



PLANNING COMMISSION MINUTES

Meeting of July 11, 2019

Logan City Council Chambers (290 North 100 West Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, July 11, 2019. Chairman Nielson called the meeting to order at 5:30 p.m.

Commissioners Present: Roylan Croshaw, Regina Dickinson, Jessica Lucero, Dave Newman, Tony Nielson, Eduardo Ortiz

Commissioners Absent: Sandi Goodlander

Staff Present: Mike DeSimone, Russ Holley, Aaron Smith, Debbie Zilles, Kymber Housley, Jeannie Simmonds (Council liaison), Amy Anderson (City Councilmember)

Mayor Holly Daines thanked former Commissioner David Butterfield and presented him with a small token of appreciation from the City.

Minutes from the June 27, 2019 meeting were reviewed. Commissioner Dickinson moved to approve the minutes as submitted. Motion seconded by Commissioner Croshaw. Approved unanimously.

PUBLIC HEARING

PC 19-020 Land Development Code Amendment 17.10.100 – Mixed Use Standards

Logan City requests to amend the Land Development Code (LDC) §17.10.100 Mixed Use Development Standards to clarify the ratio of required commercial uses to residential uses in the Mixed-Use zone.

STAFF: Mr. DeSimone explained that the proposed amendment will add a prescribed minimum amount of land or building area specifically devoted to commercial uses as a percentage or ratio of residential uses in the Mixed-Use (MU) zoning district. This issue was discussed with the Municipal Council several weeks ago based on concerns expressed by the Ellis neighborhood over the Eliason Meat Packing plant site being developed just with residential uses even though it is currently zoned Mixed-Use. While both the Land Development Code and the General Plan call out for a mixture of uses, there are no specific ratios or percentages of use types in the MU zone. It was suggested that a mixture of uses, including at least 10% commercial, would be a good starting point for discussion. Council's direction was to prepare an amendment and for evaluation and recommendation. The intent of the MU zone is to encourage a mixture of different uses within an overall project. The Intent language from LDC 17.10.100 states:

The intent of the Mixed-Use Zoning District (MU) is to encourage a concentration of different uses within an overall project. Mixed Use developments shall have both a residential and a commercial component and shall be scaled to ensure consistency with the surrounding neighborhoods. Both Commercial and residential development are required elements of a mixed-use project. Mixed use projects can utilize "horizontal" mixed use where commercial, office and residential uses are designed as a single project, yet constructed in separate and distinct building footprints. Mixed use projects in more urbanized areas are encouraged to employ "vertical" design strategies where commercial, office and residential uses are designed as a single project and constructed within the same footprint, with pedestrian oriented commercial and retail uses on the main level and office and/or residential uses on the upper floors.

The Logan General Plan contemplates a mixture of uses in Mixed-Use Centers and states:

