7.3.301: RESIDENTIAL USES

Review Criteria

A. Dwelling, Multi-family: In the OR and MX-N zone districts, this use is limited to no more than ten (10) dwelling units in a single structure.

B. Manufactured Home Park: This use is only permitted when included in a PDZ district meeting the requirements of Part 7.2.7 (Planned Development Zone District) approved by City Council pursuant to Section 7.5.704 (Zoning Map Amendment (Rezoning)).

C. Short Term Rental:

1. Purpose and Intent: The purpose and intent of the Short Term Rental Permit is to facilitate the permitting of Short Term Rental subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.

2. Permit Required:

a. A Short Term Rental may not operate without a Short Term Rental Permit from the City pursuant to Section 7.5.510 (Short Term Rental Permit).

b. It shall be unlawful for any person to operate any Short Term Rental without a valid Short Term Rental, as approved by the Manager.

c. The Short Term Rental Permit does not run with the property but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

d. The Short Term Rental Permit is valid for one (1) year from the date of issuance. The permit may be renewed for additional one (1) year periods.

3. General Standards and Review Criteria: A Short Term Rental shall comply with the following standards, which must be met at the time of permit application and at all times thereafter:

a. The sleeping quarters for Short Term Rental tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.) that do not contain finished living space; in commercial or industrial spaces such as retail stores or warehouses; outdoors (e.g., tent, etc.); or in a recreational vehicle.

b. The maximum number of units that may be used as Short Term Rental is as follows:

(1) For properties with up to four (4) dwelling units, one (1) unit within each lawful dwelling unit on a property, up to a maximum of four (4) Short Term Rentals per property.

(2) For multi-family buildings held in common ownership, each owner shall be limited to two (2) Short Term Rentals per property. Entities under common control shall be considered a single owner for the purpose of evaluating ownership of dwelling units.

c. The owner shall obtain a Sales Tax license from the City Sales Tax Office and shall not be indebted or obligated in any manner to the City.

d. The owner shall maintain weekly residential trash collection services and comply with Section 6.4.104 (Preparation for Collection) of this Code.

e. The owner shall maintain and provide proof of property liability insurance in the amount of not less than $500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the Short Term Rental. Proof of liability insurance is not required if Short Term Rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than $500,000 under terms acceptable to the Manager.

f. The owner shall not be classified as a repeat offender or a chronic repeat offender pursuant to Section 7.5.907 (Penalties) and shall not have had a Short Term Rental Permit revoked within the preceding two (2) years.

4. Location Requirements:

a. Except as provided in Subsection c below, no non-owner occupied Short Term Rental shall be located within five hundred (500) feet of another non-owner occupied Short Term Rental.

b. Except as provided in Subsection c below, no non-owner occupied Short Term Rental shall be located in the R-E, R-1 9, or R-1 6 zone districts or single-family PDZ districts.

c. Where an owner occupied Short Term Rental is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive the requirements in Subdivisions a and b above for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County.

5. Operating Requirements: All Short Term Rental owners and tenants shall comply with the following rules and regulations:

a. All short-term tenants shall comply with all applicable noise, housing, public health, fire, and safety ordinances of the City.

b. Parking in private driveways shall be used first, with overflow parking on the street where permitted. Parking on-site in non-driveway areas (i.e., front yard areas, parkways, and rear yards) shall be prohibited.

c. No meals shall be prepared for or served to the short-term tenants by the owner or the owner's agents.

d. Use of the Short Term Rental for any commercial or large social events or gatherings, such as weddings, is prohibited.

e. The Permit with all local contact information and emergency safety information shall be prominently displayed within the Short Term Rental.

f. The City issued Short Term Rental Permit number shall be used in all rental marketing materials.

g. During the term that a Short Term Rental is occupied by a short-term tenant, the owner or the local contact person designated by the owner shall be available at all times for the purpose of responding within one (1) hour

to complaints regarding the condition or operation of the Short Term Rental or the conduct of short-term tenants. If the local contact person designated by the owner changes, the owner shall update the permit on file within three (3) days.

h. Maximum overnight occupancy of a Short Term Rental shall be limited to two (2) occupants per bedroom, plus an additional two (2) occupants per dwelling unit. The maximum overnight occupancy per dwelling unit shall be fifteen (15) occupants.

