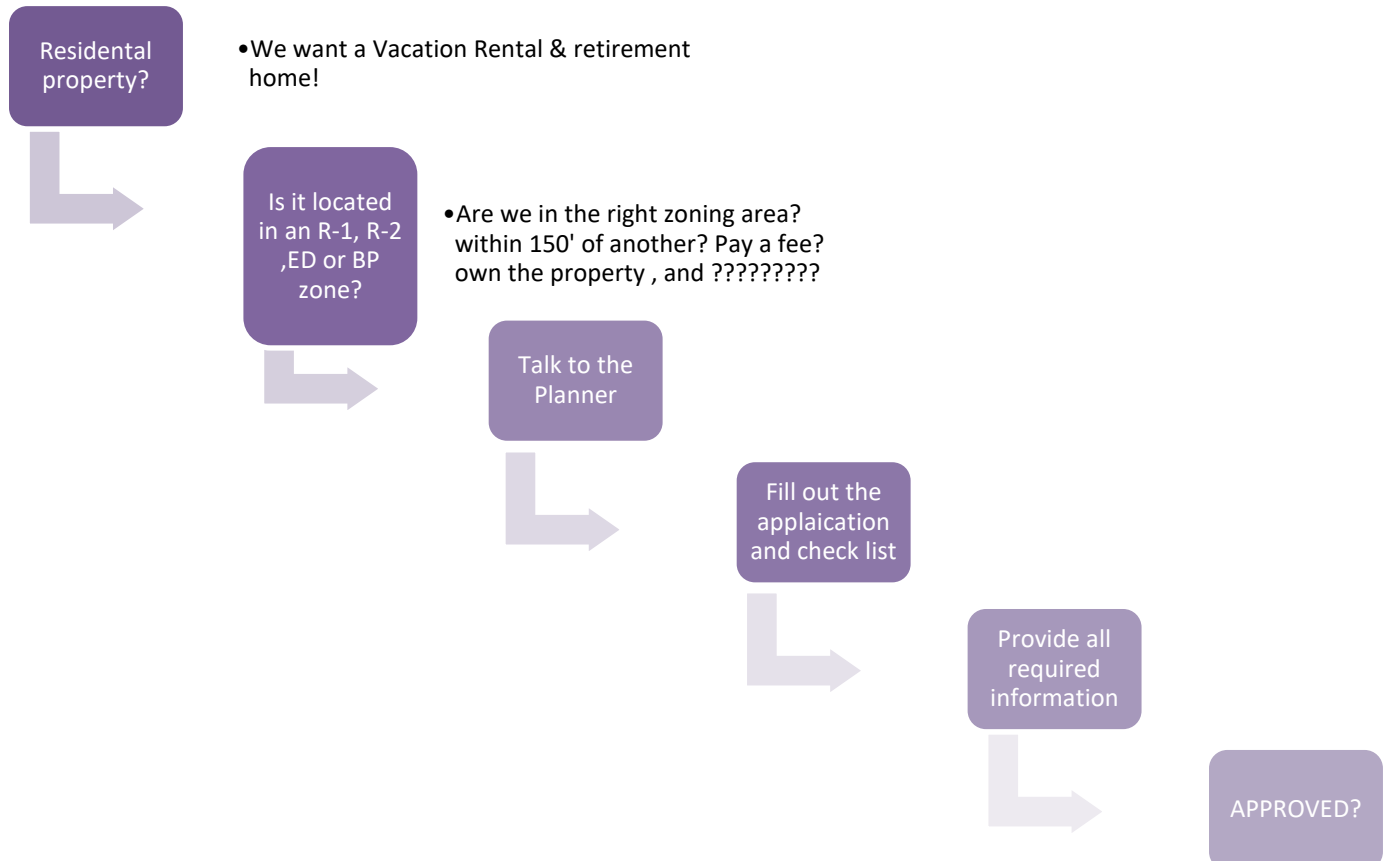




Vacation Rental Information Packet

- Application & Check List
- Administrative Review
- Vacation Rental Q & A
- Ordinance 2017- 09 “Vacation Rentals”