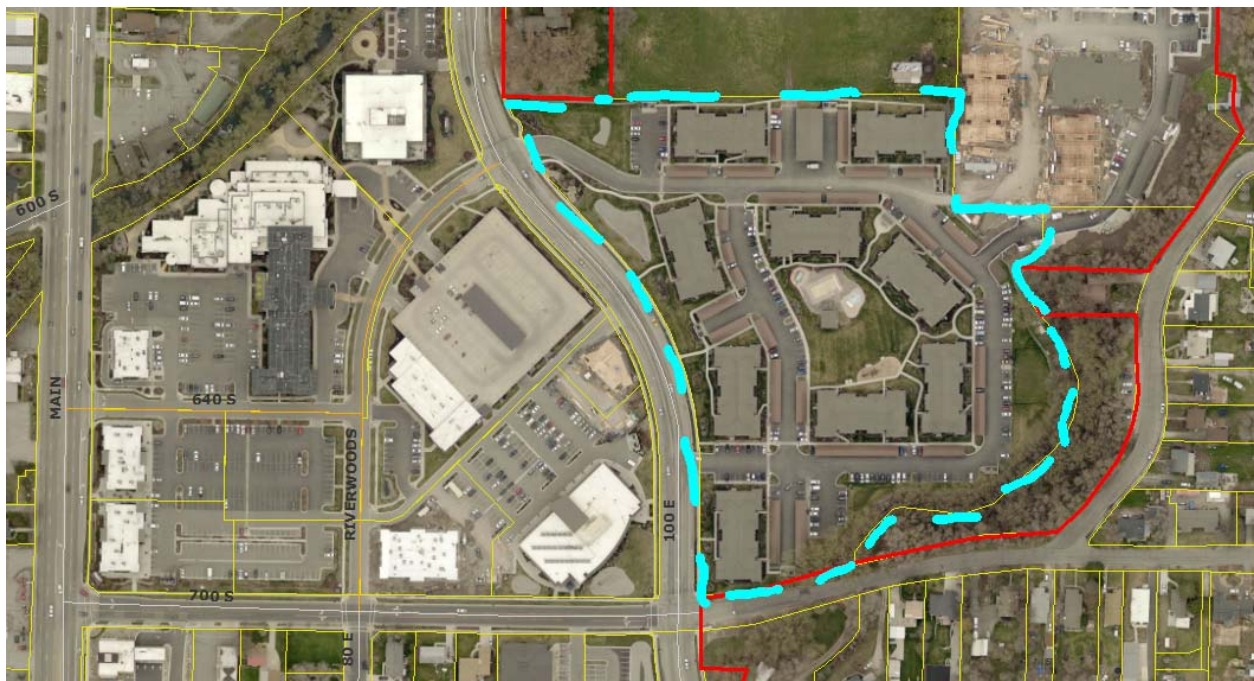
Mixed Use Centers (MUC) have concentrations of commercial and office uses – with residential uses integrated (MUC developments are required to have both residential and commercial components). Residential development is allowed with the range of 7 to 20 dwelling units per acre. Structures in MUC areas will typically be multi-story, with office and residential uses above commercial uses. MUC's are compact – designed for people to live, work, and play within a walkable center. Existing or future mass transit is also integrated into MUC centers, providing multiple options for transportation. The MUC district is intended to be somewhat self-sufficient – it provides its own customers to support commercial businesses – reducing dependence on drive-to traffic. As a result, MUC development will be pedestrian-oriented with an emphasis on quality urban design and landscaping. The MUC category can be applied to encourage the redevelopment of out dated, one-story shopping areas.

Both the General Plan and the LDC contemplate a mixture of uses within Mixed-Use projects. Both prefer a vertical arrangement of the different uses, and in fact, the LDC provides for a 10 unit/acre density bonus for mixed-use projects designed with ground floor commercial. The preference is for MU projects to be compact, be designed for people to live, work, and play within a walkable center, and be self-sustaining in that the residents are supporting the commercial uses.

Neither document prescribes a minimum ratio of use types; instead relying on the assumption that commercial uses are always more valuable than residential uses and would therefore be the predominate use in a mixed-use project. What we are currently experiencing in the Logan market is a high demand for multi-family housing, and because there is a lack of large, vacant, available tracts of land zoned for multi-family, there is significant pressure on vacant and available sites zoned MU or Commercial to help meet that demand.

The task to determine whether a prescribed minimum percentage of uses are appropriate, and if so, what those ratios or percentages should be. In helping to answer this question, several different approaches to a prescribed ratio or mixture of uses were discussed.

REFERENCE MAP FOR OPTION SCENARIOS



Option No. 1: Each mixed-use project shall have a minimum of 10% of the total building square footage dedicated to commercial use.

This approach prescribes a minimum ratio of commercial to total residential square footage. A real-world example (refer to reference map on previous page) using the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Riverwoods residential complex (residential areas inside blue lines on map). The site is approximately 11.9 acres in size and contains nine (9) three-story 24 plex buildings with a total of 216 residential units. The overall density is approximately 18 units/acre. Each building has an approximate footprint of 11,000 SF on three levels, which equates to approximately 33,000 SF of residential area per building.

