



PLANNING MEMORANDUM

1600 E. South Weber Drive
South Weber, UT 84405

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To: Planning Commission
From: Trevor Cahoon, Community Services Director
Re: Petersen Farms PUD Subdivision and Conditional Use Application

ACTION

Recommendation: Review the Draft Ordinance for Short-Term rental amendments.

STAFF REVIEW SUMMARY

In January 2022 the City Council initiated a review of the Short-Term Rental code within the City to make any amendments that need to be considered. The Short-Term Rental committee met and discussed potential amendments to code and made the following recommendations:

1. Must be a primary residence
2. Must possess the residence for more than 12 months
3. Clarify single family homes and single-family zones
4. Distance from schools – 2,000 feet
5. Cap # city wide – ½ % of residential units not exceeding 25

The Planning Commission discussed the topic at the April 14th meeting. The direction that was given was to continue with what was recommended. Staff worked with legal counsel to craft a draft ordinance for recommendation from the Planning Commission to the City Council with the following amendments:

1. Must be a primary residence & Must possess the residence for more than 12 months
 - a. 10-18-12: PRIMARY RESIDENCE:

Single-family homes that operate a short-term rental shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.

Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership of no less than twelve (12) consecutive months.

2. Clarify single family homes and single-family zones
 - a. As staff reviewed the definition provided with legal council there was general consensus that the definition in code does make a clarification here.
 - i. SHORT-TERM OR VACATION RENTAL: Means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.
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3. Distance from schools – 2,000 feet
 - a. 10-18-11: PROXIMITY FROM SCHOOLS:

The location of a short-term rental shall not be nearer than two-thousand (2,000) feet from primary or secondary school. Such distance shall be measured as a radius originating from the center point of the property of which the school resides.

4. Cap # city wide – ½ % of residential units not exceeding 25
 - a. 10-18-13: NUMBER OF AVAILABLE PERMITS

The number of available permits allowed shall be calculated at one-half percent (.5%) of the total number of residential units within city limits, not to exceed 25. Availability of permits shall be on a first-come-first-served basis according to a process established by the City Manager.

PLANNING COMMISSION RECOMMENDATION OPTIONS

After careful consideration of the information presented, the South Weber Planning Commission moves to:

1. Recommend approval the Ordinance 2022-08 SHORT TERM RENTAL AMMENDMENTS.
 2. Recommend approval the Ordinance 2022-08 SHORT TERM RENTAL AMMENDMENTS with the following conditions or recommendations:
 - a. *(Any other conditions that need to be met)*
 3. Recommend denial the 2022-08 SHORT TERM RENTAL AMMENDMENTS for the following reasons:
 - a. *(List reasons based upon City Code.)*
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SHORT TERM RENTAL AMMENDMENTS

ORDINANCE 2022-08

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL

WHEREAS, the South Weber City Council

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Chapters Amended

10-18-1: PURPOSES:

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence. (Ord. 19-12, 5-14-2019)

10-18-2: DEFINITIONS:

As used in this chapter:

OCCUPANTS: Mean the persons renting or residing in a short-term or vacation rental dwelling unit.

PETS: Mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

RESPONSIBLE PARTY: Means the owners and local representatives of the short-term or vacation rental property.

SHORT-TERM OR VACATION RENTAL: Means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel. (Ord. 19-12, 5-14-2019)

10-18-3: CONDITIONAL USE PERMITS REQUIRED:

A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.

B. Application For Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:

1. The owner's daytime and evening phone contact numbers and email address;
2. A designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
3. The number of off-street parking stalls available for occupants;
4. A checklist showing compliance with the other requirements of this chapter; and
5. The application fee established in the consolidated fee schedule.

C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.

D. Applicant Requirements: As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:

1. Register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
2. Apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and
3. Ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time. (Ord. 19-12, 5-14-2019)

10-18-4: TAX:

Each short-term or vacation rental owner shall collect and remit Sales, Resort, and Transient Room Taxes to the Utah State Tax Commission. (Ord. 19-12, 5-14-2019)

10-18-5: NOISE AND OCCUPANCY:

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. Occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- B. Occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- C. Occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. Occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- E. The rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation. (Ord. 19-12, 5-14-2019)

10-18-6: PARKING:

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights. (Ord. 19-12, 5-14-2019)

10-18-7: CAMPING:

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation. (Ord. 19-12, 5-14-2019)

10-18-8: PETS:

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property. (Ord. 19-12, 5-14-2019)

10-18-9: SIGNAGE:

Information shall be displayed in the interior of the dwelling unit listing twenty four (24) hours seven (7) days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed. (Ord. 19-12, 5-14-2019)

10-18-10: MAINTENANCE AND STANDARDS:

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current Building Codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.
- F. A fire exiting route plan shall be posted.
- G. An annual inspection shall be conducted by the Fire Marshal to ensure compliance with fire safety provisions and occupancy requirements. (Ord. 19-12, 5-14-2019)

10-18-11: PROXIMITY FROM SCHOOLS:

The location of a short-term rental shall not be nearer than two-thousand (2,000) feet from primary or secondary school. Such distance shall be measured as a radius originating from the center point of the property of which the school resides.

10-18-12: PRIMARY RESIDENCE:

Single-family homes that operate a short-term rental shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.

Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership of no less than twelve (12) consecutive months.

10-18-13: NUMBER OF AVAILABLE PERMITS

The number of available permits allowed shall be calculated at one-half percent (.5%) of the total number of residential units within city limits, not to exceed 25. Availability of permits shall be on a first-come-first-served basis according to a process established by the City Manager.

10-18-15: COMPLAINTS AND VIOLATIONS:

- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.

B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.

C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.

D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.

E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.

F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:

1. The permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
2. The permittee engaged in a pattern of unlawful activity; or
3. The permittee violated State law or local ordinances.

G. Notwithstanding any other remedy in this section, violations of this Code or State law may be prosecuted as a criminal offense in the Justice Court. (Ord. 19-12, 5-14-2019)

Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the th day of 2022.

MAYOR: Rod Westbroek

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Halverson	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Dills	FOR	AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2022-xx was passed and adopted the th day of 2022 and that complete copies of the ordinance were posted in the following locations within the City thisth day of 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Lisa Smith, City Recorder

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