

Staff Report

Department of Planning & Community Development

Project Overview

Project Name	Short-Term Rental Overlay Zone
Project Code	PL20220133
Project Type	Zone Map Amendment
Project Description	Zone map amendment to apply the Short-Term Rental Overlay Zone to the Official Zone Map
Report Prepared By	Rebecca Bessey, AICP Director of Planning & Community Development
Planning Commission	April 28, 2022
City Council	May 17, 2022, June 7, 2022

Background

In June 2021, City Council directed staff to provide a range of policy options for regulating short-term rentals. In July 2021, City Council and Planning Commission identified the following three issues as the purpose of the policy discussion and any potential code changes:

- Housing supply and availability
- Neighborhood character
- Overall community character

Staff presented a range of options to consider for regulating short-term rentals. After several work sessions, City Council indicated support for further exploring disincentives and directed staff to move forward with improved enforcement and to work with Planning Commission to draft a Short-Term Rental Overlay Zone.

Project Description

The proposed Short-Term Rental Overlay Map creates the boundaries of the three zones and six subzones established by the proposed Short-Term Rental Overlay Text Amendment PL20220134 (refer to Attachment B).

- Zone A: Unlimited
- Zone B: Restricted
 - Subzone B1: Sunlight
 - Subzone B2: Old Town
 - Subzone B3: Fairway / Clubhouse
 - Subzone B4: Walton Creek / Whistler
 - Subzone B5: Walton Creek / Village / Columbine
 - Subzone B6: Alpenglow
- Zone C: Prohibited

Project Analysis

The following section provides staff analysis of the application as it relates to sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, Staff or the public. For standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

Criteria for Approval: Zone Map Amendment

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Consistent with the proposed zone district	✓		
Compatible with development pattern	✓		
Advantages outweigh disadvantages	✓		
Minimize adverse impacts	✓		
Furthers direction of the Community Plan	✓		
Necessary to respond to changed conditions	✓		

CDC Section 720.B – Zone Map Amendments may be approved upon findings that the following criteria are met:

1. The Zone Map Amendment will be consistent with the purpose and standards of the proposed zone district.

CONSISTENT

The Short-Term Rental Overlay Zone Map will be consistent with the intent of the proposed Short-Term Rental Overlay Zone to provide areas for short-term rental uses that are complementary to and supportive of the community's downtown and resort areas and minimizes potential negative impacts of short-term rentals on the community's housing supply and residential neighborhoods.

2. The type, height, massing, appearance, and intensity of development that would be permitted in the proposed zone district will be compatible with surrounding zone districts, land uses, and neighborhood character and will result in a logical and orderly development pattern within the community.

CONSISTENT

The Short-Term Rental Overlay will only regulate short-term rental and hosted short-term rental uses. All standards and requirements of all underlying zone districts will apply.

3. The advantages of the proposed zone district substantially outweigh the disadvantages to the community or neighborhood.

CONSISTENT

The proposed Short-Term Rental Overlay Zone was drafted based on Council direction that current regulations pertaining to short-term rental uses has resulted in negative impacts on housing supply and availability, neighborhood character, and overall community character. The proposed Overlay Zone is intended to minimize those negative impacts while still providing areas for short-term rental uses.

4. The proposed amendment will minimize any adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

CONSISTENT

The Short-Term Rental Overlay will only regulate short-term rental and hosted short-term rental uses. All standards and requirements of all underlying zone districts will apply. The proposed amendment will not impact the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

5. One of the following conditions exists:
 - a. The proposed amendment substantially furthers the preferred direction and policies outlined in the Community Plan and other applicable adopted plans; or
 - b. The proposed amendment is necessary to respond to changed conditions since the adoption or last amendment of the Official Zone Map; or
 - c. The proposed amendment will correct an error on the Official Zone Map.

CONSISTENT

The proposed Overlay Zone is intended to adopt a regulatory framework that provides areas for short-term rental uses that are complementary to and supportive of the community's downtown and resort areas and minimizes potential negative impacts of short-term rentals on the community's housing supply and residential neighborhoods. This intent furthers the preferred direction and policies outlined in the Community Plan, including improving the community's core areas of downtown and the mountain resort area, maintaining the area's sense of community, and providing affordable and workforce housing.

In addition, the proposed Overlay Zone, to be implemented concurrently with a new Short-Term Rental License Code, will further City Council's stated goal of addressing the City's short-term rental issues through adoption of regulatory policies, enforcement rules, licensing procedures, and establishment of a fee structure.

Staff Findings

Staff finds that the Short-Term Rental Overlay Zone, Zone Map Amendment, PL20220133, is **CONSISTENT** with the Criteria for Approval for a Zone Map Amendment.

Recommended Motion

Planning Commission recommends approval of PL20220133 a Zone Map Amendment to apply the Short-Term Rental Overlay to the Official Zone Map.

Attachments

- A. Project Timeline
- B. Short-Term Rental Overlay Zone Map

A. Project Timeline

Project Timeline

Project Code: PL20220133

Project Name: Short-Term Rental Overlay Zone, Zone Map Amendment

	DATES	NOTES
Presubmittal Meeting		
Application Submitted		
DEVELOPMENT REVIEW TEAM		
DRT Letter		
Resubmittal		
DRT Letter		
PUBLIC NOTICE		
Newspaper Notice	4/18/2022	
Mailed Notice		
Property Posting		
Mineral Rights		
PUBLIC HEARINGS		
Planning Commission	4/28/2022	
City Council	5/17/2022	
	6/7/2022	

NOTES