Under this option, the amount of commercial area required for this project site would be:
 $9 \text{ buildings} \times 33,000 \text{ residential SF} = 297,000 \text{ total residential SF} \times 10\% \text{ (commercial ratio)} = 29,700 \text{ SF (minimum) of commercial area.}$

The result is a commercial building with a footprint a little larger than the existing Conserve Building directly across the street located on approximately 2.25 acres (building pad & parking), leaving approximately 9.65 acre for residential buildings/parking.

Option No. 2: Each mixed-use project shall have a minimum of 10% of the total residential building footprint dedicated to commercial use.

This approach prescribes a minimum ratio of commercial square footage to total residential building footprint rather than total residential square footage. Using the example (refer to map above) of the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Under this option, the amount of commercial area required for this project site would be:
 $9 \text{ buildings} \times 11,000 \text{ residential footprint SF} = 99,000 \text{ SF} \times 10\% \text{ (commercial ratio)} = 9,900 \text{ SF (minimum) of commercial area.}$

The result is a commercial building with a footprint about 1.5 times the size of one of the Riverwoods pad sites (Firehouse Pizza) along Main Street and associated parking on approximately 1.0 acres leaving 10.9 acres for residential buildings/parking.

Option No. 3: Each mixed-use project shall have a minimum of 5% of the total building footprint dedicated to commercial use.

This approach prescribes a minimum ratio of commercial square footage to total residential building footprint rather than total residential square footage. Using the example (refer to map) of the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Under this option, the amount of commercial area required for this project site would be:
 $9 \text{ buildings} \times 11,000 \text{ residential footprint SF} = 99,000 \text{ SF} \times 5\% \text{ (commercial ratio)} = 4,950 \text{ SF (minimum) of commercial area.}$

The result is a commercial building with a footprint approximately the size of one of the Riverwoods pad sites (Jimmy Johns/Johnny O's) along Main Street and associated parking on approximately .75 acres, leaving just over 11 acres for residential buildings/parking.

Option No. 4: Each mixed-use project shall have at least 10% of the total land area devoted to commercial use.

This approach prescribes a minimum amount of land devoted to commercial uses regardless of amount of residential square footage. Using the example (refer to map) of the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Under this option, the amount of commercial area required for this project site would be:
11.9 total acres = 1.19 acres of commercial (10%) and 10.71 acres of residential (90%).

The result is a commercial site with a variable as to building size without any relationship to the amount of residential on the overall site.

Option No. 5: A mixed-use project on a site greater than 10 acres shall have at least 5,000 square feet of commercial building space whereas a mixed-use project on less than 10 acres shall have at least 3,000 square feet of commercial building space.

This approach prescribes a minimum amount of commercial square footage to project sizing and uses the commercial sizing or intensity based on the Neighborhood Center (NC) zone. Using the example (refer to map) of the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Under this option, the amount of commercial area required for this project site would be:
11.9 acres = 5,000 SF of commercial.

For a project larger than 10 acres in size, the result is a commercial building with a building footprint approximating the Jimmy Johns/Johnny O's pad site on Main Street with associated parking areas on approximately .75 acres. For a project smaller than 10 acres in size, the result is a commercial building(s) with a building footprint approximating the Starbucks site on 0.4 acres.

This approach builds on the Neighborhood Center scale for commercial sizing and the concept that the commercial uses being provided in a mixed-use project are neighborhood centric in that they are primarily serving the new resident population.

Option No. 6: Each mixed-use project shall have a minimum of 20% of the total building footprint dedicated to commercial use.

This approach prescribes a minimum ratio of commercial square footage to total residential building footprint at 20% as opposed to 10% under option no. 2. Using the example (refer to map) of the existing Riverwoods residential complex helps illustrate the expectations of this approach.

