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AGENDA CITY OF OURAY PLANNING COMMISSION REGULAR MEETING

San Juan Room – Ouray Community Center – 320 6th Avenue
September 11, 2018 - 4:00 pm

ADMINISTRATIVE

- Call to Order
- Roll Call
- Review of Minutes from Planning Commission regular meetings of August 14, 2018

CITIZEN COMMUNICATIONS

DISCUSSION ITEMS

1. Short Term Lodging Regulations
2. Community Plan Update

ADJOURNMENT

**Minutes of the Ouray Planning Commission
August 14, 2018**

CALL TO ORDER

Chairman Jeff Skoloda called the meeting to order at 4:00 p.m.

ROLL CALL

Planning Commissioners present for roll call were Chairman Jeff Skoloda, Vice Chair Tamara Gulde, Commissioner J. Gary Dunn, Commissioner Tom Tyler and Commissioner Ann Morgenthaler arrived at 4:09.

Present on behalf of the City of Ouray staff were City Administrator Katie Sickles, Community Development Coordinator Chris Hawkins and Deputy Clerk/Treasurer Beverly Martensen.

APPROVAL OF MINUTES

Vice Chair Gulde moved and Commissioner Tyler seconded the motion to approve the minutes of the July 10th Regular Planning Commission meeting with corrections as noted. A vote was taken and passed unanimously.

CITIZENS COMMUNICATIONS

James Pilkington, 44 Whispering Pines Drive – handed out copies of the summer 2018 issue of Shelter magazine and referenced Samantha Tisdell Wright's article on co-housing development in Ridgway. Would like to see the Planning Commission consider this approach in developing community and culture.

ACTION ITEMS

Consideration of a conditional use permit for an axe throwing tourist attraction located on a portion of the Daisy Placer; Section 25, Township 44, Range 8; MS # 2236.

Hawkins reminded the commission that they had already discussed this attraction at another location. This would be a temporary location, while applicant continues to pursue the original site. He also reminded the commission that active attractions had been approved as a conditional use in the C-1 and C-2 zone districts.

Andy Carrie, 1099 County Road 14 – The applicant described the sport and the National Axe Throwing Federation which defines the rules and standards for the sport. He discussed the safety of the sport and indicated that an axe throwing venue is managed the same as a gut shooting range with the same safety standards.

He indicated waivers will be signed by all customers and all employees will be fully trained in safety standards and trained to detect and remove individuals who are not appropriate to participate.

**Minutes of the Ouray Planning Commission
August 14, 2018**

After Planning Commission deliberation, Commissioner Tyler moved and Vice Chair Gulde seconded the motion to approve a conditional use permit for an axe throwing tourist attraction with the following conditions:

1. The portable toilets will be screened from Highway 550 with a minimum 6 foot high wood fence as shown on the submitted site plan.
2. The hours of operation shall be from 10:00 AM to 8:00 PM.
3. The Applicant shall obtain a sign permit for the use consistent with the Sign Regulations prior to installing a sign on the Property.
4. The Applicant and Property owner shall sign an indemnification agreement with the City concerning rockfall and the proposed use in a form set forth by the City.
5. This conditional use permit shall be valid through 2019. The Applicant may request an extension of the conditional use permit prior to expiration through a public hearing that is noticed in accordance with the conditional use permit public hearing noticing requirements.
6. The City will confirm the access permit for the proposed use of the Property prior to the use commencing. If required, the Applicant will obtain a new access permit prior to commencing the use.
7. The Planning Commission may require additional site improvements as a part of any Conditional Use Permit extension, such as landscaping and parking lot surfacing.
8. If the terms of this Conditional Use Permit or City law are violated, then the use will be re-evaluated by the Planning Commission in a publically noticed hearing.

A vote was taken and the motion passed unanimously.

DISCUSSION ITEMS

Short Term Lodging Regulations

Discussion was conducted between the commissioners and members of the short-term rental advisory committee.

Hawkins discussed that the Planning Commission had expressed the desire for simpler regulations. He researched regulations in other municipalities and redrafted the short term rental regulations proposed by the short term rental committee with the intent of simplifying the regulations.

There was considerable discussion regarding the short term rental committee's decision not to recommend restriction or limit of short term rentals. The committee and the Planning Commission agreed that a permitting process would help in regulating short term rentals.

ADJOURNMENT

At 6:22 p.m. Commissioner Skoloda moved and Vice Chair Gulde seconded the motion to adjourn. The motion was unanimously approved.

