1](#). The procedures for review and action on conditional use permits are stated in Section 12300 et seq. The following standards shall be met before approval of a bed and breakfast may be granted unless the Review Authority determines that a condition requiring compliance with a specific criterion is more appropriate, such as the need to provide adequate water or wastewater treatment or have a structure comply with Building Code or Fire Code requirements.

3803.01: Type of Establishment

An establishment is considered a bed and breakfast if it provides lodging available to the general public in a single-family residence where the owner of the residence lives on the premises. The Planning Commission may require as a condition of approval recordation of a covenant requiring that the bed and breakfast establishment be owner occupied as long as it is operated as a bed and breakfast. A bed and breakfast may not be established in a duplex or multi-family residential building.

3803.02: Size of Establishment

A. Size Limits:

1. **A-1 Zoning District:** On parcels of 20 or more acres in the A-1 Zoning District, bed and breakfast establishments shall conform to the size limits established for small scale resorts (see definition of resort, small scale in Section 3808). On parcels of less than 20 acres, bed and breakfast establishments shall conform to the regulations for the residential zoning district that would allow lot sizes comparable to the size of the parcel in the A-1 Zoning District.
2. **RU, RE, R-1, R-2 Zoning Districts:** Three (3) lodging rooms
3. **R-4, R-6, R-P and Other Residential Zoning Districts:** Two (2) lodging rooms
4. **PUD:** Bed and breakfasts must be allowed by the provisions of a PUD as either a permitted or conditional use. Bed and breakfasts are not permitted in a PUD if a PUD designation does not list them as a permitted or conditional use. Where a PUD lists a bed and breakfast as an allowed use, the provisions of this section shall be applied as provided for in Section 12200 et seq.

- B. **Compliance with Limits:** In determining the number of rooms available for lodging, at least one (1) bedroom shall be designated for use by the owner of the residence and not counted. The number of lodging rooms allowed shall be stated as part of the conditional use permit issued for the bed and breakfast. The number of lodging rooms allowed may be less than the maximum number permitted by this section if, in the judgment of the Planning Commission, the size of the lot or the location of the residence is such that allowing the maximum number would result in an adverse impact on surrounding properties. The number allowed may also be reduced from the maximum permitted if the necessary parking cannot be accommodated on the parcel where the bed and breakfast is proposed to be located. The Planning Commission may require as a condition of approval recordation of a covenant limiting the number of lodging rooms to a specified number within the limits stated in this section.

3803.03: Parking

Parking for bed and breakfasts shall be provided in accordance with the County parking regulations (see Figure 3-7). Guest parking shall be either graveled or paved and shall be kept free of snow to discourage on-street parking. The parking area shall be designed so that cars are not required to back onto the road providing access to the parcel where the bed and breakfast is located.

3803.04: Compliance with Building and Fire Codes

Where an applicant is requesting a conditional use permit for a bed and breakfast, all portions of the residence shall be in compliance with the applicable requirements of the Building and Fire Codes.

3803.05: Signs

Any sign for a bed and breakfast shall comply with the County Sign Regulations for home occupations (see Chapter 9).

3803.06: Impact on Neighborhood

- A. A bed and breakfast shall be operated in a manner that preserves the residential character of the neighborhood where it is located. The amount of traffic and noise from lodging guests shall not cause an adverse impact on surrounding properties.
- B. Relationship to STR License: In residential and A-1 zone districts, STR licenses are required to operate a Bed and Breakfast; that STR license shall be obtained at least one year immediately prior to application for the establishment of a Bed and Breakfast.
- C. As part of the determination of neighborhood compatibility set forth in Section 12302.04, the Review Authority shall consider the record of operations of the STR.

3804: Medical and Retail Marijuana

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five (5) calendar days in advance of the class.

3821: Short-term Vacation Rentals

A ~~Short-term Vacation Rental / Short-term Rental (STR)~~ property, for the purpose of this Section, is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. ~~A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this Code.~~

3821.01: Purpose and Applicability

- A. The purpose and intent of this section of the Code, together with the Short Term Rental (STR) Ordinance No. 20, amended from time to time, is to establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
- B. These regulations are also intended to ensure that short-term vacation rentals are operated in a manner that is compatible with the surrounding neighborhood and protects the overall community character.
- C. The regulations set forth in this Code section shall apply to short-term vacation rental property only, as defined herein. This Code section shall not apply to the furnishing of lodging services in hotels, motels, lodges, or ~~bed and breakfast establishments, timeshares / fractional ownership~~ units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to ~~properties units~~ with ~~long term~~ leases in excess of 30 days.
- D. This Code section shall not supersede any private covenants or deed restrictions prohibiting short-term vacation rental property.
- E. In addition to the requirements set forth herein, short-term vacation rentals shall abide by all other applicable sections in this Code, the STR Ordinance, and other applicable Summit County laws, rules, and regulations.

3821.02: Zoning Districts Where Permitted

- A. Figure 3-2 identifies where short-term vacation rentals may be allowed in various County zoning districts. Short-term vacation rentals are also allowed in the antiquated residential zoning districts remaining in effect listed in Section 3305.01, unless specifically prohibited in that zoning district.
- B. PUDs: A short-term vacation rental may be permitted in specific PUDs that allow residential uses, without necessitating a PUD modification, provided such use complies with the licensing requirements of the STR Ordinance and Section 3821 et seq. A PUD may be amended to provide for standards and criteria that differ from those of the STR Ordinance and Section 3821 et seq. provided the purpose and intent of the STR Ordinance and Section 3821 continues to be met. Short-term vacation rentals shall not be permitted in a PUD which specifically prohibits such use.
- C. Short-term vacation rentals of deed restricted affordable workforce housing or employee housing properties is prohibited unless specifically authorized by the deed restriction for the property.
- D. Unless approved as a Bed and Breakfast per Section 3803, STRs may only be rented to one booking party at a time.