Under this option, the amount of commercial area required for this project site would be:
9 buildings x 11,000 residential footprint SF = 99,000 SF x 20% (commercial ratio) = 19,800 SF (minimum) of commercial area.

The result is a commercial building with a footprint approximately the size of the existing Conservice Building directly across the street located on approximately 2.25 acres (building pad & parking), leaving approximately 9.65 acre for residential buildings/parking.

Option No. 7 (Open Space Option): In lieu of a minimum amount of commercial, a mixed-use project may increase the amount of open space by at least 10% (20% open space/10% useable outdoor space).

11.9 total acres = 2.38 acres of open space (20%), 1.19 acres of useable outdoor space (10%), and 8.33 acres of residential (70%)

This is another option to consider when a project zoned for mixed-use decides against any commercial in the project. This option provides the flexibility of the mixed-use zone, but is similar to the MR-30 zoning in terms of density and development standards.

The MU zone provides more flexibility than other zones as it permits a wider range or collection of uses and/or intensities than other zones, except for the TC zones. The MU zone is responsive to changing market conditions enabling a property owner the flexibility to build into their project those elements that are in demand. The current MU zone is a good balance to the current commercial zone. The commercial zone is also a type of mixed-use zone in that it permits a combination of uses. It was modified last year to ensure that commercial was emphasized as a primary use and residential, if included, was secondary. There is no freestanding residential permitted in the commercial zone, meaning that any residential units must be constructed above commercial uses. There are no minimums/maximum ratios specified in the commercial zone.

While both the General Plan and the LDC state that there should be a mixture of uses, the current approach to regulating has been to allow the market to dictate how much of each use would go into a mixed-use project. The assumption behind this has been that commercial is more valuable than residential and will normally be the primary use. Obviously with the current housing market, this has changed and one of the most important considerations driving the mixture of uses is location, as location and visibility are critical to the success of most commercial activities. The same mix of uses that one would find along Main Street is probably not going to work on a site on 200 North. The challenge is prescribing a minimum ratio of uses that will work regardless of the location.

There are examples of different mixed-use projects in Logan that have proven to work, all of which were built without any prescribed use ratios. Morty's and Blue Square are two projects that have arranged uses vertically, e.g., commercial on the bottom and housing on top. These have proven successful due to their proximity to the university. They also have commercial uses that, while catering to the adjacent student population (both project residents and students at large), do serve a broader residential population. The nature of their design was contemplated in the General Plan. Another obvious example is the Riverwoods complex, which includes a wider range of uses, serving a wider range of people, and arranged horizontally. Both design approaches to mixed-use provide similar benefits, e.g., people living close to where they work/shop, reduction in traffic, etc.

The General Plan and LDC both describe a Mixed-Use Center as a dense, compact, walkable environment containing a mixture of uses, including a commercial base that serves the project's resident population. While there is not currently a prescriptive ratio of uses, the challenge is to ensure a minimum standard is adopted that serves this purpose without being overly restrictive on and driving away good projects. A mixed-use project on Main Street may have a commercial to residential mix of 80/20, whereas a project on 300 South may have a commercial to residential mix of 20/80, the nature of which is driven by location. Market conditions also play into this. Clearly the housing market will soften, demand will shift, and at some point, the City will need to explore other options for multi-family housing as we currently lack large, vacant multi-family zoned property.

Each of the options differ slightly in scale, however, the net effect could be significant depending on the project's size, design and layout. Establishing minimum commercial ratios by using the NC zone sizing (3,000/5,000 SF) is a conservative approach to mandating a range of uses that are based on the scale of the underlying project while working to ensure that a neighborhood-scaled commercial component would be integrated into the overall design of a project.