AN ORDINANCE CLARIFYING AND RE-ESTABLISHING MUNICIPAL REGULATIONS CONCERNING THE USE OF RESIDENTIAL PROPERTY AS VACATION RENTALS WITHIN RESIDENTIAL ZONES, FOR THE PURPOSE OF PRESERVING THE INTENDED NATURE OF RESIDENTIAL ZONE PROTECTIONS AND CLARIFYING USE BY RIGHT WITHIN BP (BUSINESS PEDESTRIAN ZONE) WITH PROVISIONS FOR VACATION RENTALS WITHIN THE ED (ECONOMIC DEVELOPMENT ZONE)





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NAME (or proposed name) OF VACATION RENTAL PROPERTY _____

VACATION RENTAL ADDRESS _____

LEGAL DESCRIPTION LOT NO.(S) _____ BLOCK _____ ADDITION _____

ZONING DISTRICT (CIRCLE) **BP** Business Pedestrian **R-1** Single Family, **R-2** Multi Family, **ED** Economic Development

Is the property currently a Vacation Rental YES NO *(note: vacation rental licenses are nontransferable)*

Note availability of potential Vacation Rentals in R-1, R-2 and ED zones with limits of 12 each zone. NO waiting list will be maintained. Vacation Rentals in BA Business Auto and R-1A (one grandfathered) zoning districts are not allowed.

NAME OF PROPERTY OWNER / APPLICANT _____ PHONE ____ - ____

NAME OF PROPERTY OWNER / APPLICANT _____ PHONE ____ - ____

ENTITY (Trust, LLC, etc.) if applicable _____

MAILING ADDRESS _____ EMAIL _____

Circle YES to acknowledge the following:

Has the NONREFUNDABLE FEE of \$1,000 been paid? Yes

Have all provisions of Ordinance No. 2017-09 been read, acknowledged and understood? Yes

Have all questions been addressed and provided in the following applicant check list? Yes

Have all required attachments and mapping be provided? Yes

Are the stamped and addressed envelopes for the 300 foot radius notifications been provided? R-Zones only Yes

All information submitted is known to be accurate as submitted by applicant:

SIGNATURE OF APPLICANT _____ DATE ____/____/____

SIGNATURE OF APPLICANT _____ DATE ____/____/____

APPLICANT CHECK LIST

Circle Yes as acknowledgement of compliance on following pages



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Application Procedure: have you made an appointment with the Planning Director to ask questions, review your preliminary application or your final application? **Yes?**

Lisa Adair
Planning Director
PO Box 250
1360 Greene St Silverton, Co 81433
970-387-5522 X 7

ORDINANCE’S PURPOSE ACKNOWLEDGED:

(..... to preserve the character and ambience of Silverton’s neighborhoods.....)? **Yes**

DEFINITION: Does your property meet the definition of a residential dwelling and taxed as such? **Yes**

ZONING DISTRICT: **BP** or **R-1** or **R-2** or **ED (Not allowed in BA or R-1A)**

Is your proposed vacation rental within a 150 radius of an existing Vacation Rental in an R-1, R-2 or ED zoning district?

NO **if YES – The proposed vacation rental is not allowed, unless a BP vacation rental is adjacent.**

Acknowledge: requirements of Appearance, Parking and Signage? **Yes**

Project Narrative: complete, and shall address all aspects and requirements? **Yes**

Mapping: Vicinity map, Neighborhood Context, 150’ adjacency clearance, 300-foot notification, Site Plan, Parking, Existing Floor(s) Plan, Floor Plan Changes, etc. **Yes?**

Adjacent Property Owner List: 300-foot neighbor notification list & stamped envelopes (Name, Address, PO Box) **-Not required for BP or ED zones but required for residential zones.** **Yes?**

Proof of Ownership: **Yes?**

Proof of Insurance: Proof of, or ability to obtain property & liability insurance for Vacation Rental **Yes?**