3821.03: License and Review

- A. License Required: A license issued by the Local Licensing Authority is required for each short-term vacation rental property in unincorporated Summit County. A person seeking to obtain a license shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Summit County Ordinance No. 20, as amended from time to time, setting forth the licensing requirements for short-term vacation rentals.
- ~~B. Review Process for STR License: Short term vacation rental applications will be reviewed through the Class 1 administrative review process. If the Planning Department finds that the application complies with the STR Ordinance, Section 3821 of the Code, and any other applicable Summit County laws, rules, and regulations, the Planning Department shall issue a short term vacation rental license. The license shall be issued in the name of the owner and shall not be transferable. All short term vacation rental properties shall receive a license prior to~~

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~~advertising or operation.~~

~~C.B.~~ Additional Review Process for STRs ~~Requiring~~ Requesting a Conditional Use Permit (CUP):

1. For any short-term vacation rental in the Resort Overlay Zone which proposes an occupancy of 20 or more persons, or outdoor parking of 6 or more vehicles, the application shall be reviewed as a Class 2 ~~C~~eonditional ~~U~~se ~~P~~ermit as further described in Section 3821.5.
2. ~~For any Type III license in the Neighborhood Overlay Zone, the application shall be reviewed as a Conditional Use Permit as further described in Section 3821.05.~~

3821.04: Overlay Zone Districts ~~and License Types~~

Overlay Zone Districts: In order to distinguish between traditional Resort areas and Neighborhood areas, two overlay zone districts have been established per Section 4300 of the Code for the purposes of regulating short-term vacation rentals, an STR Resort Overlay Zone and a STR Neighborhood Overlay Zone. STR License types allowed in each Overlay Zone District are set forth in Ordinance No. 20, as amended from time to time.

~~A. STR Resort Overlay Zone~~

~~1. License Type Allowed:~~

- ~~a. A Resort license is permitted within the Resort Overlay Zone.~~

~~B. STR Neighborhood Overlay Zone~~

~~1. License Type(s) Allowed:~~

~~a. Type I License:~~

- ~~i. Applicability: To apply for a Type I license, the STR must be the owner's primary residence. A primary residence is that which is occupied by the owner as that individual's principal place of residence a minimum of 9 months out of the year.~~

~~ii. Maximum Nights Offered for Rent:~~

- ~~aa. Owner is on-site during rental and engaged in partial home rental (i.e. a bedroom or bedrooms rented to one booking party at a time): no limit on nights rented;~~
- ~~ba. Owner is absent during rental and is renting as an entire unit: no more than 60 nights per year, as calculated from October 1 through September 30.~~

~~iii. Review Process: STR license.~~

~~b. Type II License: Rental may not exceed 135 nights per year, as calculated from October 1 through September 30.~~

~~i. Review Process: STR license.~~

~~c. Type III License: Maximum number of nights rented is unlimited, unless a limit is specified by the CUP.~~

- ~~i. Review Process: CUP in accordance with 3821.05 and STR license. The CUP must be approved prior to applying for a Type III license.~~

3821.05: Criteria for Review for Conditional Use Permit

A. STR Resort Overlay Zone: A Class 2 administrative conditional use permit application shall be required for any proposed short-term vacation rental in the STR Resort Overlay Zone which proposes an occupancy of 20 or more people or outdoor parking of 6 or more vehicles.

~~B. Neighborhood Overlay Zone: A Conditional Use Permit for a Type III license is required prior to application for a Type III license in the Neighborhood Overlay Zone. An STR with a Type III license may be rented in excess of 135 nights per year. The following minimum standards and accompanying review process shall apply to Type III STR applications in the Neighborhood Overlay Zone. It is noted that these are the minimum standards to request a CUP review, the criteria for approval of a CUP are found in 3821.05.C, below.~~

~~1. On Single Family Lots:~~

~~a. Minimum Standards:~~

- ~~i. A minimum of 100 feet between residential improvements designed for human occupancy on the subject property and said improvements on any adjacent or neighboring property; i.e. any interior living space including exterior improvements such as patios, hot tubs, and fire pit; but not including detached unoccupied garages or sheds. The applicant shall provide evidence of compliance with this distance requirement as part of their application materials. The Review Authority may require a~~

certified survey if the materials provided are insufficient to determine distance to adjacent residential structures; or,

- ii. ~~An Accessory Apartment or Accessory Dwelling Unit having received a certificate of occupancy and in compliance with the provisions of Section 3809.03.E.1 concerning occupancy of the unit.~~

b. ~~Review Process:~~

- i. ~~Lots less than 40,000 square feet: Class 4 CUP.~~
- ii. ~~Lots in excess of 40,000 square feet: Class 2 CUP.~~
- iii. ~~Lots in excess of 40,000 square feet requesting occupancy in excess of 2 persons per bedroom + 2 additional persons: Class 4 CUP.~~

2. ~~In Multi-Family Developments:~~

a. ~~Minimum Standards:~~

- i. ~~A minimum of 100 units in the development~~
- ii. ~~Significant on-site amenities as evidenced by at least 3 of the following: pool, hot tub, sauna, game room, tennis / pickle ball courts, or other significant amenities as approved by the Review Authority~~
- iii. ~~Direct, private shuttle to a ski area or public transit within 100 feet of the property~~

b. ~~Review Process:~~

- i. ~~A Class 4 CUP; however, this review may be reduced to a Class 2 CUP if the applicant provides a letter from the HOA verifying the amenities as well as stating that a Type III STR will be harmonious and compatible with the surrounding residential uses and present no significant adverse impacts within the development or neighborhood.~~

C.B. The conditional use permit application shall be reviewed in the context of the property and neighborhood to consider whether the types of uses in the neighborhood, the home size, lot size and distance to neighboring properties can potentially enable these properties to accommodate higher occupancies, where possible to request, higher number of nights rented as an STR, and/or additional cars parked on site. Applications shall be referred to referral agencies such as the water and sanitation districts (or State Engineer and Environmental Health Department for units on well and septic), fire department, Building Inspection Department, Engineering Department, etc., in order to evaluate whether the unit is able to adequately accommodate the proposed intensity, given the capacity of the existing services and infrastructure and the potential impacts to the adjacent residents. Criteria for review of the application shall include the following:

1. The proposed use and occupancy of the STR property does not exceed the applicable building and fire code requirements for maximum occupancy of the structure, and protects the public health, safety and welfare.
2. The existing services and infrastructure (e.g., water supply, sewage disposal capacity, access, on-site parking spaces) can support the proposed use and occupancy of the property, or the applicant has obligated himself/herself to provide the necessary services and infrastructure in sufficient time to serve the proposed use.
3. The proposed operation of the STR will ensure preservation of the residential character of the neighborhood where it is located. The amount of traffic and noise from lodging guests will not result in significant adverse impacts to the adjacent neighborhood.
4. There is adequate separation and buffering of the STR use from adjacent residences and public rights-of-way to mitigate potential impacts on the surrounding neighborhood, including traffic, additional parking and noise. Standards for demonstrating adequate separation and buffering include but are not limited to: orientation of the STR unit on the property away from nearby residential structures; linear separation from other residential structures; separation from other structures by an intervening right-of-way; topographic features such as rock formations or grade differences; and mature vegetation or fencing.
5. There is not a history of STR complaints on the property, if an STR was already in existence on the property, the owner has adequately addressed the conditions that lead to the complaints, to the satisfaction of the Review Authority.
6. The property is in compliance with all other applicable laws, rules and regulations, including but not limited to standards concerning driveways and parking areas as found in Chapters 3 and 5 of this Code.