PUBLIC: Sue Sorenson, from the Ellis Neighborhood Council, said the main thoughts were represented at the last meeting. She agrees that this can be difficult to define so that it can be used throughout the entire city. Her preference would be Option 6, or a hybrid of Option 6 and 7. Ideally, she likes the idea of it being handled project specific. A project that blends in with the surrounding neighborhood is important; the goal of reducing traffic and utilizing open space are positive elements. She asked about requiring traffic impact studies. Mr. Housley advised that a traffic study would be required if determined by the City Engineer.

Bracken Atkinson, from Wasatch Development, has reviewed the research and determined that two of the proposed options would not infringe on development. Specific guidelines will help developers design successful projects. His preference would be Option 5, with a few caveats. Anything over 10 acres, requiring 5,000 SF seems reasonable; 3,000 SF for less than 10 acres seems reasonable to an extent because it may be too much for smaller parcels. Percentages are difficult to work with, especially if changes are made over the course of a project. Option 7 can be a good leeway for the Commission to address site specific issues. Open space is valuable to surrounding neighborhoods.

Amy Anderson encouraged the Commission to consider future development and what seems to make sense on a broad level because there are areas that are not currently zoned Mixed-Use that could be rezoned in the future.

Jeannie Simmonds considered possibly graduating the commercial square footage up/down based on the size (more than 10 acres require more than 5,000 SF of commercial). If a market analysis indicates less commercial space, she suggested requiring more open space. She agreed with the notion that it should become so onerous that it is impossible for a developer to create a project that would work, however, it should also contain specific guidelines.

COMMISSION: Commissioner Dickinson asked how small portions of a larger area within a Mixed-Use zone would be handled and whether each specific project would have to meet the requirements. Mr. DeSimone advised that each project within the zone would have to comply with all applicable standards. Riverwoods is a good mixture of uses, however, had it been developed separately, each specific project would have to meet the required standards; in the broad sense this makes sense, however, when it is more narrowly defined it can be difficult to make it work.

Mr. Housley pointed out that the current language, as drafted, allows a developer to bring in information related to the specific site project, to allow for some flexibility.

Commissioner Dickinson asked about possible options for projects that may not be able to meet the 20% commercial requirement. Mr. Housley explained that, similar to an alternative parking plan or landscaping plan, a developer can show that they meet the intent of the regulations and the Commission can decide if the information is compelling. Mr. DeSimone said this is addressed under LDC §17.10.100 Minimum Commercial Uses (options) 1. *"The planning Commission may authorize a reduction in the amount of minimum commercial building area if the Commission can make findings supported by substantial evidence that the goals and intent of the mixed-use zone are being achieved with the project design"*.

Commissioner Newman said the Island Market is a good neighborhood commercial business and whether this type of business could meet the obligation for a certain geographical area. Mr. DeSimone said there are these type of businesses, such as Herm's Inn and Fredricos, however, the challenge is that use cannot be dictated. Under Option 5, a minimum amount of commercial is required based on the size of the project, which is similar to the Neighborhood Commercial standard. Commissioner Newman said, if properly developed, traffic could be designed so as not to impact the surrounding neighborhood. Mr. DeSimone pointed out that commercial is market-driven and there is a need for rooftops to support the business. Consideration for the best utilization for the size of the area needs to be considered. Commissioner Newman said the geographic location dictates the commercial possibility; if something is put in the wrong location it may not be successful. Traffic patterns do not change as much as the market changes. Retail can be difficult with so many stores going out of business, restaurants and services seem to be the most successful and the challenge is how to integrate those into residential areas.

Mr. Housley said Option 7 could be incorporated into one of the other options to incorporate open space, which may be able to change as the market evolves. Commissioner Newman said the challenge with that idea is determining how the open space will be maintained.

Commissioner Ortiz said one important objective is providing projects that are pedestrian-friendly and asked what is considered “walking distance”. Mr. DeSimone said the general standard is about ¼-mile (3 blocks). Commissioner Ortiz asked about areas designated for economic development. Mr. DeSimone said there are specific redevelopment areas identified. Commissioner Ortiz asked about including these elements in the language of the ordinance. Mr. Housley pointed out that walking distance is a considering factor in whether to zone an area mixed-use to begin with, rather than a factor that would be analyzed afterward. Economic development areas are not zoning designations, they are identified geographic areas where tax incentives are available and not something that should be included in this ordinance.

