

**TEXT AMENDMENT TO CHAPTER 16, LOS ALAMOS COUNTY
DEVELOPMENT CODE SECTION...**

ARTICLE III. – USE REGULATIONS DIVISION 1. PERMITTED USES

TABLE 26: PERMITTED USE TABLE																						
	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD	
RESIDENTIAL USES																						
Household Living	Dwellings, Single-family					P	P	P	P	P	P	P	P									
	Dwellings, Cottage development					C	C	C		P	P	P	P	P								<u>Sec. 16-15(a)</u>
	Dwelling, Manufactured Home					P	P	P	P	P	P	P	P	P								
	Dwelling, Mobile Home							P														
	Dwelling, Duplex									P	P	P	P	P	P							
	Dwelling, Triplex									P	P	P	P	P	P							
	Dwelling, Fourplex									P	P	P	P	P	P							
	Dwelling, Townhouse									P	P	P	P	P	P	P			-			<u>Sec. 16-15(b)</u>
	Dwelling, Live/Work									C	C	P	P	P	P	P	P					<u>Sec. 16-15(c)</u>
	Dwelling, Co-Housing Development										P	P	P	P	P	P	P					<u>Sec. 16-15(d)</u>
	Dwelling, Multiple-Family										P	P	P	P	P	P	P					<u>Sec. 16-15(e)</u>
Dwelling, Short-Term						P	P	P	P	P	C	C	C	C	C	C					<u>Sec. 16-15(i)</u>	
Congregate Living	Assisted Care Facility					C	C	C	C		C	C	P	P	P	P				C		<u>Sec. 16-15(f)</u>
	Dormitory									C	C	C	P	P	P	P	C			C		
	Group Care Facility					P	P	P	P	P	P	P	P	P	P	P						<u>Sec. 16-15(q)</u>
	Group Residential Facility					P	P	P	P	P	P	P	P	P	P	P						<u>Sec. 16-15(h)</u>

DIVISION 2. USE-SPECIFIC STANDARDS

Sec. 16-15 RESIDENTIAL USES

Sec. XX-001 - Purpose and Intent of Article

This section shall be known as the Short-Term Rental Unit Ordinance. The purposes of the Short-Term Rental Unit Ordinance are the following:

- (a) This Use must comply with all applicable local, State, and Federal regulations and licensing.
- (b) This use must ensure that the operation of short-term rental units does not disrupt the character of the county's residential neighborhoods or affect the quality of life of neighboring residents;
- (c) to prevent speculators from purchasing multiple homes for the purpose of operating multiple short-term rental units, thereby reducing the availability of long-term housing;
- (d) to allow residents who comply with the county's short-term rental unit regulations the option of utilizing their homes and accessory dwelling units as short-term rental units to create wealth and generate supplemental income;
- (e) to minimize public safety risks associated with short-term rental units , such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and
- (f) to ensure that an owner or operator of a short-term rental unit follows applicable regulations, including the payment of all applicable fees and taxes.

Sec. XX-002 - General Provisions

Unless otherwise stated, the following general provisions apply to all short-term rental units.

- (a) A short-term rental unit must have a valid county-issued business license and, if applicable, and county-issued short-term rental permit.
- (b) A short-term rental unit must have a local operator that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the short-term rental unit. The operator must be accessible by telephone and able to be physically present at the short-term rental unit within one (1) hour of being contacted.
- (c) An owner of a short-term rental unit shall provide off-street parking on site as follows:
 - (1) one (1) bedroom, one (1) parking space; and
 - (2) two (2) or more bedrooms, two (2) parking spaces.
- (d) If a short-term rental occupies only part of a property on which other uses are located, required parking must be calculated separately for the other use and the short-term rental.
- (e) A short-term rental unit must meet all applicable building, fire, and safety codes.
- (f) Prior to issuance of a permit, a short-term rental unit must have a certificate of occupancy to ensure compliance with all applicable codes.
- (g) At or before the time of application for a permit, the owner of a short-term rental unit must also apply for and obtain a business license under Secs. 12-33 through 12-35 of this Code.
- (h) An owner or operator shall not allow guests to park recreational vehicles on site or on the street.
- (i) Short-term rental units located on residentially zoned property shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature.
- (j) [All short-term rentals must comply with the Division 2. Base Zone District standards as listed in Sec. 16-5 Residential Zone District; Sec. 16-6 Mixed-Use Zone District; or Sec. 16-7 Non-Residential Zone District. \(are these being allowed in non-res?\)](#)