D.C. Public Noticing for a Class 2 conditional use permit shall consist of a public notice sign posted at the property, in accordance with Section 12000.10.

E.D. Length of Validity

1. The length of validity of a CUP shall not exceed 5 years.
2. ~~A CUP for a Type III STR will remain valid so long as it is associated with an active STR Type III license. However, upon sale of a property, 60 days may lapse between licenses without voiding the CUP.~~

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3.2. Revocation of an STR ~~Type III~~ license will automatically void the CUP approval.

FIGURE 3-2

LAND USE MATRIX (17)

P-Permitted
C-Conditional
T-Temporary

A-Accessory
NA-Not Allowed

	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
AGRICULTURAL																				
Agricultural Operations	P	C	NA	NA	NA	NA	NA		NA		P	NA	NA	NA	NA	NA	NA	NA	NA	
Bunkhouse	(see bunkhouse under residential - local resident housing - housing for on-site employees)																			
Fish Farm	(see fish farm under animal related uses)																			
Fish Hatchery	(see fish hatchery under animal related uses)																			
Fur Farm	(see fur farm under animal related uses)																			
Greenhouse	(for private greenhouses, refer to Accessory Uses)																			
Commercial	P/C	NA	A	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	A1: Permitted on 35 or more acres, conditional on less than 35 acres; See footnote #19; CG: Accessory to a nursery.
Nursery	(see nursery under commercial uses)																			
Office, farm/ranch	P	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Stable/Barn	(see stable/barn under animal related uses)																			
Community Garden	(see community gardens under Community Facilities)																			
ANIMAL – RELATED USES																				
Animal Clinic	C	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Animal Feedlot	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Animal Hospital																				See footnote #19
1. with large animals	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. without large animals	C	NA	C	C	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Animal Keeping																				
1. general	(see Figure 3-8)																			
2. common facility																				See Section 3802
Animal Pound	C	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Animal Salesyard	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Crematorium, animal	(see crematorium, animal under storage and disposal uses)																			
Fish Farm	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Fish Hatchery	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Fur Farm	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Kennel																				See footnote #19
1. breeding	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. boarding	C	NA	C	C	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Stable/Barn																				See footnote #19
1. boarding	P	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. commercial	P/C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted on 35 or more acres, conditional on less that 35 acres, See footnote #3
3. community	P	NA	NA	NA	NA	NA	NA		NA		P	P	C	NA	NA	NA	NA	NA	C	See footnote #3
4. private	P	A	NA	NA	NA	NA	NA		NA		P	P	C	NA	NA	NA	NA	NA	C	See footnote #3 BC: see Section 3514.04.B.3
Wild Game Ranches	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Conditional on 35 or more acres, NA on less than 35 acres, See footnote #19
Wildlife Rehab	P/C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted on 35 or more acres, conditional on less that 35 acres, See footnote #19
COMMERCIAL																				
Art Gallery	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Auto Body Work/Paint	(see auto body/ paint under industrial uses)																			
Auto Rental	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Auto Repair	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Auto Sales	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Auto Service Station																				
1. with auto repair	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. without auto repair	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Auto Wash/Polish	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Bank	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Bar/Tavern	NA	NA	P	C	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Business, Retail	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Business, Service	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Drinking/Dancing Estab.	NA	NA	P	C	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Equipment Rental	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Equipment Repair	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	

P-Permitted LAND USE MATRIX (17)

LAND USE MATRIX (17)																				
P-Permitted	A-Accessory																			
C-Conditional	NA-Not Allowed																			
T-Temporary																				
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
Equipment Sales	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Financial Institution	(see bank under commercial uses)																			
Health Club	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Liquor Store	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Lumberyard	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Market																				
1. convenience	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. supermarket	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Medical Marijuana Center	NA	NA	P	P	P	NA	NA		NA	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted in accordance with Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
Medical Marijuana Optional Premise Cultivation Operation	NA	NA	P	P	P	NA	NA		NA	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted in accordance with Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
Medical Marijuana Infused Products Manufacturing Facility	NA	NA	P	P	P	NA	NA		NA	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted in accordance with Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
Nursery																				
1. retail	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnotes #5 and #19
2. wholesale	C	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnotes #5 and #19
Offices																				
1. admin/busin/prof	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. construction	T	T	T	T	T	T	T		NA		T	T	T	T	T	T	T	NA	NA	See Section 3806 (subject to a class 2 review)
3. farm or ranch	(see offices, farm or ranch under agricultural uses)																			
4. government	NA	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
5. property management	NA	NA	P	P	P	NA	P		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
6. real estate sales	NA	NA	P	P	T	NA	T		NA		NA	NA	T	T	T	T	T	NA	NA	See Section 3817
7. rental	NA	NA	P	P	P	NA	P		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Outdoor Vendors	A	NA	T	T	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnotes #4, #19; See Section 3816
Restaurant																				
1. carry out	NA	NA	P	C	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. fast food	NA	NA	C	C	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
3. standard	NA	NA	P	P	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities	NA	NA	P	P	P	NA	NA		NA	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted in accordance with Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
Retail Sales	P	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnotes #5 and #19
Wholesale sales	P	NA	P	P	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnotes #5 and #19
COMMUNITY FACILITIES/INSTITUTIONAL USES																				
Auditorium	NA	NA	P	C	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Cemetery	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Child Care Center	NA	NA	P	C	NA	NA	NA		NA		C	C	C	C	C	C	C	C	C	
Church	NA	NA	P	C	NA	NA	NA		NA		C	C	C	C	C	C	C	C	C	
Community Center	C	NA	P	C	NA	NA	NA		NA		C	C	C	C	C	C	C	C	C	See footnote #19
Community Garden	P	NA	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	See Section 3801
Concert Hall	NA	NA	C	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Crematorium, Human	(see crematorium, human under storage and disposal uses)																			
Fire Station	C	NA	P	P	P	NA	C		NA		C	C	C	C	C	C	C	C	C	See footnote #19
Fraternal/Service Club	NA	NA	P	C	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Funeral Home	NA	NA	C	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Government Facilities									NA											
1. admin. office	(see admin. office under commercial uses)																			
2. other	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Library	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Museum	C	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Park/Playground	(see park/ playground under recreation)																			
Penal Facilities	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Police Station	C	NA	P	P	P	NA	C		NA		C	C	C	C	C	C	C	C	C	See footnote #19
Recreation Building	(see recreation building under accessory uses)																			
Schools																				

