

ORDINANCE NO. 2026-02

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER, UTAH, AMENDING THE
BOULDER TOWN CODE CHAPTER 153.204: RESIDENTIAL SHORT-TERM
RENTALS**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 153.204 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

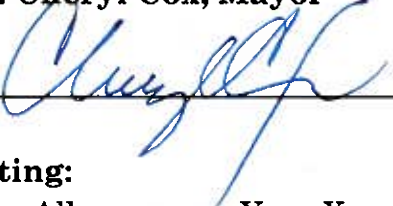
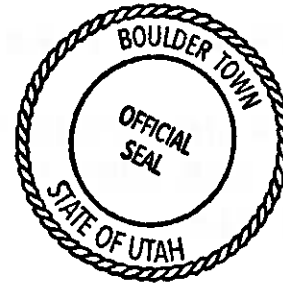
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 153.204 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor


_____

Voting:

Lacy Allen	Yea <u>X</u>	Nay ____	Abstain ____	Absent ____
Josh Ellis	Yea <u>X</u>	Nay ____	Abstain ____	Absent ____
John Veranth	Yea <u>X</u>	Nay ____	Abstain ____	Absent ____
Tina Karlsson	Yea <u>X</u>	Nay ____	Abstain ____	Absent ____
Cheryl Cox	Yea <u>X</u>	Nay ____	Abstain ____	Absent ____

Attest: Elizabeth Julian, Town Clerk



DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 2026.

EXHIBIT A

§ 153.204 RESIDENTIAL SHORT-TERM RENTALS.

(A) Purpose. The purpose of this section is to establish land use regulations for the use of privately-owned, owner- or tenant-occupied dwelling units as short-term rentals in a manner to preserve residential and neighborhood character, protect public safety and residents' and guests' health, and promote goals of the general plan.

(B) Definitions.

LICENSE HOLDER is the person who resides on the property and is legally responsible for compliance with all Town ordinances pertaining to the rental.

MANAGER is the designated agent or representative of the licensee who is responsible for compliance with this Code and available to respond to guests via phone within three hours.

RESIDENTIAL SHORT-TERM RENTAL (RSTR) is a dwelling unit or portion thereof that is not zoned or licensed as commercial lodging and that is rented for monetary compensation for a period of less than 30 consecutive days. This term includes bed and breakfast inns that may or may not serve hot meals to guests.

GUEST RANCH is lodging that is permitted under the guest ranch provisions in § 153.415. Guest Ranches are exempt from this section §153.204.

(C) General provisions.

(1) Allowed zones: RSTRs are allowed as indicated in § 153.117 Table of Uses.

(2) No more than one of the approved dwellings on a lot (the primary dwelling, an internal auxiliary dwelling unit, an external dwelling unit, or a camping unit) shall be occupied by RSTR guests at any given time.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt from zoning regulation as RSTRs provided no money is paid to the owner in compensation for lodging.

(4) The maximum number of RSTR CUPs issued at one time shall not exceed 12 without legislative amendment to this subsection. If at any time the number of pending applications for a new RSTR CUP exceeds the number of allowed CUPs, the assignment of the available license shall be processed in the order received. The maximum number of Residential Short-Term Rental Conditional Use Permits ("RSTR CUPs") issued and active at any one time shall not exceed twelve (12).

For purposes of this subsection, all RSTRs shall count toward the limitation, including: (a) RSTRs recognized under subsection (D)(1); (b) RSTRs determined to

be lawful nonconforming uses pursuant to subsection (D)(2) and § 153.255 et seq.; and (c) RSTRs operating pursuant to an approved Conditional Use Permit.

Complete applications shall be processed in the order received. Once the maximum number of authorized Residential Short-Term Rentals has been reached, additional complete applications shall be placed on a waiting list and considered in the order received as permits become available through expiration, revocation, abandonment, discontinuance, or voluntary surrender of an existing authorization.

The numerical limitation is intended to preserve neighborhood character, maintain the predominantly residential nature of residential zoning districts, prevent excessive concentration of transient lodging uses, and balance tourism-related lodging opportunities with the preservation of long-term residential occupancy.

No natural person, corporation, limited liability company, partnership, trust, or other legal entity, nor any affiliated entity under common ownership or control, shall hold more than one (1) Residential Short-Term Rental authorization at any time.

Nothing in this subsection guarantees approval of an application. Each application shall independently satisfy all requirements of this chapter and applicable law.

(D) Residential short-term rentals existing before 2025.

(1) The four RSTRs with valid business licenses and previously approved CUPs as of 2025, the one RSTR holding a valid CUP (2022) but no business license in 2025, and the 2025 licensed Bed and Breakfast Inn are acknowledged as legal uses and are eligible for continued business license renewal according to Chapter 112.

(2) For RSTRs in use prior to 2020 and in regular use since, establishment of payment of the required taxes in 2020 and onward shall be considered an adequate condition for determination as a nonconforming use by the Board of Adjustment per § 153.255 et seq. These RSTRs are not required to obtain a CUP.