- (k) Article III. Use Regulations Division 1. Permitted Uses: Table 26: Permitted Use Table should have STR added to all sections where it is going to be allowed: Add line for STR under Residential Uses – Household Living; add line under Commercial Uses in the “Lodging” section; and add line under Accessory Uses
- (l) Division 2. Use-Specific Standards are divided into Sec. 16-15 Residential Uses; Sec. 16-16 Commercial Uses (16-16(b) is Bed and Breakfast); and Sec. 16-18 Accessory Uses. The use of Short-Term Rental should fall in one or both of these sections with the full text description of how the use should conform.
- (m) For the purposes of this section, a guest refers to an individual of the age 18 years or older. The total number of guests that may occupy a short-term rental unit is twice the number of bedrooms.
- (n) Noise or other disturbance emitted from a short-term rental unit is prohibited from 9:00 p.m. to 7:00 a.m. as set forth in article III, chapter 18 of this Code, including noise or disturbances emitted from decks, portals, porches, balconies, or patios.
- (o) The owner or operator of a short-term rental unit shall notify all guests in writing of relevant county ordinances, including the county’s nuisance ordinances. Relevant county ordinances should be posted in a conspicuous place within the short-term rental unit. All guests shall comply with all relevant county ordinances.
- (p) The owner shall pay all applicable local, state, and federal taxes, including lodgers’ tax, gross receipts tax, and income tax.
- (q) Failure to comply with the provisions of this Article will result in penalties pursuant to Sec. XX-003 of the code.

Sec. XX-003 - Violations of this Article

- (a) Short-term rentals operating without the required permits or registration as described in Secs. XX-004-006 shall be penalized pursuant to Sec. 16.85 of this code.
- (b) For all other violations of this Article, County Code Enforcement Officers will deliver written warnings in response to substantiated violations of this Chapter for the first two violations (in a calendar year?). Upon a third substantiated violation, the county will initiate proceedings to revoke the business license and, if applicable, short-term rental permit, pursuant to Sec. XX-004 and Chapter 1, Sec. 1-10 of this code.

Sec. XX-004 - Short-Term Rental Permit and Business License

- (a) An owner of a short-term rental unit must have a short-term rental permit and/or county-issued business license, as set forth in subsections [STR Ordinance] (XX-005) and (XX-006) of this code.
- (b) An owner or operator shall not operate, rent, offer to rent, or advertise a short-term rental unit without a valid permit.
- (c) A county-issued permit number must be included in all advertising of a short-term rental unit, including listings on a host platform.
- (d) The County may revoke a permit or license for continuing violations, as described [Sec XX-003] of this code, after a hearing before the county council, pursuant to Chapter 1, Sec. 1-10 of this code.

Sec. XX-005 - Permit, When Residentially Zoned Property

- (a) Permit. A short-term rental unit on residentially zoned property requires a county-issued permit. And business license?
- (b) Fifty (50) Permit Limit. The community development director shall issue a maximum of fifty (50) short-term rental permits. The community development department shall process applications in the order of receipt and shall issue new permits or renew permits in the order that complete applications for new permits or permit renewal are received. If the number of permits reaches the

fifty (50)-permit limit, then the community development department shall stop processing applications and shall add applicants to a waiting list until a permit becomes available.

- (c) One (1) Permit per Natural Person Limit. The community development director shall issue permits to natural persons only, and each natural person may possess a maximum of one (1) permit. If the subject property is owned by a legal or business entity, the permit must be held in the name of a person with legal authority to act on behalf of that entity.
- (d) Permit Not Transferrable. Any permit issued shall not be transferable to any other person or entity or to any other location. Per Sec. 12-33(f) of this code, any business license or business registration issued shall not be transferable to any other person or entity or to any other location.
- (e) Frequency of Rental. A permitted short-term rental unit shall not be rented more than once within a seven (7)-day period. The limitation set forth in this subparagraph shall not apply to rentals that begin between November 15 and January 15.
- (f) Proximity. Subject to the exceptions listed below, the community development director shall not issue a new permit for a short-term rental unit if the subject property, as identified in the application, is located within a fifty (50)-foot radius of a residentially zoned property that has a permitted short-term rental unit. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:
 - (1) an application for a short-term rental unit that complies with the requirements set forth in the accessory dwelling units ordinance, subsection XX [Accessory Structures];
 - (2) an application for a short-term rental unit in a multiple-family dwelling development that contains four (4) or more dwelling units , provided, however, that the community development director shall not issue short-term rental permits for more than twenty-five (25%) of such dwelling units , rounded down to the nearest whole number, and shall not issue more than twelve (12) short-term rental permits within a single building within a multiple-family dwelling development.