LAND USE MATRIX (17)																				
P-Permitted	A-Accessory																			
C-Conditional	NA-Not Allowed																			
T-Temporary																				
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
1. college/university/high school	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
2. elem/secondary, private	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
3. elem/secondary, public	C	NA	NA	NA	NA	NA	NA		NA		P	P	P	P	P	P	P	P	P	See footnote #19
4 .middle school	C	NA	NA	NA	NA	NA	NA		NA		P	P	P	P	P	P	P	P	P	See footnote #19
5. trade/vocational	NA	NA	P	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Sewage Treatment Plant	(see sewage treatment plant under utilities)																			
Water Treatment Plant	(see water treatment plant under utilities)																			
HEALTH CARE FACILITIES																				
Clinic	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Convalescent Home/ Nursing Home/ Assisted Living Facility/Memory Care Facility	NA	NA	P	C	NA	NA	NA		NA		NA	NA	C	C	C	C	C	C	C	
Hospital	NA	NA	C	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
INDUSTRIAL																				
Asphalt Plant	C	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19 Not allowed for off-site use. Subject to a class 2 review and only in conjunction with an on-site active mining improvement.
Auto Body/Paint	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Concrete Batch Plant	C	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19 Not allowed for off-site use. Subject to a class 2 review and only in conjunction with an on-site active mining improvement.
Industry																				
1. heavy	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. light	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #6
3. service	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #6
Manufacturing																				
1. heavy	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. light	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #6
Wood Manufacturing	C	NA	NA	NA	C	NA	NA		C		NA	NA	NA	NA	NA	NA	NA	NA	NA	
TOURIST SERVICES																				
Bed and Breakfast	C	NA	P	P	NA	NA	NA		NA		C	C	C	C	C	C	C	C	C	See Section 3803; See footnotes #15, #19
Boarding House/Rooming House	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Campground	(see campground under recreation)																			
Condo-Hotel	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Conference Facilities	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to hotel/motel See footnote #19
Dude Ranch/Resort																				See footnote #19
1. large scale	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
2. medium scale	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3808
3. small scale	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3808, See footnote #19
Hotel/Motel	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Packing/Outfitting	P	C	NA	NA	NA	NA	NA		A		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3514.02.D, See footnote #19; OS: Accessory to Open Space
Snowmobile, Jeep, and Mountain Bike Tours	NA	NA	C	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Recreational Vehicle Park	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Short-term Vacation Rentals	P	NA	NA	NA	NA	NA	P		NA		P	P	P	P	P	P	P	P	P	See Section 3821
Wedding Events																				
1. family	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
2. commercial	C	NA	P	P	NA	NA	NA		NA		C	NA	NA	NA	NA	NA	NA	NA	NA	
MISCELLANEOUS																				
Outdoor Display																				
1. art	A	A	C	C	C	NA	A		NA		A	A	A	A	A	A	A	NA	NA	See Section 3813, See footnote #19
2. merchandise	A	A	A	A	NA	NA	A		NA		A	A	A	A	A	A	A	NA	NA	See Section 3814, See footnotes #7, #19
NATURAL RESOURCES																				
Crushing, Gravel/Rock	C	NA	NA	NA	C	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See section 3812 et.seq.
Firewood Split/Storage																				See footnote #19
1. commercial	C	C	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. private	P	P	A	A	A	P	A		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential use; CG, CN, I1: Accessory to employee housing unit
Timber Harvest																				
1. commercial	P /C	P/ C	NA	NA	NA	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3514.02.E, See footnote #19. _Commercial timber harvesting and extensive tree clearing in excess of .5 acre requires a Class 2 conditional use permit.
2. private	P	C	NA	NA	NA	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	BC: See Section 3514.02.E, See footnote #19. Private timber harvesting and extensive tree clearing in excess of .5 acre requires a Class 2 conditional use permit.

FIGURE 3-2

LAND USE MATRIX (17)