PROPERTY MANAGEMENT: All must live & respond within 15 minutes of vacation rental, as applicable with Management Structure in place, back up, with all restriction and requirements acknowledged. **Yes?**

OWNER/APPLICANT (listed above) as Property Manager? **YES** **NO** Alternate phone # ____ - ____

PROPERTY MANAGERS – Primary and Secondary **both required below for complete application:**

PROPERTY MANAGEMENT’S, Company Name _____ PHONE ____ - _____

PROPERTY MANAGER’S NAME _____ Alternate phone # (cell) ____ - _____

MAILING ADDRESS _____ EMAIL _____



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SECONDARY (ALTERNATE) PROPERTY MANAGEMENT'S **Required!** Company Name _____

PHONE ____ - _____ EMAIL _____

PROPERTY MANAGER'S NAME _____ Alternate phone # (cell) ____ - _____

MAILING ADDRESS _____ EMAIL _____

Operation:

WILL THIS VACATION RENTAL BE YEAR-ROUND? YES NO - DATE TO BEGIN OPERATION ____ / ____ / ____

Guest Requirements: Have procedures been set up for: guest registration, occupancy numbers, tenancy, notifications, behavior, enforcement and penalties with proper posting and guest binder? **Yes**

Safety & Inspection: Have all safety provisions been provided and installed? Has an appointment been made to have the rental inspected? (970) 387-5522 x 104 **Yes?** Has a formal inspection by the Code Enforcement/Building – Fire inspector of Silverton been performed and received approval? **Yes**

Additional Fees: Have required building permits been purchased if required? Has the New Business license of \$175 been purchased (or will be) for the operation of the approved Vacation Rental permit? Have all fees, lodging (state tax & local fee) been setup and secured for payment **Yes?**

Staff Use Only ----- Staff Use Only ----- Staff Use Only

FEE- new \$1,000 - PAYMENT RECEIVED BY: _____ DATE ____ / ____ / ____

CODE ENFORCEMENT/BUILDING & FIRE INSPECTOR: Inspection conducted / / Approved: Initial _____

PLANNING DIRECTOR:

Planning Director's administrative compliance review received: Initial _____

Approved? ____ Conditions? ____ Applicants acceptance of conditions: ____ / ____ / ____

Planning Director's Approval - YES Initial _____

Applicant requests review by Planning Commission of conditions imposed by planner: NO YES then

Signature _____ Date ____ / ____ / ____

Planning Director's acknowledgement & incorporation of Planning Commission recommendations: Initial _____

Applicant appeal to Trustees: Signature _____ Date ____ / ____ / ____

Planning Director's Approval - YES NO Initial _____

Planning Director's process of review, actions and appeal detailed on following page



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STAFF USE ONLY ----- PLANNING DIRECTOR'S REVIEW ----- STAFF USE ONLY

ADMINISTRATIVE REVIEW - APPROVED: YES NO

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ACTION TAKEN AFTER ADMINISTRATIVE REVIEW:

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PLANNING COMMISION REVIEW - RECOMMENDATION:

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FINAL ADMINISTRATIVE REVIEW - APPROVED: YES NO

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APPEAL TO TOWN TRUSTEES – ACTION TAKEN:

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Silverton

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Administrative Review – Vacation Rental

Lisa Adair, Silverton Planning Director

RE: Vacation Rental Application, Inspection and Renewal Requirements

All “Vacation Rental” applications, inspections and renewals shall comply with the terms and requirements of Ordinance 2017-09, Town of Silverton, Colorado.

NOTE: Complete applications and current information are required for all new and current Vacation Rentals.

Clarifications and supplemental information is often required for the Town Planner to complete administrative review. Administrative reviews will be conducted to determine the completeness of the application with all Planning Director requested information provided and adequately addressed and answered by the applicant. All applications that include added conditions imposed by the Planner can be forwarded to the Planning Commission for consideration, modification, approval or rejection (see ordinance application procedure).