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TO: City of Ouray Planning Commission
FROM: Chris Hawkins, Community Development Coordinator
DATE: September 4, 2018
SUBJECT: Short-term Rental Regulations

Attachments:

Exhibit A: Draft Short-term Rental Regulations

BACKGROUND

Staff has re-drafted the short-term rental regulations based on the direction provided by the Planning Commission at the August meeting (Exhibit A). Changes since the last meeting have been redlined using the Track Changes tool.

The August meeting will be used to get final direction on the short-term rental regulations, including if there should be any limit or cap. Staff will then draft the final regulations for the Planning Commission to make a formal recommendation to the City Council at the October 9th meeting. Staff will also present the Short-term Rental Application form at the October meeting for input on any needed changes.

Staff would recommend that the Commission review the revised regulations and note any remaining questions, concerns or additional changes.

Draft Short-term Rental Regulations

7-2 Definitions

Lodging Business means a lodging unit, ~~or hotel, motel, lodge, inn, bed breakfast, or hostel, or other building or group of buildings, including on and off site lodging units, containing lodging units that are used~~ for temporary occupancy for sleeping purposes that are rented on a short-term basis of less than thirty (30) days and excludes the short-term rental of single-family, duplex, or multi-family dwellings shall meet the Short-term Rental Regulations in Section 7-5-J-10.

Lodging Unit is an individual unit or room, ~~which may or may not include a kitchen,~~ within a lodging business customarily rented on a short-term basis of less than thirty (30) days, which may or may not include a kitchen.

Short Term Rentals means any rental or lease of property, lodging unit, dwelling unit, or part thereof, for less than thirty days. Short Term Rentals are subject to the Lodging and Occupation Tax imposed by the City in Chapter 3 of the Municipal Code. Short-term rental of single-family, duplex, or multi-family dwellings, or portions thereof, shall meet the Short-term Rental Regulations in Section 7-5-J-10.

New Ouray Land Use Code Section 7-5-J-10 Short-term Rental Regulations

10. Short-Term Rental Regulations

- a. **Purpose.** The purpose of the Short-term Rental Regulations is to protect the public health, safety and welfare; preserve the character and ambience of the City of Ouray neighborhoods; prevent adverse impacts attributable to short-term rentals; and to ensure compatibility with the surrounding land uses.
- b. **Applicability.** The Short-term Rental Regulations are applicable to the Short-term Rental of any single-family, duplex or multi-family dwellings located in the R-2, C-1 and C-2 Zone Districts.
 - i. Short-term Rentals are not allowed in the R-1 Zone District.
 - ii. Bed and breakfast facilities that have been approved by the City are not subject to these regulations.
- c. **Registration and Licensing.** A separate short-term rental license is required for each short-term rental.
 - i. Applicants for a short-term rental license, or renewal of a license, shall complete and submit the City provided short-term rental application form, and other City required application materials along with the application fee as set by the City in a fee resolution.
 - ii. Community Development staff will review and act on short-term rental licenses.
 - iii. As a condition of the issuance of an initial license, the City shall conduct a site inspection to ensure the standards set forth in this Section will be met, including but not limited to parking, carbon monoxide detectors, smoke detectors, street addressing and lighting.
 - a) License renewals shall not require an additional inspection unless Community Development staff determine a new inspection is required due to changes since the first application, past complaints or other issues that arise from the license review.
 - iv. All short-term rental license shall be granted solely to the owner at the address for which the license is issued and shall not be transferable to any other person or legal entity.

Commented [CH1]: The Planning Commission asked to review the definition of a lodging unit as a part of creating the Short-term Rental Regulations. Most community codes limit lodging units to kitchenettes.

Draft Short-term Rental Regulations

- a) The short-term rental license may list a responsible party to ensure the requirements of this Section are met; however, the property owner remains responsible for compliance.
- v. The Community Development Department may impose reasonable license conditions to ensure the requirements of this Section will be met.
- vi. Short-term rental licenses shall be issued for two (2) years.
- vii. All existing short-term rentals shall submit for short-term rental license within three months of the effective date of the approving ordinance. Thereafter, short-term rentals without a license will be considered illegal and the City will pursue formal code enforcement.