P-Permitted																				
C-Conditional	A-Accessory																			
T-Temporary	NA-Not Allowed																			
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
Milling	C	NA	NA	NA	C	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19 See Section 3812 et.seq.
Mining	C	P/C	NA	NA	C	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19. Where Conditional Use Permits are required, they will be subject to a Class 4 review. See Section 3812.02B BC: Also see Section 3514.02.A
Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sawmill																				See footnote #19
1. commercial	C	NA	NA	NA	C	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 8424; Permitted if on 35 acres or more and Conditional if on less than 35 acres
2. private	P	P	NA	NA	NA	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Silviculture	P	NA	NA	NA	NA	A	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Subject to a class 2 review and only in conjunction with an onsite active mining operation.
Wildfire Mitigation	A	A	A	A	A	A	A		A		A	A	A	A	A	A	A	A	A	Allowed in all zoning districts. If a G/E Permit is required, a Fire Mitigation/ Forest Management plan will also need to be submitted and approved in conjunction with the permit unless waived by the Review Authority.
RECREATION																				
Alpine Ski Area	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Amusement Facilities	(see recreation facilities under recreation)																			
Athletic Facilities																				See footnote #19
1. commercial	NA	NA	C	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. community	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential development, parks/playgrounds. Conditional as stand alone facilities.
3. private	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential development
Bowling Alley	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Campground	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Community Bldg	(see community building under accessory uses)																			
Fairground	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Game Arcades	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Golf Course	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Nordic Ski Center	P/C	C	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	A-1: Permitted on 35 or more acres, conditional on less than 35 acres, See footnote #19. BC: Within the BC Zoning District, nordic ski center uses shall be limited to groomed and un-groomed nordic trails, trailheads, signage, toilets and warming huts. Such uses shall be designed in a manner that is consistent with the backcountry character. A trailhead shall be evaluated and/or approved through a conditional use permit, and shall comply with the standards set forth in the BC Zoning District regulations (e.g., road standards and operational considerations).
Nordic Ski Huts	P/C	C	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19, See Section 3514.02.C; Permitted if on 35 acres or more and conditional if on less than 35 acres
Packing/Outfitting	(see packing/ outfitting under tourist services)																			
Park/Playground																				
1. accessory	P	P	NA	NA	NA	NA	NA		NA		P	P	P	P	P	P	P	NA	NA	Accessory to a school, community center, or a recreation building
2. freestanding	C	C	NA	NA	NA	NA	NA		NA		C	C	C	C	C	C	C	NA	NA	
Recreation Bldg	(see recreation building under accessory uses)																			
Recreation Facility																				See footnote #19
1. commercial																				
a. indoor	NA	NA	P	P	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
b. outdoor	NA	NA	C	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. community	C/ A	NA	NA	NA	NA	NA	A		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential development, parks/playgrounds. Conditional as stand alone facilities.
3. private	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential development
Ski Area	(see alpine ski area or nordic ski center under recreation)																			
Shooting Range																				
1. public																				See footnote #19
a. indoor	C	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
b. outdoor	P	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. private	P/C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted on 35 or more acres, conditional on less than 35 acres
Theater																				
1. indoor	NA	NA	P	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
2. outdoor, public	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
3. outdoor,private	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Trail	P	C	P	P	P	P	P		A		P	P	P	P	P	P	P	P	P	OS: Accessory to Open Space
Trailhead	A	C	A	A	A	A	A		A		A	A	A	A	A	A	A	A	A	Accessory to trails

FIGURE 3-2																					
LAND USE MATRIX (17)																					
P-Permitted																					
C-Conditional	A-Accessory																				
T-Temporary	NA-Not Allowed																				
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES	
Tubing Hill	A	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to dude ranch/resort, See footnote #19	
RESIDENTIAL USES																					
Manufactured Home Park	NA	NA	NA	NA	NA	NA	P		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA		
Residential Subdivision																				See footnote #8	
1. rural cluster	P	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 8420	
2. standard	P	P	NA	NA	NA	NA	P		NA		P	P	P	P	P	P	P	NA	NA		
TYPES OF UNITS																					
Primary Dwelling																					
1. one-family unit	P	P	NA	NA	NA	NA	P		NA		P	P	P	P	P	P	P	P	P	BC: See Section 3514.02.B	
2. two-family unit	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	P	NA	NA		
3. multifamily unit	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA		
4. manufactured home	P	P	NA	NA	NA	NA	P		NA		P	P	P	P	P	P	P	P	P	See Section 3505.08, See Section 3514.02.B	
5. modular home	P	P	NA	NA	NA	NA	P		NA		P	P	P	P	P	P	P	P	P	See Section 3505.08, See Section 3514.02.B	
6. recreational vehicle	NA	NA	NA	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	C	C	See footnote #14; M1: See footnote #9; RC5000, RC40000: See Section 3819. Recreational vehicles are subject to a Class 2 review.	
Subsidiary Dwellings																					
1. accessory dwelling unit	(see accessory dwelling unit under local resident housing)																				
2. caretaker unit	(see caretaker unit under local resident housing)																				
Group Residences																					
1. group home	P	NA	NA	NA	NA	NA	NA		NA		P	P	P	P	P	P	P	NA	NA		
2. dormitory	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA		
3. retirement home/senior housing	NA	NA	C	C	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA		
Local Resident Housing																					
1. affordable workforce housing																				Affordable workforce housing, which complies with the requirements in Section 3809.02 et seq. and the other applicable requirements of this Code, may be permitted on properties that have been authorized for such use through an approval of the County. A1: See footnote #19. CG, CN: See footnote #11.	
2. accessory dwelling unit	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	A	A	See Section 3809.03; A1: See footnote #19	
3. housing for on-site employees																					
a. caretaker unit																					
i. freestanding unit / incorporated into residence	P/A	NA	NA	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	A1: Permitted on 35 or more acres, Accessory on parcels between 20 and 35 acres, N/A on parcels less than 20 acres; M1: Conditional upon the establishment of an active mining operation, subject to a class 4 review.	
ii. recreational vehicle	P	NA	NA	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	A1: Permitted on 35 or more acres, NA on less than 35 acres; M1:Accessory to active mining operation; subject to a Class 2 review. See footnotes #9, #10, and #14.	
b. on-site employee housing for:																					
i. commercial/industrial business	A	NA	A	A	A	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3809.04.B.2.a. An employee housing unit can either be incorporated into a commercial/industrial building or located in a separate, freestanding structure on the same property as the commercial/industrial business.	
ii. multifamily residential development	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3809.04.B.2.b. On-site employee housing for multi-family residential developments is permitted in PUDs where multifamily development is allowed, and in the antiquated zoning districts remaining in effect, which allow multifamily development, including R-25, R-4 with plan, R-6 with plan, and RP.	
iii. ranching and farming operations	P/C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3809.04.B.2.c. Bunkhouse or hired hand quarters for temporary, seasonal harvesting crews, accessory to farm/ranch, permitted on 35 or more acres, conditional on less than 35 acres, See footnote #19.	
iv. active mining operations	A	NA	NA	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3809.04.B.2.d. Bunkhouse conditional upon the establishment of an active mining operation and subject to a Class 4 review.	
ACCESSORY USES																					
Child Care, home	P	NA	NA	NA	NA	NA	P		NA	P	P	P	P	P	P	P	P	P	P	See Section 3810	
Community Building	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	A	A	Accessory to residential development	
Community Garden	P	P	P	P	P	P	P	NA	P	P	P	P	P	P	P	P	P	P	P	See Section 3801	
Garages	(see garage under storage and disposal uses)																				
Greenhouse, private	A	A	A	A	A	A	A		NA	A	A	A	A	A	A	A	A	A	A	Accessory to a residential unit	
Home Occupation	A/C	A/C	NA	NA	NA	NA	A/C		NA	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	Section 3810, See footnote #12	
Motor Vehicles, storage/parking	(see motor vehicles, storage/parking under storage and disposal uses)																				
Recreation Building	A	NA	NA	NA	NA	NA	NA		NA		A	A	A	A	A	A	A	NA	NA	Accessory to residential development	