It is important to stress why the submission requirements are to be fully considered and complete. ***The purpose of the vacation rental permit is the preserve and strengthen the character and ambience of Silverton neighborhoods and minimize the negative impacts attributed to vacation rentals and ensure compatibility.*** An applicant must mitigate issues arising from renting a single-family home or multi-family home within a residential zone designation (and allowed in other zones per ordinance). This mitigation includes but is not limited to regulating guest turnover rates, occupancy levels, and health and safety requirements, parking availability, noise and as the overriding issue greatly limiting impacts to the neighboring properties and the residential neighborhood as a whole.

Section 4 of the Ordinance “Application Requirements” project narrative must be complete and address all requirements. The narrative must include information that is also provided on the application form; everything called for in the application form should also be touched upon in the narrative. Your narrative should include: the property address, legal location, dwelling type (single family, duplex, etc.), size, current number of bedrooms and baths, and most importantly the intended use and how the property will be managed to mitigate adverse impacts to the single & multi-family zone and/or other zones that you are planning for your vacation rental. Please expand the narrative to make sure that specific noted items are addressed with additional paragraphs that reflect the requirements of the ordinance. *An example would be any changes to the existing number of bedrooms for example, where you would state this in the narrative, additional page(s), as well as in the floor plans.*

Within the narrative or within the submission please acknowledge and clearly describe your vacation rental’s compliance with: appearance, parking, signage, inspections, fees, violations of use by the tenant and/or owner violations that are all reasons for termination and revocation of the Vacation Rental license & permit.

The application shall include mapping to confirm compliance with the ordinance. This includes but is not limited to: the context of the neighborhood, identification of streets, alleys and roads and adjacencies to neighboring properties and



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the requirements of notification of neighboring property owners. All mapping and plans are to be provided in a relatable scale, such as a google earth image with a graphic scale. The vicinity map can be very simple. The contextual map (google earth image is acceptable) shall be more specific to the Addition and/or adjacent blocks that surround the proposed Vacation Rental; this map defines the context of your neighborhood. The context map (earth view) can also include the 150-foot adjacency clearance between vacation rentals (see ordinance) In addition there is a 300' neighbor notification area, drawn as a radius of 300 feet distance away from the center point of the property of the proposed vacation rental on same of separate maps. These to scale map(s) confirm the separation between vacation rentals and neighbor notification requirement. Please note the neighbor's names on this map or another same scale map for readability. This map matches the listed neighbors you provided the addressed envelopes for. This may also be a good map to note the availability of street parking. All of this information is not only needed for the Planner's review but also for the Planning Commissioner's review where appropriate. The Planner will provide the content letter for the envelopes provided by the applicant (addressed and stamped with first class).

The site plan should be to scale as well, may I recommend a Google earth image as the base (provide the google image, not modified) and then trace over this image noting all site features. These features will include but are not limited to the existing home, garage, shed(s), deck, walks, trash bin, propane (above ground or buried noted, indicated fencing/screening (new or existing), snow storage and parking (on site) and any other relevant site features with these items notated. If there will be changes or additions to the site clearly note these on this site plan or provide an additional site plan with changes.

Provided floor plans (all floors), they must be clear and indicate if it is the existing plan or the proposed floor plan for the vacation rental. It is essential that if any changes are being made that an existing plan and proposed plan with changes be provided. This plan does not need to be professionally drawn but needs to be drawn to a relative scale (I recommend sketching it on a grid paper and assigning a scale to each grid (i.e. each grid = 2 feet). The plan(s) shall indicate all room names and use on the floor plan, noting current room usage and any new usage.

Proof of ownership of the Vacation Rental shall be provided. The insurance coverage requirement shall have specific provisions for vacation rental purposes. It is acknowledged that it is not always possible to provide this coverage until you are approved, but the confirmation of vacation rental coverage must be obtained prior to occupancy. Please provide some documentation regarding the availability of Vacation Rental coverage that meets the ordinance described terms. If your permit application is approved by the Planning Commission you will need this coverage prior to the issuance of a permit. *It should be noted that insurance companies will deny claims for partial and total loss if the policy does not include specific Vacation Rental provisions.*

Inspections – A code and fire inspection by certified Town Staff is required prior to operation.