Commented [CH2]: This requirement will be included into the ordinance versus the actual OLC. City Attorney to confirm this approach.

d. **Standards.**

- i. Short-term rentals shall not change the residential character of the property, either by use of colors, materials, lighting, advertising, excessive site improvements or other actions that change the residential character.
- ii. Short-term rentals shall not cause a public nuisance through adverse impacts such as lighting, parking, signage, noise, glare, vibrations, and odors.
- iii. Signs are prohibited for short-term rentals except for one wood or other naturally appearing sign not to exceed four (4) square feet that can only have the name of the residence that is used in promoting the short-term rental, such as “Randall’s Rest”.
 - a) A sign permit shall be obtained from the City prior to placing a sign on the short-term rental.
 - b) The use of the words that advertise the short-term rental such as “rental”, “vacancy”, or “vacation” are expressly prohibited.
 - c) Signage may have direct, dark sky lighting. All other lighting types are prohibited (neon, internal illuminated, etc.).
 - d) Short-term rentals that currently have a sign that does not meet the sign standards set forth herein shall submit for a new sign permit that complies with these regulations.
- iv. All short-term rentals shall clearly post the correct City address in accordance with the City addressing and street numbering requirements.
- v. The maximum number of people per short term rental shall be 2 people per bedroom, plus two additional guests provided a sofa bed, Murphy bed or similar temporary beds are provided in the short-term rental unit.
- vi. Short-term rental noise shall be subject to the City’s noise regulations as set forth in the Municipal Code Section 10-2-Y. However, short-term rentals shall be subject to additional noise limitations, with quiet hours between 10:00 PM and 7:00 AM.
- vii. One parking space per two (2) bedrooms shall ~~be required to be~~ provided either on-site in garages, the driveways or constructed parking areas, or on-street fronting the short-term rental where the City allows on-street parking ~~on the street~~.
 - a) All parking for the short-term rental shall be provided on site, or on-street fronting the short-term rental where on-street parking is allowed by the City.

Draft Short-term Rental Regulations

- ~~a)b)~~ The on-street parking shall not be reserved for the short-term rental and will be available to the general public on a first come, first served basis.
 - ~~c)~~ No parking shall occur on lawns, sidewalks or other landscaped improvements.
 - ~~b)d)~~ Trailer parking on City streets shall be done in accordance with City adopted policies and laws.
- viii. There shall be a designated responsible party as the local contact that is located within ~~the region~~ a 45 minute drive of the city and is available for immediately responding to any issues or emergencies that arise from the short-term rental.
- ix. A short-term rental shall only be leased or rented out to one party that occupies the entire dwelling. Individual rooms within a dwelling shall not be rented out separately unless the dwelling has been ~~approved by the City as~~ legally converted into a bed and breakfast.
- x. The owner or responsible party shall collect and pay all applicable local, state and federal taxes, including the City's Lodging and Occupancy Tax.
- xi. The short-term rental shall meet all applicable local, state and federal regulations, such as the Colorado requirement ~~for~~ carbon monoxide detectors (CRS 38-45-101 et seq.), and the Building Code requirement for smoke detectors, and life-safety Building Code requirements, such as egress from sleeping areas.
- xii. One (1) Fire extinguisher shall be kept and maintained within the short-term rental kitchen area.
- xiii. The short-term rental property shall be kept free from litter and junk as required by Municipal Code Section 10-2-Z.
- ~~xiv.~~ Trash or recycling shall not be stored in a location that is visible from the public street or sidewalk. The short-term rental shall comply with Municipal Code Section 12-1, with arrangements for proper disposal of garbage, refuse and trash collection.
 - ~~a)~~ Short-term rentals shall be charged the commercial rate due to higher pickup rates than a normal single-family dwelling.
 - ~~b)~~ Trash shall be properly managed and not visible or overflowing so as to cause a public nuisance.
 - ~~a)c)~~ Animal resistant trash containers shall be provided consistent with City laws.
- ~~xiv-xv.~~ The City does not enforce private covenants. Private covenants may prohibit short-term rentals.
- ~~xv-xvi.~~ Short-term rentals shall replace any exterior open light fixtures with dark sky compliant lighting.
- ~~xvi-xvii.~~ Accessory dwelling units shall not be short-term rented.
- ~~xvii-xviii.~~ The following information shall be posted in readily visible location:
 - a) The Short-term Rental License issued by the City;
 - b) Contact information for the owner and/or responsible party;
 - c) Maximum number of guests;
 - d) Location of fire extinguishers;
 - e) Quiet hours of ~~11~~ 10 PM to 7AM;
 - f) Trash disposal information;
 - g) Other information???

Draft Short-term Rental Regulations

~~*viii-xix.~~ All online or published advertising for the short-term rental shall display the City of Ouray Short-term Rental License number:

- e. **Violations, Revocation and Penalties.**
 - i. The administration and enforcement of the Short-term Rental Regulations shall be as provided for in OLuc Section 7-3-A.
 - ii. In addition to the foregoing, egregious violations of the Short-term Rental Regulations may warrant the City administratively revoking the short-term rental license for a period of up to two years.
- f. **Appeals.**
 - i. Appeals of administrative decisions under this Section may be made pursuant to OLuc Section 7-5-H.