LAND USE MATRIX (17)																				
P-Permitted C-Conditional T-Temporary		A-Accessory NA-Not Allowed																		
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
Residential Cultivation of Medical Marijuana	A	A	A	A	A	A	A			A	A	A	A	A	A	A	A	A	A	Permitted as an accessory use to a residential dwelling unit in accordance with Section 3804 et.al.
Storage Areas	(see storage areas under storage and disposal uses)																			
STORAGE AND DISPOSAL USES																				
Construction Staging Area																				
1. on site	P	P	P	P	P	P	P		NA		P	P	P	P	P	P	P	P	P	
2. off site	T	T	T	T	T	T	T		NA		T	T	T	T	T	T	T	NA	NA	
Crematorium, Animal	A	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to animal clinic/hospital/pound, minimum 20 acre lot required, See footnote #19
Crematorium, Human	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Garage																				Accessory to a residential unit
1. private	A	A	A	A	NA	A	A		NA	A	A	A	A	A	A	A	A	A	A	RC-5000: See footnote #18; BC: See Section 3514.04.B.3
2. public																				
- accessory	NA	NA	A	A	A	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to commercial/industrial businesses
- primary	NA	NA	C	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Impound yard	NA	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Junkyard	NA	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Mini-Warehouse	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Motor Vehicles, Parking/Storage	C	A	P	P	P	P	A		NA		A	A	A	A	A	A	A	A	A	Accessory to a residential unit, See Section 3815; A1: See footnote #19; RC-5000: See footnote #18
Park and Ride	NA	NA	C	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Parking Lot																				
1. accessory	A	NA	A	A	A	A	A		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
2. primary	NA	NA	C	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to the activities associated with mining operations
Recreational Vehicle, not in storage yard	A	A	P	P	P	P	A		NA		A	A	A	A	A	A	A	A	A	See Section 3815, see footnote #16; RC-5000, RC-40000: See footnote #18
Sanitary Landfill	C	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19 Accessory to uses directly related to an onsite mining operation and must comply with all applicable State Regulations.
Sludge																				See footnote #19
1. disposal	C	C	NA	NA	NA	P	NA		A		NA	NA	NA	NA	NA	NA	NA	NA	NA	See Section 3818
2. temporary storage	C	C	NA	NA	A	P	NA		NA		A	A	A	A	A	A	A	NA	NA	See Section 3818, Accessory to a sewage treatment plant
Storage Areas																				
1. equipment	A	A	NA	NA	NA	A	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #13 accessory to the activities associated with mining operations.
2. nonresidential	(see storage yards under storage and disposal uses)																			
3. residential	A	A	NA	NA	NA	NA	A		NA		A	A	A	A	A	A	A	A	A	See Section 3815; RC-5000: See footnote #18 BC: See Section 3514.02.G
Storage Buildings	A	A	A	A	P	P	A		NA		A	A	A	A	A	A	A	NA	NA	BC: See Section 3514.04.B.3; MHP: See Section 3513.04A.3
Storage Yards																				See also storage areas
1. equipment	NA	NA	A	NA	P	P	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Accessory to equipment rental
2. non-rec vehicles	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
3. nonresidential	A	NA	A	A	A	A	NA		NA		C	C	C	C	C	NA	NA	NA	NA	See Section 3815, See footnote #19, NA on lots of 10,000 sq.ft. or less
4. rec vehicles																				See Section 3815, See footnote #14; RC-5000: See footnote #18
- commercial	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
- private	NA	NA	NA	NA	NA	NA	P		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Warehouse	NA	NA	NA	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
TRANSPORTATION USES																				
Airport	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #20
Bus Shelter	P	NA	P	P	P	P	P		NA		P	P	P	P	P	P	P	NA	NA	See footnote #19
Bus Terminal	NA	NA	C	NA	P	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Heliport	C	NA	C	C	C	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Helistop	C	NA	C	C	C	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	See footnote #19
Truck Terminals	NA	NA	NA	NA	C	NA	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
UTILITIES ¹⁶																				
Communication Tower																				See Section 3805
1. commercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See footnote #19
2. commercial, accessory	P/C	NA	P/C	P/C	P/C	P/C	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	Permitted if 35' or less, conditional if over 35', see Section 3805, see footnote #19
3. noncommercial	P/C	C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Permitted if 35' or less, Conditional if over 35', See section 3805, See footnote #19; BC: See Section 3805.02.B
Communication Antennas																				See Section 3805, See footnote #19