Sec. XX-006 - Permit, When Non-Residentially Zoned Property

- (a) A short-term rental unit on non-residentially zoned property requires a county issued business license as set forth in Sec. 12-33 through Sec.12-35 of this code.
- (b) Proximity. The community development director shall not issue more than twelve (12) short-term rental registrations within a single building within a multiple-family dwelling development.

Sec. XX-007 - Application for a Short-Term Rental Permit

An applicant shall submit an application for a short-term rental permit that includes the following information and documentation:

- (a) the name and phone number of the local operator, and, if different from the owner, some person who is available twenty-four hours a day, seven days per week; to respond to emergencies or complaints regarding the short-term rental unit in question, as described in Sec. XX-002(a).
- (b) proof of adequate fire, property, general liability insurance (or short-term rental insurance coverage) with minimum liability limits of at least one million dollars,
- (c) owner and operator, affirming that they will operate the short-term rental unit in compliance with this subsection [STR Ordinance] and all other applicable laws, county codes, and private covenants; and that no private covenants prohibit the operation of the short-term rental unit; and
- (d) additional information, documentation, and submittals as required by the community development director.
- (e) Applications for permits are accepted on a first-come-first-served basis.
- (f) Requirements for applications for permit renewal are described in Sec. XX-008.

Sec. XX-008 - Permit Renewals

- (a) Unless revoked pursuant to Sec. XX-004 of this code, an owner may renew a short-term rental permit annually.
- (b) An application filed on or after January 1, 2024 for renewal of a permit shall include the records required by subparagraph [STR Ordinance](XX-0XX) for the previous one (1) year.
- (c) Permit renewals are granted on a first-come-first-served basis
- (d) An owner must renew a short-term rental permit and the associated business license by March 15 of each year. If a permit is not renewed by March 15, the owner may pay a late fee of fifty dollars (\$50) to extend the time for filing to renew to April 15. If a permit is not renewed by its expiration date, including any thirty (30) day extension, then the permit will revert to the community development department and will become available to the next eligible applicant on the waiting list, if any. An owner whose permit has expired may submit a new application for a short-term rental permit to the community development director. Issuance of a new permit is subject to the availability of permits.

Sec. XX-009 - Fees for Short-Term Rental Units

The following fees shall be used only to administer, manage, and enforce this subsection [STR Ordinance] and relevant sections of Chapter XX of Los Alamos County Code of Ordinances, which address applicable licenses and taxes.

- (a) Application Fee. An application for a new short-term rental permit shall be accompanied by a one-time non-refundable application, processing, and inspection fee of one hundred dollars (\$100).
- (b) Business License Fee. A short-term rental unit is subject to an annual business license fee of thirty-five dollars (\$35).
- (c) Permit Fee. A short-term rental unit on residentially zoned property is subject to an annual permit fee of two hundred and ninety dollars (\$290).

Sec. XX-010 - Inspections

The county shall perform an inspection prior to the issuance of an initial permit to ensure compliance with subsection [STR Ordinance] and all applicable fire, health, and safety requirements; and may, upon notice to the owner, perform additional inspections as warranted. To obtain a short-term rental permit, a dwelling unit must meet the following requirements:

- (a) fire evacuation plan;
- (b) carbon monoxide detection;
- (c) smoke alarms in all bedrooms;
- (d) fire extinguishers on each floor;
- (e) no storage of combustible materials in mechanical, boiler, or electrical rooms;
- (f) fireplace or wood stove must have non-combustible ash receptacle outside the dwelling unit; and
- (g) address numerals must be at least four (4) inches tall, with one-half inch stroke width, in contrasting color, visible from the street.
- (h) Conspicuously posted relevant County regulations, as described in Sec. XX-002(h).

Sec. XX-011 - Required Notice for Short-Term Rental Permits

- (a) Within ten (10) days after the issuance or renewal of a short-term rental permit, the owner or operator shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the owners of residentially zoned property within two hundred (200) feet of

the subject property , exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the owner; and to the community development department.