Commissioner Lucero said geography, context and the surrounding area are all important factors. She questioned the idea of creating different types of mixed-use zones based on size and location and whether this thought had been explored. Mr. DeSimone said this notion was discussed, however, there are currently other zones that are similar in nature to mixed-use (i.e. Town Center, Commercial, Neighborhood and Community Commercial) that adding more zones did not seem like a reasonable option. Mr. Housley pointed out that Option 5 does differentiate by size (above or below 10 acres).

Commissioner Croshaw said his preference is for either Option 5 or Option 7, which provides some leeway and leans more toward a project-specific approach. Option 5 allows for the commercial component and size to be quantified. The goal is to create a project that will be complimentary to the surrounding area.

Commissioner Dickinson said she was initially leaning toward Option 4 (at 10% of the total area devoted to commercial uses) which she felt was better than the 20% in Option 6. After listening to the discussion and the idea that developers can provide alternative proposals, she is more in favor of starting at 20% - Option 6.

Commissioner Newman preferred a hybrid of Option 5 and Option 7 which could capture the volume of acreage and allow for open space.

Commissioner Ortiz is undecided. He prefers a case-by-case basis with guidelines.

Commissioner Lucero said this is a complicated issue. She is considering the intent of the mixed-use zone, what it could produce, and the connection to the General Plan. She would support a meaningful graduated/proportional version of Option 5.

Mr. DeSimone suggested possibly including a graduated scale into Option 5 (such as 0-3 acres requires 1,500 SF of commercial; 3-5 acres requires 3,000 SF; 5-10 acres requires 5,000 SF; 10-20 acres requires 7,500 SF). The commercial element in Option 6 is based on a percentage of the building footprint rather than the size of the area.

Mr. DeSimone said staff can put together an option, based on the discussion, to review at the next meeting; the Commission agreed.

Commissioner Dickinson is worried about what the open space might look like. Mr. DeSimone said it would be required to be integrated into the design of the project and can be utilized. Mr. Housley noted that could be added into an alternative plan, providing the Commission the discretion to review it.

Mr. Holley pointed out that if the goal is to eventually develop an area (by having open space serve as a holder) then it might be wise to use a different term than open space. Mr. DeSimone agreed that open space is considered as an amenity to a project and there is no requirement for forcing open space to be converted. Mr. Holley said it is difficult to take away an amenity from a community. Mr. Housley said converting any open space would still have to meet the requirements of the Code.

Commissioner Dickinson asked how much open space is required in the MR-30 zone. Mr. Holley said 20% open space and 10% outdoor space is required; the current Mixed-Use zone requires a total of 20%. Mixed-Use is similar to MR-30 from a density standpoint, the difference is that it allows for a commercial component.

MOTION: Commissioner Newman moved to **continue** discussion to the August 8, 2019 meeting to review a refined proposal. Commissioner Lucero seconded the motion.

Moved: D. Newman **Seconded:** J. Lucero **Approved:** 6-0
Yea: Croshaw, Dickinson, Lucero, Newman, Nielson, Ortiz **Nay:** **Abstain:**

Short-Term Rental Discussion

The use of Short-Term Rentals (STR) in Logan has grown in popularity over the past few years. A short-term rental is a transient rental accommodation for a period of less than 30 days and typically in a residential dwelling. The Land Development Code does not specifically address STRs as a unique category of use, so they are prohibited in residential zones. There appears to be approximately 30 STRs operating within Logan City limits at any given time. The Utah State Legislature has been involved in local jurisdiction's efforts to regulate STRs by prohibiting a local government from using an online host service to identify and/or enforce against STRs. Staff has received few complaints.