<div> <div>P-Permitted</div> <div>C-Conditional</div> <div>T-Temporary</div> </div> <div> <div>A-Accessory</div> <div>NA-Not Allowed</div> </div> <div>FIGURE 3-2</div> <div>LAND USE MATRIX (17)</div>																				
	A1	BC	CG	CN	I1	M1	MHP	NR2 ¹	OS	PUD ²	RU	RE	R1	R2	R3	R4	R6	RC 5000	RC 40000	NOTES
1. commercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section 3805.02.C
2. commercial, accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section 3805.02.C
3. noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section 3805.02.D
4. Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section 3805.02.E
Hydroelectric Energy Systems																				See Section 3507.03; A-1: See footnote #19
1. small scale	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	Accessory to a primary use
2. large scale	C	NA	NA	NA	C	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Sewage Treatment Plant	C	NA	NA	NA	C	A	NA		NA		C	C	C	C	C	C	C	NA	NA	Accessory to the activities associated with the mining operations.
Solar Energy Systems																				See Section 3507.01; A-1: See footnote #19
1. small scale	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	Accessory to a primary use; BC: See section 3514.
2. large scale	C	NA	C	C	C	C			NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Utility Facility																				
1. major	C	C	C	C	C	C	C		NA		C	C	C	C	C	C	C	C	C	
2. minor	P	P	P	P	P	P	P		NA		P	P	P	P	P	P	P	P	P	BC: Limited to those utilities listed in Section 3514.04.D
Water Treatment Plant	C	NA	NA	NA	C	A	NA		NA		C	C	C	C	C	C	C	C	C	Accessory to the activities associated with the mining operations.
Wind Energy Systems																				See Section 3507.02; A-1: See footnote #19
1. small scale	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	Accessory to a primary use
2. large scale	C	NA	NA	NA	NA	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
Wood Burning Energy Systems																				See Section 3507.04; A-1: See footnote #19
1. small scale	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	Accessory to a primary use
2. large scale	C	NA	NA	NA	C	C	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	
<div>FOOTNOTES:</div> <div> <div>1 Uses shall be permitted as specified in the State or Federal approved authorization.</div> <div>2 Uses shall be permitted as specified in a County approved PUD designation.</div> <div>3 The keeping of livestock animals in the R-1 and RC40,000 zoning district is a conditional use; construction of a barn/stable is also a conditional use, and requires the concurrent approval of a CUP for the keeping of livestock.</div> <div>4 Only the sale of products produced on the property is allowed. The sale of products produced offsite is not allowed. Regulations on outdoor vendors are stated in Section 3816 et seq.</div> <div>5 The wholesale sales of products produced on the property, and as a part of a wholesale nursery operation are allowed on property zoned A-1. In the A-1 Zoning District, a wholesale nursery may only sell products grown, raised or manufactured from products grown or raised on site.</div> <div>6 Only industrial or manufacturing businesses, meeting the performance standards in Section 3512 et seq., are permitted.</div> <div>7 The outdoor display of merchandise in residential zoning districts is limited to garage sales. See Section 3814 et seq.</div> <div>8 The provision for certain types of residential subdivisions does not preclude subdivisions for other types of development, provided such subdivisions comply with County Subdivision Regulations (Chapter 8).</div> <div>9 Recreational vehicles may be used as a residence for the caretaker or mine operator on a seasonal basis where an active mining operation is underway, provided the recreational vehicle is in compliance with Section 3809.04.F et seq. and is subject to a Class 2 review.</div> <div>10 A recreational vehicle may be used as a residence for a caretaker on parcels of 35 acres or more, provided the recreational vehicle is in compliance with Section 3809.04.F et seq.</div> <div>11 In the CG and CN zoning districts, affordable workforce housing cannot be located on the ground floor level, and the amount of floor area for affordable workforce housing cannot exceed the total commercial floor area on the property.</div> <div>12 Home businesses in the RP zoning district are restricted to areas at densities of six or less dwelling units per acre. See Section 3810 et seq.</div> <div>13 Allows for the establishment of areas for the storage of equipment associated with farming, ranching, or an active mining operation. Such areas are not required to be screened except as required by Section 3505.11.</div> <div>14 "Recreational Vehicle" listed under "Residential"."Primary Dwelling" refers to the occupancy of the recreational vehicle as a primary dwelling, see sections 3815.08 and 3819; "Recreational Vehicle" listed under "Residential"."Local Resident Housing"."Housing for On-Site Employees"."Caretaker Unit" refers to occupancy of the recreational vehicle as a caretaker unit; "Recreational Vehicle" listed under "Storage and Disposal Uses" refers to the storage of a recreational vehicle; "Rec Vehicle" listed under "Storage and Disposal Uses"."Storage Yards" refers to the storage yards used for the storage of vehicles used for recreational purposes such as snowmobiles, four-wheelers, motorcycles, etc.</div> <div>15 Bed and breakfasts may only be established in single family dwellings, and a short-term rental license is required in residential zone districts and A-1. They may not be established in duplex or multifamily dwellings. See Section 3803 et seq.</div> <div>16 Any activity or structure subject to a 1041 permit is exempt from any requirement for a Conditional Use Permit pursuant to Figure 3-2.</div> <div>17 Figure 3-2 is designated as the County Land Use Matrix. Figure 3-3 lists land uses allowed by zoning district and is included in this Code for informational purposes only. It is the intent of this Code that Figures 3-2 and 3-3 be consistent. Where an inconsistency occurs, Figure 3-2 shall govern.</div> <div>18 In the RC-5000 zone these accessory uses are allowed on a lot, or lots, within 500 feet, or directly across a local access or low volume road, from the lot where the primary use is located. In such cases the lot, or lots, where the accessory use is located shall be deed restricted or tied to the primary lot in such a way that sale separate from the primary lot is prohibited, except that the accessory lot, or lots, may be transferred to the owner of an adjacent lot with a primary use. If the accessory lot is transferred, the same deed restriction and covenant requirements shall apply.</div> <div>19 Parcels created through the rural land use subdivision process may have additional restrictions on use. Please refer to Section 8424 to determine use restrictions that may apply.</div> <div>20 These uses shall only be allowed in a PUD where a rezoning has been approved that allows for such use.</div> </div>																				

FIGURE 3-3 LAND USE BY DISTRICT ^{1,13}

LAND USE	PERMITTED	CONDITIONAL	ACCESSORY	TEMPORARY	NOTES
A-1: AGRICULTURAL					
Agricultural Operations	x				
Animal Clinic		x			See footnote #2
Animal Hospital					See footnote #2
1. with/large animals		x			
2. without/large animals		x			
Animal Keeping					See Section 3802
Animal Pound		x			See footnote #2
Animal Sales yard		x			See footnote #2
Asphalt Plant		x			See footnote #2
Athletic Facilities					
1. community			x		Accessory to residential development and parks/playgrounds; Conditional as a stand alone use. See footnote #2
2. private			x		Accessory to residential development; See footnote #2
Bed and Breakfast		x			See Section 3803; See footnote #2
Bus Shelter	x				See footnote #2
Child Care, Home	x				See footnote #2
Communication Antennas					See Section 3805 and 3805.02.C; See Footnote #2
1. commercial	x				
2. commercial, accessory	x				See Section 3805.02.C
3. noncommercial	x				See Section 3805.02.D
4. private	x				See Section 3805.02.E
Communication Tower					See Section 3805; See footnote #2
1. commercial		x			
2. commercial, accessory	x	x			Permitted if 35' or less; conditional if over 35'; See Section 3805; See footnote #2
3. noncommercial	x	x			Permitted if 35' or less; conditional if over 35'; See Section 3805; See footnote #2
Community Building			x		Accessory to residential development
Community Center		x			See footnote #2
Community Garden	x				See Section 3801
Concrete Batch Plant		x			See footnote #2
Construction Staging Area	x			x	On-site: Permitted, Off-site: Temporary; See footnote #2
Crematorium, Animal			x		Accessory to animal clinic/hospital/pound; minimum 20 acre lot required; See footnote #2
Crushing, Gravel/Rock		x			See footnote #2
Dude Ranch/Resort					See Section 3808; See footnote #2
1. medium scale		x			
2. small scale		x			
Firewood Split/Storage					See footnote #2
1. commercial		x			
2. private	x				
Fire Station		x			See footnote #2
Fish Farm		x			See footnote #2
Fish Hatchery		x			See footnote #2
Fur Farm		x			See footnote #2
Garage, Private			x		
Greenhouse, Commercial	x	x	x		Permitted 35 or more acres; Conditional on less than 35 acres; Accessory to nursery; See footnote #2
Heliport		x			See footnote #2
Helistop		x			See footnote #2
Home Occupation		x	x		See Section 3810
Kennel					See footnote #2
1. breeding		x			
2. boarding		x			
Library		x			See footnote #2
Museum		x			See footnote #2