(3) Existing RSTRs that lack an onsite licensee must identify a local manager to be available when guests are present.

(4) The RSTRs recognized under this subsection shall count toward the maximum number of RSTRs authorized under § 153.204(C)(4).

(E) RSTR conditional use permit process.

(1) A Residential Short-Term Rental (RSTR) requires a Conditional Use Permit (CUP) that complies with the requirements outlined in § 153.204 of the Boulder Town Code and is submitted on the RSTR CUP Application Form available on the Town website. An RSTR is exempt from the requirements outlined in § 153.152 Site Development Plan Requirements, § 153.155 (B), allowing a CUP without 6 months of continuous use to be revoked, and the commercial standards in § 153.415.

(2) A CUP application shall be submitted on the form provided on the Boulder Town website. The fee for filing an application is set by the Boulder Town Council and found in the Boulder Town Fee Schedule and may be changed at any time by resolution.

(3) The documentation required for an application for an RSTR CUP is as follows:

(a) A completed RSTR Business License Application and documentation demonstrating eligibility for issuance of a business license under Chapter 112, including Business license application and proof of primary residence at the address of the proposed RSTR as described and required by § 112.03. Approval of a CUP does not authorize operation of an RSTR. Operation shall not commence until the applicant obtains a valid business license under Chapter 112.

(b) A signed affidavit indicating that the applicant shall be on-site with guests during their stay and will enforce/comply with all terms of the business license and CUP.

(c) Address and parcel number for the RSTR location.

(d) A map that shows all dwellings, RSTR location, property lines, adjacent private property boundaries and owners, fire/disaster escape route, and parking spaces for guests.

(e) Documentation that the site plan and dwelling unit configuration is consistent with the license holder living on site while guests are present.

(f) A Garfield County building department STR Inspection Report.

(4) The process for submitting and considering an application for an RSTR CUP is as follows:

(a) The applicant submits an RSTR CUP application with accompanying documentation to the Town Zoning Administrator. The Zoning Administrator forwards the application to the Planning Commission after the application is determined to be complete.

(b) The CUP review process shall be limited to identifying reasonably anticipated detrimental effects of the proposed RSTR and determining whether those effects can be substantially mitigated through the imposition of reasonable conditions. In making this determination, the Planning Commission may consider the following, to the extent applicable to the proposed RSTR:

1. The location and capacity of on-site parking and the adequacy and safety of driveway access;
2. The number and configuration of dwelling units on the property and their proximity to adjoining properties and dwellings, including consideration of multiple lots which are contiguously owned by the applicant;

3. The proposed time of year/duration of use of the RSTR;
4. The proposed maximum number of guests in relation to the size and configuration of the RSTR and available parking;
5. Compliance with applicable building, fire, health, and sanitation requirements, including the County STR inspection;
6. The location and orientation of outdoor areas proposed for guest use and their proximity to adjoining properties and dwellings; exterior lighting and reasonably anticipated lighting trespass onto adjoining properties;
7. Reasonably anticipated noise or other impacts from outdoor guest activities; and
8. Other site-specific physical characteristics of the property that the Planning Commission finds are reasonably likely to create a detrimental effect from operation of the proposed RSTR.

Any condition imposed by the Planning Commission shall be reasonably necessary to mitigate a reasonably anticipated detrimental effect identified in the record and shall be reasonably related to and proportionate to that effect. Conditions may include limitations on the number of guests or vehicles, limitations on the time of year or duration of use of an RSTR, limitations on light trespass, restrictions on the location or hours of outdoor guest activities, or requirements for fencing, screening, or vegetative barriers when reasonably necessary to mitigate an identified detrimental effect.

(c) The Planning Commission shall approve the CUP application if the reasonably anticipated detrimental effects of the proposed RSTR can be substantially mitigated through the imposition of reasonable conditions. The Planning Commission's decision shall identify any reasonably anticipated detrimental effect requiring mitigation and the condition imposed to mitigate that effect. Conditions shall be consistent with this section, other applicable provisions of the Boulder Town Code, and applicable law.

(d) Prior to approving an RSTR CUP, the Planning Commission shall find that the applicant has demonstrated eligibility to obtain and maintain a Residential Short-Term Rental business license under Chapter 112. Approval of a CUP does not authorize operation of a Residential Short-Term Rental. Operation shall not commence until the applicant obtains and maintains a valid business license under Chapter 112.

(F) Violations and enforcement.

(1) Operating an RSTR without a valid CUP, providing false information on a CUP application, or failure to comply with the applicable town regulations for RSTRs shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(2) If a violation of the RSTR zoning regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the

license holder describing the alleged violation with a formal request to come into compliance.

(Ord. 2019-2, passed 5-2-2019; Ord. 2025-8, passed 12-2-2025)