STRs are generally found in residential neighborhoods and can be categorized into one of two types: A guest rents a spare room for less than 30 days in a dwelling occupied by the property owner (host) as their primary residence; or a guest rents an entire dwelling owned by an off-premise property owner. A variation of the second type could be an owner that constructs a small accessory dwelling unit on their property and rents that as a short-term rental. STRs can also be found in commercial zones; generally, an apartment that is rented out for less than 30 days.

Pros:

- A short-term rental may contribute supplementary financial assistance to a homeowner enabling them to stay in their homes longer
- Make efficient use of space in a home that might be otherwise empty or unused.
- Enable travelers less expensive alternatives to traditional lodging such as a hotel room.
- Provide a unique experience that may not be available in more traditional forms of lodging (e.g. hosting international guests or guests experiencing a unique residential neighborhood).
- Owners or hosts can maximize the economic potential of their property by renting out unused bedroom space.
- Provide additional lodging during peak demand events.
- Help keep properties from being blighted.
- Guests may end up staying longer and spending more money in the communities in which they stay.

Cons:

- Short-term rentals can have an adverse impact on neighborhood character, as the residential nature of the neighborhood changes from long-term neighbors with a vested interest in their neighborhood to short-term or transient guests who do not share the same long-term interest.

- Can create nuisance problems, such as loud music, parties, trash, inconsiderate guests, excessive traffic, inadequate parking, along with the commercialization of residential properties for private events.
- May not pay their fair share of local lodging taxes, nor do they have the same licensing, inspection and accountability as more traditional forms of lodging.
- STRS in a college town can be problem because they could be viewed as a tool to circumvent student occupancy limitations.
- Can negatively impact the availability and affordability of the housing stock by removing available residential units from the long-term housing market and driving up the cost of existing units as residential values become more commercialized due to the revenue potential.

Because STRs are a relatively recent phenomenon, many jurisdictions have not adopted specific regulations for them, and, as a rule, have prohibited them in residential zones because they are considered “transient lodging”. Logan does not permit short-term or transient rentals in residential zones. Most jurisdictions operate on a complaint-based code enforcement system which results in many short-term rentals operating through their community. Regulation has been an important discussion topic at many recent planning conferences and trainings. Cities with significantly high tourism bases have begun adopting more stringent regulations.

Some jurisdictions permit a short-term rental where the owner-occupant rents out a spare bedroom of their home while others permit the rental of an entire dwelling without the owner present. Some cities limit the concentration or total number of STRs. For example, Hurricane City permits STRs with a limitation that it cannot be located within 300’ of another short-term rental and within the residential zones, they only license three (3) per 1,000 population.

1. Recognize that STRs are a transient rental accommodation, typically in a residential home and typically with rental periods lasting days, involving different parties at different intervals (less than 30 days). This short-term occupancy is different from a traditional rental (long-term) where the term of the rental can be longer than 30 days.
2. Classify and regulate Short-Term Rentals by type:
 - a. Type 1– a short-term rental in a dwelling that is the owner’s principal residence and the owner is personally present at the dwelling during the rental period.
 - b. Type 2 – a short-term rental in a dwelling that is not the owner’s principal residence and is not onsite during the rental period.
 - c. Type 3 – a transient rental located in a commercial zone that is not classified as a hotel, motel or bed & breakfast.
3. Determine if and where permitted:
 - a. Type 1 (owner-occupied) STR as an accessory use to the underlying residential use and allow in all residential zones subject to licensing, operational and inspection standards.
 - b. Type 2 (non-owner occupied) either prohibit in all residential zones or only allow in neighborhood residential zones through a Conditional Use Permit and subject to licensing, operation and inspection standards. Not permitted in Mixed-Residential (MR) zones.
 - c. Type 3 (commercial) allow subject to licensing, operational and inspection standards.
4. Determine how they will be permitted:
 - a. Type 1 STR (owner-occupied) – annual business license, including annual inspection.
 - b. Type 2 STR (non-owner occupied) – annual business license and inspection upon renewal.
 - c. Type 3 STR (commercial) – annual business license.

