

**ORDINANCE – 170 – EMPIRE LAND USE AND DEVELOPMENT CODE**  
**AS AMENDED REGULATING SHORT TERM RENTALS WITHIN THE**  
**LIMITS OF THE TOWN OF EMPIRE**

**Whereas**, in November of 2007, the Empire Board of Trustees passed a revised version of Ordinance 170 – regulating land use and development within the Town of Empire.

**Whereas**, there is a need to revise the ordinance as new situations and circumstances arise which are not adequately addressed.

**Whereas**, the Empire Planning Commission believes short-term rentals bring revenue to the Town; and

**Whereas**, the Empire Planning Commission believes the Town of Empire should preserve the residential base by limiting the number of short-term rentals while still allowing expansion as the residential base expands; and

**Whereas**, the Empire Planning Commission believes people should be allowed reasonable use of their property as long as the negative impacts to the surrounding community are minimal; and

**Whereas**, the Empire Board of Trustees desires to amend Ordinance 170 consistent with the recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Empire, State of Colorado, that Ordinance 170 be amended to read as follows:**

**5. Renting of Rooms**

- 5.1 The renting of rooms to persons, not members of the family residing in the same dwelling unit, may be permitted as an accessory use, provided that the following conditions are met:
  - 5.1.1 The total number of unrelated persons, including renters in any one dwelling unit must not exceed three.
  - 5.1.2 The dwelling unit must have only one electric meter.
  - 5.1.3 Where the renting of rooms is to two renters, at least one off-street parking space must be provided, in addition to the number of such spaces required by this ordinance.
  - 5.1.4 All renters shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.
  - 5.1.5 Renting of rooms shall be allowed as an accessory use in the principal building on a lot only, with no renting of rooms allowed in accessory buildings.

5.1.6 Short-Term Rentals of rooms (thirty days or less) is only allowed with the following requirements:

- a) A current business license.
- b) Adequate Parking as required by Article VIII, Section 2.
- c) A Conditional Use Permit as described in Article V Section 8. Of this ordinance.

Only 5% of residential units in Zoning R-1 and R-2 will be allowed permits for a short-term rental, rounded down, based on the current total number of residential units in Zoning R-1 and R-2.

- d) Collection of required sales and lodging tax.
- e) A list of rules posted in a conspicuous place inside the rental.
- f) An affidavit on file attesting to adequate insurance and the safety of the rental.

**INTRODUCED, READ AND PASSED ON FIRST READING** at a Regular Meeting of the Board of Trustees of the Town of Empire, Colorado, held on the 20<sup>th</sup> day of April 2021.

**CONTINUED** at a Regular Meeting of the Board of Trustees of the Town of Empire, Colorado, held on the 25<sup>th</sup> day of May 2021.

**PUBLIC HEARING** held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED, ADOPTED AND APPROVED**, on second reading and following public hearing, by the Board of Trustees of the Town of Empire, Colorado, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTESTED AND CERTIFIED:

\_\_\_\_\_  
Town Clerk