Registration - Guest Registry for all new and existing Vacation Rentals: As a matter of policy and ordinance the Town of Silverton can require updated guest registration for each change in rental tenancy. This provision is in Section 5 Owner Restrictions and Requirements. The Town of Silverton may request a copy of each new entry in the guest registry upon



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each change in tenancy. Each new registry entry shall at a minimum include: The name and address of the person(s) that has contracted for the Vacation Rental, the number of occupants and the dates of tenancy. NOTE: *A new registry for each new tenancy may be requested by the Town of Silverton’s Code Enforcement Officer when a property is being investigated for tenancy and other violation.*

It is recommended that a registry form/page be provided for each new tenancy or a clearly organized spreadsheet. For each new registry please provide the “name” of the Rental (how the Vacation Rental is advertised) and the physical address of the Vacation Rental, the name and address of the property owner, the name and address of the contact person (property owner or designated property manager & alternate) within 15 minutes of the Vacation Rental & an alternate if the primary contact is unavailable. The guest registry shall be updated for each change in tenancy and shall be available at the initial occupancy by the renter(s). The registry (supplemental information if provided) is necessary in order to evaluate compliance with the Vacation Rental ordinance and to fully address issues and problems that are occurring with the current usage of single family and multiple family homes as vacation rentals with a residential zone. The purpose of the permitting process, inspections, monitoring is to ensure that the approval of a vacation rental permit will: **protect the public’s interest and safety and preserve and strengthen the character and ambience of Silverton neighborhoods and minimize the negative impacts attributed to vacation rentals and ensure compatibility.**

Guest Information Binder & Posting: Please provide the Planning Director and the Code Enforcement Officer each with a copy of the “Information Binder” and “Posting”. These documents are to be provided to the Town of Silverton and placed on file for new applications and existing rental inspections and also placed and/or posted in a prominent location at the Vacation Rental. This requirement is called out in section 6 Standards, a requirement for tenant occupancy edification. It is necessary that all required information be provided for the Planners administrative review, inspections and renewals. The binder/posting shall be in compliance with all provisions of section 6, of the ordinance and includes but is not limited to the contact person and provisions, change of contact or alternative contact if not within 15-minute time provision to answer complaints, and all required information for usage of the home and Town of Silverton requirement as the “guest information binder”. Providing this information fully indicates full acknowledgement and understanding of the requirements of the ordinance.

“Management Plan”: It is recommended that a management plan be developed for the owner’s and guests benefit. A plan would outline how and owner intends to have the property managed and would assure the community that you intend to mitigate all issues and impacts arising from the use of the home as a vacation rental. This mitigation includes your policy for guest qualification, occupancy levels, guest turn-over rates, health and safety requirements (trash, fire exiting provisions, exit posting, etc.), quiet hours -noise provisions (limiting # of non-rental guests or non-allowance), parking for street and on site and a full understanding and tracking of snow “red alert” provisions and a requirement to down-load notification app. By preparing the management plan the owner and/or the property manager will be able to generate applicable rules for the use of their property. These guest usage rules would be appropriately placed within the “guest information binder” and “posting”.

Lisa Adair, Planning Director, Silverton/San Juan County, Colorado ladair@silverton.co.us 970-387-5522 x.7



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Vacation Rental Q & A

Why did it take from 2012 to 2017 and 10 ordinances to get this vacation rental thing right?

Despite the passage of time, multiple ordinance revisions, moratoriums, public anxiety, political unrest and the apparent lack of progress this was not a negative. The effort was a process of public input and revisions to get it right. Actually the Town of Silverton is far ahead of other Colorado communities in striking a balance between vacation rentals while still maintaining residential neighborhoods and a housing stock for its residents.

As with all planning efforts significant time and consternation was undertaken to consider all possibilities. The Town's vacation rental ordinance is no exception, it has been revised and clarified and is now applicable in this 2017 version. It has taken staff, elected official's effort and multiple revisions along with much needed input and involvement from the public to end up with this product. A considerable thanks goes to all those vacation rental owners and their managers in providing this service that is important to the community's economy and upholding provisions that protect our visitors.