D. Tiny House Community:

1. Project Size:

a. The minimum size of a Tiny House Community is twenty thousand (20,000) square feet and the maximum size is two (2) acres.

b. Minimum Lot Area/Dwelling Unit:

(1) Each Tiny House Community shall contain a defined area for the use of each dwelling unit.

(2) Each defined area for a Tiny House shall contain at least one thousand (1,000) square feet of land area or one-and-one half (1½) times the gross floor area of the Tiny House, whichever is larger.

c. No defined area for a Tiny House may contain any area within a 100-year floodplain, within a mapped geological hazard area where residential uses are restricted pursuant to Part 7.4.5 (Geological Hazards), where residential uses are restricted pursuant to Part 7.4.8 (Floodplains), or within a designated vehicle circulation route.

2. Density and Green Space:

a. Maximum residential density is twenty-five (25) Tiny Houses per acre.

b. A shared Green Space containing a minimum of ten (10) percent of the project area shall be provided.

3. Setbacks and Separation:

a. No designated area for a Tiny House shall be located within ten (10) feet of an adjacent Residential of Mixed-Use zone district or within twenty (20) feet of any public right-of-way adjacent to the project site.

b. No Tiny House may be located within ten (10) feet of another Tiny House, measured by the shortest distance between the two (2) Tiny Houses.

4. Maximum Building Height: The maximum height of a Tiny House and of any common area structure in a Tiny House Community is twenty (20) feet.

5. Installation: Each Tiny House shall be installed on a permanent foundation and shall be connected to City water, sewer, and electric utilities before occupancy for any period of time.

6. Landscaping, Buffering, and Screening:

a. Any area between individual areas designated for Tiny Houses and the side and rear lot lines of the Tiny House Community shall comply with Part 7.4.9(Landscaping and Green Space).

b. Laundry drying yards and outdoor storage yards shall be screened from view from any adjacent public right-of-way in compliance with Part 7.4.9 (Landscaping and Green Space).

7. Stormwater: Each Tiny House Community shall comply with Parts 7.4.6 (Grading and Erosion Control) and 7.4.7 (Stormwater).

8. Parking: Each Tiny House Community site shall contain one (1) parking space per designated Tiny House dwelling site, unless the Manager determines that some or all of such spaces are not necessary due to the intended use or operation of the Tiny House Community or restrictions on resident motor vehicle ownership contained in recorded covenants on the Tiny House Community property.

9. Access and Circulation:

a. A pedestrian path at least five (5) feet wide shall be provided from at least one (1) adjacent public street to each designated Tiny House site. Required paths may be located in public access easements, and each path shall confirm to the City's adopted pathway standards unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.

b. Any public and private streets within the Tiny House Community shall be designed and constructed to the City's adopted street standards and specification, unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.

c. Each Tiny House Community shall comply with all adopted standards for fire access required to protect each Tiny House.

10. Utility Easements: Each Tiny House Community shall comply with all adopted City standards for the location and width of utility easements unless the Colorado Springs Utilities Chief Executive Officer, City Engineer, Stormwater Enterprise Manager, or utility provider determines that due to anticipated low levels of utility use or the close proximity of designated Tiny House sites, utility easements of different sizes or in different locations will provide equivalent safety, durability, and opportunities for utility maintenance.

11. Accessory Structures:

a. Each Tiny Home Community may include up to two hundred (200) square feet per unit for accessory structures, including mail boxes, enclosed bike storage, laundry, groundskeeping, personal storage, or common rooms.

b. Personal storage space may be attached to the tiny home unit or configured as a single storage building for all residents.

c. If accessory structures for individual tiny homes are permitted, each such structure shall be located within the defined area for the tiny home to which it relates, as defined in Subsection 1.b(2) above.

d. These standards and limitations do not apply to gazebos or outdoor pavilion spaces provided for residents and guests of the Tiny Home Community.