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 12 – Development Review Procedures

12000: DEVELOPMENT REVIEW PROCEDURES

- A. **Procedures and Requirements:** As part of this Code, Summit County has established procedures and requirements for the review of development proposals, and for issuance of permits for the development and use of property. Such provisions are contained throughout this Code.
- B. **Basic Planning Processes:**
1. Summit County has the following six (6) basic types of development review processes:
 - a. Class 1 & 2: Planning Department review and action.
 - b. Class 3: Planning Commission and, in certain instances, Board of County Commissioner (“BOCC”) informal review and comment on proposed applications in the forum of a work session.
 - c. Class 4: Planning Commission, Board of Adjustment (“BOA”), or other Review Authority’s review and action.
 - d. Class 5: Planning Commission review and recommendation to the BOCC, followed by BOCC review and action.
 - e. Class 6: BOCC review and action.
 2. Each type of development review or planning application, as outlined in the relevant section of this Code, specifies which process shall be followed for the processing of applications. Any process outlined in other chapters of this Code and not referenced as subject to one of the development review processes outlined above is only subject to meeting those specific requirements and procedures contained in such relevant section.
- C. **Application of Development Review Processes:**
1. **Class 1: Planning Department Review and Action on Building Permits and ~~Short Term Vacation Rental~~ Related Permits:**
 - a. General Description: The Class 1 development review process is the administrative review process for building permits and other related permits per the applicable Building Code, and is designed to run concurrently with, and mesh with, the Building Department’s review of such permits. It is acknowledged that there may be unique situations where the Planning Department’s review of building permits as a Class 1 development review may take longer than the Building Department’s review based upon unique site considerations, such as but not limited to the presence of development constraints that pose a threat to the public health, safety or welfare. It is the goal of this process to have a seamless development review of building permit applications via the Class 1 development review process. The Class 1 development review process is designed to review ~~short term vacation rental permits, and~~ building permits for development review applications that may be administratively acted on, as well as building permits for projects that are required by the provisions of the Code to be first reviewed and approved by either the Planning Commission, BOA or the BOCC (e.g. Site plan review for multi-family project must first be reviewed and approved by a Planning Commission prior to the Planning Department reviewing the building permit).
 - b. Applicability: The Class 1 development review process shall be used for those development reviews identified as such in this Code, including but not limited to, the following types of applications:
 - i. Site plan review as required by Section 12600 et seq. for certain development that may be administratively reviewed and acted on by the Planning Department, including but not limited to single-family and duplex dwellings and permitted or accessory uses related thereto. If a Planning Commission site plan review is required either by a plat note, a Planned Unit Development (“PUD”) provision or some other legal mechanism, such applications shall instead follow the Class 4 development review process and such items shall be placed on the Planning Commission’s consent agenda.
 - ii. The Class 1 development review process is also the review process for building permits for projects that have been first reviewed and acted on by the Planning Department, Planning Commission, BOA or the BOCC.
 - iii. Small scale solar, small scale wind, and small scale wood burning energy systems as provided for in Section 3507 et seq.
 - iv. ~~Short term vacation rental permits as provided for in Section 3821 et seq.~~
 2. **Class 2: Planning Department Review and Action on Development Review Applications:**
 - a. General Description: The Class 2 development review process is the administrative development review process for development review applications that require more time than typically provided for during

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measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.

Sewage Treatment Plant: A facility designed to process and treat waste matter collected through a system of pipes, and the operation of the facility complies with State and Federal standards.

Shared Roadway: A roadway which is not officially designated and marked as a bicycle route, but which is open to both bicycle and motor vehicle travel as provided for by law. This may be an existing roadway, street with wide curb lanes or a road with paved shoulders.

Shared Use Path: A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way or recreational pathway easement. Shared use paths will also be used by pedestrians, skaters, wheelchairs, joggers and other non-motorized users.

Sheep: Animals of the domesticated species *Ovis aries* raised for its wool, edible flesh or skin.

Shooting Range: A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:

- a. **Public:** A shooting range which is open to the general public or to public safety personnel, and where a fee may or may not be charged for its use.
 - i. **Indoor:** A shooting range, which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
 - ii. **Outdoor:** A shooting range where part or all of the area used for firing practice is located outdoors.
- b. **Private:** A shooting range, which is for the personal use of the property owner or tenant residing on the property, family members or guests.

Shopping Center: See commercial center.

~~**Short term Rental:** The offering or reservation of a dwelling unit or lock-off or lodge room, either by a rental contract or other arrangement, for a period of less than six (6) months.~~

Short-term Vacation Rental Property / Short-term Rental: A short-term vacation rental property is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. ~~A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this code.~~

Shoulder: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for the lateral support of sub-base, base and surface courses.

Sidewalk: The portion of the street or highway right-of-way or recreational pathway easement designated for preferential or exclusive use by pedestrians.

Sight Triangle: See Section 5106.03.

Signed Shared Roadway (Signed Bike Route): A shared roadway that has been designated by signing as a preferred route for bicycle use.

Sign or Signage: Refer to the definitions contained in Chapter 9.

Significant Tree: Coniferous trees with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater.

Silviculture: The science and practice of controlling the establishment, growth, composition, health, and quality of