5. Determine operational standards:

1. Maximum Occupancy
 - a. Type 1 STR – maximum occupancy is the original homeowner(s) plus two (2) additional occupants.
 - b. Type 2 STR – maximum occupancy is either a “family” as defined in the Land Development Code, or three (3) unrelated individuals.
 - c. Type 3 STR – maximum occupancy is either a “family” as defined in the Land Development Code or three (3) unrelated individuals.
2. Management. As part of the STR licensing required under LMC Title 5, the owner shall designate a local contact available to respond to the short-term rental within 30 minutes. The contact name and phone number shall be posted in a prominent place inside the dwelling, together with a copy of the short-term rental license.
3. Off-Street Parking. In addition to the minimum parking requirements established in Chapter 17.31 (two (2) off-street parking stalls per residential unit), each STR shall provide one (1) additional off-street stall.
4. RV Parking. Recreational vehicles, trailers, boats, ATVs or similar-type vehicles shall be parked on the site or in the public right-of-way adjacent to the short-term rental.
5. Nuisances. The STR is subject to the City’s nuisance ordinances. More than three (3) violations within a calendar year may result in revocation of the short-term rental license.
6. Animals. The number of household pets is limited to the number allowed for a single-family dwelling unit.
7. Single Contract. STR may not be subject to multiple rental contracts for the same night or nights, nor shall an individual be issued multiple rental contracts for consecutive rental periods of less than 30 days.
8. Building Codes. STR shall comply with all applicable local and state building, health, fire, safety and maintenance codes.
9. Signage. Signs are limited to a single sign, no larger than two (2) square feet and shall be mounted on the building. No sign shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention devices shall be permitted. Signs shall not be painted in, or on, windows and shall not be mounted in a window. Signs shall not be freestanding.
10. Public Notification. Notice to the surrounding properties for all STRs is required at the time of the initial license application. Subsequent license renewals do not require additional public noticing.
11. Separate Structure. A detached accessory structure shall not be used for any STR.

6. Other Considerations

1. Minimum distance between STRs
 - a. Type 1 STR – shall not be located within 300’ of another licensed STR.
 - b. Type 2 STR – shall not be located within 300’ of another licensed STR.
 - c. Type 3 STR – no limitations.

DRAFT - 17.08 Residential Use Table

LAND USE	Neighborhood Zones									
	NR-2	NR-4	NR-6	MR-9	MR-12	MR-20	MR-30	CR-40	NC	RC
Type 1 Short-Term Rental	P	P	P	P	P	P	P	N	N	N
Type 2 Short-Term Rental	C	C	C	C	N	N	N	N	N	N

Mr. Housley said the current occupancy requirement is a family or three (3) unrelated individuals; this does not apply to short-term rentals. He suggested not allowing a short-term rental through a conditional use permit, which gives neighbors the impression that it can be denied, but to include the regulations and restrictions in the ordinance.

Commissioner Dickinson said her opinion is they should be allowed, regulated and enforced. Commissioner Ortiz agreed, this trend will continue to grow so it should be addressed.

Commissioner Lucero said taxes should be collected on these types of rentals. A per bedroom occupancy limit seems reasonable.

Chairman Nielson said this issue can be difficult to enforce, however, the City should develop a way to handle short-term rentals because they are occurring. Mr. DeSimone agreed that it is important to recognize that they are happening and growing and it would be beneficial to manage possible nuisances from the impacts.

Commissioner Dickinson said, from her research into this issue, most include a definition of the purpose, permit requirements, occupancy standards, conditions of operation and enforcement. She also suggested that they have an annual inspection.

Mr. DeSimone said staff will create a formal Code amendment, which will come back to the Commission for review at a future meeting.

MEETING ADJOURNED at 7:25 p.m.