

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2023

Ordinance No. 23-04

**AN ORDINANCE AMENDING THE DEFINITION OF BOARDING/ROOMING HOUSE
IN ARTICLE XXXVI OF CHAPTER 16, TITLED ZONING, OF THE CITY OF LONE
TREE MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998, and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to its constitutional home rule authority, the City may adopt and amend ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY AND FINDINGS

- A. The City has adopted zoning regulations codified in Chapter 16 of the Municipal Code, as amended by Ordinance 22-02 adopted on March 15, 2022 ("Zoning Regulations").
- B. City Council previously adopted Ordinance Numbers 23-01 and 23-02 to implement a licensing program for short-term rentals and to amend the zoning code to specifically allow for licensed short-term rentals.
- C. City Council desires to clarify that rooming and boarding houses are not short-term rentals by changing the definition of rooming and boarding houses to specifically require accommodations be offered for thirty (30) days or longer ("Zoning Text Amendments").
- D. The Zoning Text Amendments have been published on the City's website for public comment in advance of the scheduled public hearings before Planning Commission and City Council.
- E. The Planning Commission and the City Council conducted duly noticed public hearings on the proposed Zoning Text Amendments in accordance with Section 16-1-110 of the Municipal Code.
- F. City Council finds that it is in the best interest of the City to amend the definition of *Boarding/rooming house* set forth in Article XXXVI of Chapter 16 of the Municipal Code, Titled Zoning.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare

of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 - CHAPTER 16 OF THE LONE TREE MUNICIPAL CODE, TITLED ZONING, SHALL BE AMENDED AS FOLLOWS:

Article XXXVI of Chapter 16 of the Lone Tree Municipal Code titled “Definitions” is hereby amended as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

ARTICLE XXXVI – DEFINITIONS

* * *

Boarding/rooming house means an establishment in which sleeping accommodations are provided to a person for a period of thirty (30) consecutive days or longer by the head of household in a residential dwelling to unrelated persons where excess automobiles may result (see household and excess automobiles). As used in this definition, “head of household” means a person who resides at the establishment while such establishment is being used as the rooming and boarding house. The term does not include short-term rentals as defined in Article VI of Chapter 6 of the Lone Tree Municipal Code.

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ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.


[Remainder of page left intentionally blank.]

INTRODUCED, READ AND ORDERED PUBLISHED ON MAY 2, 2023.

PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON MAY 18, 2022; LEGAL NOTICE NO. DCNP1110.

APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING THIS 6TH DAY OF JUNE, 2023 TO BECOME EFFECTIVE ON JUNE 17TH, 2023.

CITY OF LONE TREE:


Jacqueline A. Millet, Mayor

ATTEST:



Rick Parsons, City Clerk