12. Management: Applicants proposing a Tiny House shall enter into a development agreement with the City requiring the condominium or other property owner's association to maintain all streets, utilities, and infrastructure that are not dedicated to and accepted by the City.

E. Group Living Residence, Human Services Establishment, or Detoxification Center:

1. Separation Requirement:

a. No Group Living Residence Use or Detoxification Center shall be located within one thousand (1,000) feet of another Group Living Residence or Detoxification Center.

b. This spacing requirement shall not apply between two (2) establishments licensed by the State as assisted living.

2. District-Specific Use Limitations:

a. A Development Plan is required for a Human Services Establishment (Medium or Large only) use, including a Drug and Alcohol Treatment Facility, Family Care Home, Human Services Residence, Large Family Care Home, and a Residential Childcare Facility; or the following that house or are designed to accommodate more than eight (8) residents: a Hospice, a Human Services Facility, a Domestic Violence Safe House, a Family Support Residence, a Human Services Shelter, or a Detoxification Center use.

b. In the PDZ district, after October 1, 2012, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of the establishment of the zone district.

c. In the FBZ district, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of regulating plan approval.

3. Permit Requirements:

a. If an establishment requires an administrative permit prior to obtaining state licensing and meets the requirements for the permit, the Manager shall issue a provisional permit that allows occupancy of the establishment for six (6) months. The provisional permit shall become an administrative permit upon the award of the State license or may be renewed one time for a subsequent period of six (6) months.

b. If the use of an operation as authorized under the administrative permit is terminated, or if the operation is otherwise discontinued for a period of twelve (12)months, the administrative permit shall expire.

4. Review Criteria: Where these uses, excluding Human Services Establishments, small and medium, require approval of a Development Plan pursuant to Section7.5.515 (Development Plan) or a Conditional Use Permit pursuant to Section 7.5.601 (Conditional Use Permit), the criteria for approval shall include the following (in addition to the review criteria otherwise applicable to the type of approval being requested).

a. The site provides adequate space for active outdoor recreation, if needed.

b. The proposed site provides adequate space for passive outdoor recreation.

c. Recreation areas are located to minimize noise impacts on adjacent properties.

d. Landscaping, berms, fences, or walls are provided to buffer the site if needed.

e. Physical alterations to the exterior of the existing structure and landscaping and any signs are in keeping with the character of the neighborhood and kept to a minimum.

f. The establishment been designed and located to assure the security of the establishment itself, adjoining properties, and the neighborhood in general.

5. Domestic Violence Safe House Review Criteria and Requirements: An administrative permit shall be approved for a Domestic Violence Safe House if the following criteria are met:

a. An eligible operator of a Domestic Violence Safe House shall be an entity or corporation registered in the State of Colorado.

b. Upon receipt of the operator's mission statement and a request for an administrative permit, and any other information determined necessary by the Manager to ascertain the adequacy of a proposed location for a Domestic Violence Safe House, the Manager shall review the request pursuant to the applicable criteria in this Subsection 7.3.301E.5. There is no requirement for public notification or public hearing prior to the Manager's review or decision.

c. The Manager shall review the application and, within thirty (30) days after receipt of the completed request, issue a decision on the application.

d. The operator of a Domestic Violence Safe House that receives an administrative permit must pass a fire inspection prior to initiating operation of the safehouse.

e. The Manager and any other municipal employee or elected official who may become aware of the location of a Domestic Violence Safe House shall hold confidential the location of the Domestic Violence Safe House.

f. Information and documents pertaining to a Domestic Violence Safe House may only be released to the City Attorney, the Fire Chief, and the Police Chief. This information and documentation shall not be disseminated further to City personnel or other governmental personnel except by joint determination and concurrence of the Mayor, City Attorney, and Police Chief, or by court order. For purposes of this Subsection 7.3.301E.5, "court" means a court with competent jurisdiction over the City. (Ord. 23-03)