

Proposed Amendments to [Section 2-1-3-3 of the LUDC](#):

Table 2-1-3-3 Residential, Transient Residential, and Overnight Accommodations Uses																		
Land Use	Standards Reference ¹	Zoning Districts																
		Residential						Mixed-Use			Nonresidential				Agriculture and Open Space		Public and Planned	
		EN-# ²	EN-MF	RL	RM	RH	CB	MU-N	MU-A	CG	CR	BP	LI	RA	OS	PB	PD	
Transient Residential Land Uses and Overnight Accommodations																		
Vacation Home / Vacation Rental	§ 2-2-3-4	L	L	-	L	L	L	L	L	-	-	-	-	-	-	-	L ⁴	

Proposed Amendments to [Section 2-2-3-4 of the LUDC](#):

Vacation Rental Homes. Vacation rental homes may be allowed as limited uses in the EN-1, EN-2, ~~EN-MF, RM, RH, CB, MU-N, MU-A, and PD~~ zones. **Vacation rental properties with valid permits in the EN-MF, RM, and RH zones may remain active with a legal, non-conforming status until there is a change of ownership, an inactive period of 1 year, or a failure to renew a business license, at which point these permits shall automatically expire and cannot be renewed. Vacation rental homes are not permitted on properties with Accessory Dwelling Units.**

1. *Purpose.* The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Durango's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.
2. *Density.* *The maximum density for vacation rental homes shall be as follows:*
 - a. EN-1. A total of 22 vacation rental home permits are allowed in EN-1.
 - b. EN-2. A total of 17 vacation rental home permits are allowed in EN-2.
3. *Spacing.*
 - a. In the EN-1 **and** EN-2 ~~EN-MF, RM, and RH~~ zones, not more than one vacation rental home shall be located on all properties or lots that abut any street segment. For corner lots, this standard applies to both street segments that abut that corner lot and only one vacation rental is permitted on the corner lots that abut the intersection. Vacation rental homes that were legally established and have been legally maintained prior to the effective date of this LUDC, shall be considered as the allowed unit for that applicable street segment.
 - b. A second vacation rental home may be allowed on a street segment with a conditional use permit if, in addition to the other applicable standards of this LUDC, it is demonstrated that:
 1. The second vacation rental home must be the primary residence for the property owner and the vacation rental home use is part-time, the limits of which will be established as part of the conditional use permit process. **Part-time vacation rentals shall submit an annual audit detailing**

rental activity for the prior year to the City by January 31st of the current year to confirm that the operation is in conformance with permit conditions and aligns with reported Sales and Lodger's tax collections.

2. The second vacation rental home is located on a street segment with more than five separate residential parcels fronting on the street segment; in no case shall a second vacation rental home be allowed on a street segment with 5 or fewer residential parcels fronting on it.

4. *Occupancy.*

- a. A dwelling unit for which a vacation rental home use is approved may alternatively be used as a full-time residence for the owner or a lessee. However, during vacation rental tenancies, the building shall not be used for any other purpose (e.g., home occupation or temporary event).
- b. The Administrator shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of:
 1. Three persons per parking space; or
 2. Two persons, plus two persons per bedroom.

5. *Appearance and Visibility.*

- a. Except in the CB Zone, the vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.

6. *Parking.*

- a. All parking associated with a vacation rental home in EN-1, EN-2 ~~EN-MF, RM, RH,~~ and PD zones, see Section [4-5-2-2, Required Off-Street Parking Spaces \(Parking Tables\)](#), shall be entirely on the same lot as the vacation rental home (e.g./ in the garage or driveway).
- b. All parking associated with a vacation rental home in CB, MU-N, and MU-A zones, see Section [4-5-2-2, Required Off-Street Parking Spaces \(Parking Tables\)](#), shall be entirely on the same lot as the vacation rental home (e.g., in the garage or parking lot) or parking may be leased in compliance with the provisions of Section [4-5-3-2, Remote Parking](#).
- c. **In multi-unit buildings or developments, only parking spaces that are specifically designated for the vacation rental home shall be used for tenant parking. Guest or overflow parking for the development shall not be used as parking for vacation rental tenants.**
- d. **In the EN-1 and EN-2 zones, on site tandem parking configurations may be used to provide required parking for vacation rentals with 2 or more bedrooms.**
- e. Vacation rental homes in the CB zone with three or more bedrooms may reduce the required parking by one space as long as the following conditions are met.
 1. The number of vehicles allowed by the occupants of the vacation rental home is restricted to the number of spaces provided.
 2. All advertising for the vacation rental home will clearly display the restriction in the number of vehicles allowed.