- (b) The notices shall be on a form approved by the community development director.
- (c) The notices shall contain the name and phone number of the local operator.
- (d) Within ten (10) days of the mailing, the owner or operator shall provide the community development director with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

Sec. XX-012 - Records

Each owner or operator shall maintain records for the owner's short-term rental unit for at least the most recent three (3) years for the owner's short-term rental unit or units and shall make such records available to the county for inspection upon request. The records that must be maintained for each short-term rental unit include the following:

- (a) For a short-term rental unit located on residentially zoned property, the starting date of each reservation and the number of nights rented for each reservation;
- (b) For all short-term rental units, the amount of rent guests paid by month; and
- (c) For all short-term rental units, the amount of each type of tax and fee the owner paid to the county in connection with rental of the unit by month.

Sec. XX-013 - Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit short-term rental units.

Sec. XX-014 - Real Estate Disclosure

A real estate broker listing property in Los Alamos County shall provide prospective buyers with a current copy of this ordinance.

Sec. XX-015 - Host Platforms

- (a) A host platform shall require an owner or operator of a short-term rental unit to include a county - issued permit number in all listings or advertisements for a short-term rental unit.
- (b) Upon notice from the county that a permit number on a short-term rental unit listing is invalid, the host platform shall deactivate that listing within five (5) business days.
- (c) A host platform shall provide a monthly report to the county that includes the web address (URL) for each property listed on the host platform, together with the permit number associated with that URL.

Sec. XX-016 - Effective Date

The provisions of Subsection [STR Ordinance] of the Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for affected units to obtain a valid permit.

DIVISION 3. OFF-STREET PARKING, LOADING, AND QUEUING

Sec. 16-28(c) MINIMUM OFF-STREET PARKING REQUIREMENTS

Unless otherwise noted in this Chapter, minimum off-street parking spaces shall be provided in accordance with table 27 Minimum Off-Street Parking Requirements.

<i>Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS</i>			
LAND USE		REQUIRED PARKING	
RESIDENTIAL			
Household Living	Dwellings, single-family	2 spaces per unit	
	Dwelling, co-housing development	1 space per unit Plus .25 guest space per unit	
	Dwelling, cottage development	1 space per up to 2-bedroom unit 2 spaces per 3 or more bedroom unit	
	Dwelling, duplex	2 spaces per unit	
	Dwelling, townhouse. Dwelling, triplex	2 spaces per unit Developments with 10 or more units shall require 1 additional guest parking space per every 10 units.	
	Dwelling, fourplex	2 spaces per unit Developments with 10 or more units shall require 1 additional guest parking space per every 10 units.	
	Dwelling, townhouse	1 space per up to 2-bedroom unit 2 spaces per 3 or more bedroom unit	
	Dwelling, Short Term Rental	2 spaces per unit	
	Dwelling, live/work	1 space per unit plus as required for commercial use	
	Dwelling, multiple-family	1 space per up to 1 bedroom units 1.5 spaces per 2-bedroom units or more plus 1 guest space per 10 dwelling units	
	Congregate Living	Assisted Care Facility	1 space per 3 beds
		Dormitory	1 space per bed, plus 2 spaces per owner or manager
Group Care Facility		1 space per 3 beds	
Group Residential Facility		1 space per 3 beds	
INSTITUTIONAL			
Public, Institutional, and Civic Uses	Art gallery, museum, or library	2 spaces per 1,000 sf	
	Funeral home or mortuary	1 space per 3 seats	
	Institutional and civic buildings	4 spaces per 1,000 sf	
	Hospital	2 spaces per 3 beds	
	Medical or dental clinic	6 spaces per 1,000 sf	
	Private club or lodge	1 space per 4 persons design capacity	
	Religious institution	1 space per 4 persons design capacity	
	Schools, private	2 spaces per classroom, plus 1 space per 300 sf administrative space	

Schools, public	2 spaces per classroom, plus 1 space per 300 sf administrative space
High school	6 spaces per classroom or 1 seat per 3 seats in main auditorium, whichever is greater, plus 1 per 300 sf administrative space
Higher education facility	4 spaces per 1000 sf

ARTICLE IV. DEFINITIONS
DIVISION 2. DEFINED TERMS

Short Term Rentals.

FURTHER ITEMS OF DISCUSSION

Article V. ADMINISTRATION AND ENFORCEMENT

Divison 1. REVIEW AND DESCISION-MAKING BODIES

16-68(b) RESPONSIBILITIES

Divison 2. PROCEDURES - Table 49

16-72(i) PERMITS AND APPPROVAL EXPIRATIONS – Table 51 to be edited

DIVISION 3. SPECIFIC DEVELOPMENT PROCEDURES – Sec. 16-73 ADMINISTRATIVE DESCISIONS
sub-section “(p)” will need to be added.