Why should fire extinguishers and emergency exiting be located on a floor plan and posted?

When you are on an airplane you never listen to the emergency lecture, but when you are landing in the Hudson River with Captain Sully you are really thinking about where are those emergency exits and those flotation devices. A posted floor plan protects the vacation rental owner and their renters. The location of the exits and the fire extinguisher(s) may be obvious, but in the time of an emergency they may be forgotten in a panic. So, when a renter first enters the home and looks at the plan and reads the posting the tenant will have it in the back of their mind where to exit or where to grasp the extinguisher for a grease fire.

Why do I have to wall post certain information, it is in the binder and is that not excessive?

It is good policy to inform your rental guests of the snow removal/vehicle moving requirements prior to getting a ticket or a tow. It is also prudent to not invite the Sheriff for a visit of an OHV route violation or other law infraction. Everyone has house rules and so does the Town. Post the "Red Alert" smart phone sign-up and note the OHV route map and rules that are in your binder.

Why is it necessary to have the "procedures for use of appliances and heating in the binder? What are "appliances"? Are toasters, coffee makers, a blender an appliance?

Have you read the safety requirements for the new high-speed supper blenders? Not a toy! Depending upon the age of your appliances there is plenty of opportunity for failure or injury. In particular regarding your heating, the potential for structural fire or carbon monoxide is a concern with each unique heater, wood stove, fireplace, and is the reason the ordinance stresses the requirement of a CO/smoke detector(s). Again, you are protecting the guest and the structure from an incident and loss of your property or law suit.



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Self-regulating tenant behavior, what is this all about? What is an infraction, how is it proven and what is a "substantial penalty"?

The self-regulating of guests was fully discussed during the public hearings, some involved wanted a “3-strikes and you are out” provision. It was felt it was best to pass “tenant conduct” onto the owner and/or property manager. Infractions are “documented” with police reports or a letter from a neighbor, signed, and substantiated by Town staff. When vacation rental owners impose penalties against a problem renter that action shows that you are self-regulating your vacation rental. With self-regulation it is business as usual without Town interference.

Public laws?

You have heard of “ignorance of the law is no excuse”. There are laws both applicable to the home owner as well as a renter. Most laws are in place to protect the public’s welfare. Other laws control uses in a community such as zoning or OHV routes. There are State laws such as requiring vacation rental owners to track and pay lodging tax and the local lodging fee, Town Ordinances, Building Code and Fire Protection and Law Enforcement requirements are LAWS. It is simply good business to inform your vacation rental tenants of all the applicable laws and that you are looking out for their best interests in following requirements that protect them. Vacation rental owners and/or their managers should refer to our Town’s web site or come in and talk to Town staff or the Planner regarding a matter that is not clear and is possibly relevant.

Property and liability insurance for a vacation rental, why is the town concerned about this?

The main reason this was added to vacation rental permitting was to protect the vacation rental owner, without insurance with specific coverage for a vacation rental a property loss claim will be denied. The requirement also protects the adjacent property owner(s). Silverton is a historic old town with many homes in close proximity to each other. With both liability and property insurance there is an obligation to comply with basic requirements in keeping the home in good condition, noting that the home is insurable as a vacation rental and has been reviewed by the insurance provider as well as the Town’s fire/code inspector.

What was wrong with the 2016 Ordinance, and why did this Planner bring this up again?

As most Silvertonians are aware the vacation rental ordinance went through multiple iterations and moratoriums and public hearings and processes. As such the document got mixed up and confused in the previous forms. Considerable effort was undertaken by the new Planner to reorganize sections within the document and place requirements in the appropriate sections. Some important positive changes were introduced with the participation by the general public along with vacation rental owners themselves. Please go to the Silverton Town web site for the now adopted vacation rental ordinance 2017-09 along with application forms for new vacation rentals and renewals. As always Town Staff and in particular the Planner is here to guide you through the process.



What are the changes, reorganization and clarification with the ordinance?

NOTES:

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