7. *Local Contact Person / Property Manager.*

- a. A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Durango or La Plata County.
 - b. The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this LUDC and the Durango Municipal Code, including but not limited to:
 1. Ensuring that the number of tenants does not exceed the limitations of subsection G.3., above.
 2. Ensuring that the number of vehicles parked by tenants does not exceed the number of parking spaces on the lot; and
 3. Ensuring that tenants do not violate noise restrictions.
 - c. The name, address, and telephone number(s) of the property manager shall be submitted to the Community Development Department, the Durango Police Department, and the Durango Fire Protection District. Any change in the local contact person's address or telephone number(s) shall be promptly furnished to said agencies.
 - d. If the local contact person is unavailable or fails to respond to a call from a tenant or the Administrator, then the police department will be contacted. The police will attempt to contact the property manager at the phone numbers on file. If the police are unable to contact the property manager, the owner shall be subject to the applicable penalties set out in [Article 6-4, Enforcement and Remedies](#).
8. *Facilities*. All bedrooms must have a floor area of at least 70 sf.
9. *Outdoor Storage*. Storage of recreational vehicles, motorcycles, snowmobiles, boats, jet skis, vehicles such as modified jeeps that may not be legally operated on public streets, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the vacation rental home, in the same manner as allowed for other dwelling units in the same zone. These items may not be stored within the public right-of-way. If there is not enough legal on-site parking for the storage or parking of recreational vehicles / devices, the rental tenants or owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the Administrator.
10. *Trash and Recycling*. All vacation rental homes must have bear-proof trash containers and curbside recycling containers on site in a convenient and discrete location.
11. *Fire Extinguishers*. A fire extinguisher that is in good working order shall be maintained at all times on the premises of all vacation rental homes.
12. *Required Notices*.
- a. The following notices shall be posted in a conspicuous location inside the rental unit:
 1. A copy of the vacation rental home permit;
 2. The name, address, and telephone number(s) of the property manager;
 3. The location of the fire extinguisher; and
 4. Information on the trash and curbside recycling programs including:
 - a. Pickup schedules;
 - b. Instructions for operating wildlife containers; and
 - c. A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the alley), except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup.

- b. The vacation rental **and business license number shall** ~~is required to~~ be clearly displayed on all advertisements and listings of the unit including online advertisements. For those vacation rental homes in existence on the effective date of this LUDC, the permit number will be distributed and must be displayed prior to any renewal of the unit's business license.
13. Non-Transferability. Vacation rental home permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The vacation rental home permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.
14. *Relationship to Other Ordinances.*
- a. Each vacation rental home, including those in existence on the effective date of this LUDC, is subject to a lodger's tax license, a sales tax license, and a current business license, and all stipulations of this subsection regarding location.
 - b. If an existing vacation rental home is not licensed, then the owner of the vacation rental home shall apply for a license within 120 days of the effective date of this LUDC.
 - c. If the business license and transient occupancy tax registration have not been requested within the time frames set forth in this subsection, the penalties listed [Article 6-4, Enforcement and Remedies](#), apply. This registration may be filed concurrently with the application for a permit under this Section.
 - d. Vacation rental homes must meet the standards of the City's adopted residential building codes, as amended from time to time.
 - e. Vacation rental homes are subject to the same safety and health inspections that apply to other licensed places of accommodation.
 - f. Vacation rental homes in mixed-use buildings are not required to comply with the standards in Section [2-2-3-9\(l\)\(3\)](#) provided the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.

15. Special Rules for *CB, MU-N, MU-A, and PD Zones.*

In the CB, MU-N, and MU-A zones, Vacation rentals are only allowed in mixed-use buildings and developments.

- g. **Vacation rentals must be specifically listed as an allowed use on a prior land use approval or development agreement.**
- h. **If a prior land use approval or development agreement does not list vacation rentals as an allowed use, applicants may request an amendment to allow vacation rentals. Amendments shall be processed as described in Article 6-3 *Permits and Procedures*, or, if applicable, as described in said land use approval or development agreement.**
- i. **New land use approvals and amendments allowing vacation rentals shall specify the total number of residential units that are allowed to be used in the building or development as vacation rentals.**

In PD Zones.

- j. Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement which governs the PD zone.
- k. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended as set out in Section [6-3-10-7 Modification](#)

of Planned Development Approvals. Changing a PD zone to allow vacation home rentals shall constitute a major amendment to the PD zone. Prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental.

- I. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.