

CHAPTER 11C-300 Parking and Loading Space

11C-301 Purpose The purpose of these off street parking requirements is to reduce congestion and traffic hazards in the Town by incorporating adequate, attractively designed off street parking for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provided for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

11C-302 Off-Street Parking Required

- A. At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements. A detailed site plan showing the required off street parking spaces shall be presented to the Planning Commission for approval. All off street parking shall comply with all of the standards prescribed in this chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility.
- B. Parking shall be located on the same lot or abutting lot to the requested use. In no case shall required parking be located across a public street without written approval of the Planning Commission and only when the parking area is within 100 feet.
- C. Uses not listed shall be based on the most similar use in the table as determined by the Planning Commission.
- D. Any use of property which, in the effective date of this ordinance, is nonconforming only with the regulations relating to off-street parking may continue in the same manner, provided that parking facilities shall not be further reduced.
- E. Lighting used to illuminate any off street parking area shall be arranged to reflect the light away from adjacent properties and street traffic and shall comply with the dark sky ordinance.
- F. All areas designated for off street parking shall not be used for outdoor storage of materials or equipment.
- G. Parking Setbacks. The Planning Commission will determine at design review the appropriate parking setback. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
 1. Relationship to other buildings both horizontally and vertically.
 2. Natural land features, such as slopes or trees.
 3. Physical features and controlled ingress and egress.
 4. Visibility from vehicular approaches and distant highways.
 5. Type of use and structure.
 6. Building height.
- H. Connection of interior Parking Lots. Private parking lots, within any development, shall be required to provide interior access to adjacent parking lots and interior private roadways. When new developments are being constructed adjacent to existing business, the project shall be required to join existing drives and parking lots at property lines. When new developments are proposed adjacent to undeveloped land or underdeveloped business, the new development shall be required to construct connections, which will

allow joining of future roads or parking lots. All access between interior lots and roads shall be open to the public for customer parking and access.

11C-303 Handicap Parking. Handicap parking shall meet the requirements of the most recent amendment of the Americans with Disabilities Act (ADA).

11C-304 Parking Space Size. The dimensions of each commercial off-street parking space shall be at least nine (9) feet by eighteen (18) feet for diagonal or ninety-degree spaces; or nine (9) feet by twenty (20) feet for parallel spaces. Oversize Stalls should be nine (9) feet by forty (40) feet.

| Type of Space | Minimum Width | Minimum Length |
|------------------|---------------|----------------|
| Diagonal | 9 feet | 18 feet |
| 90° Angle | 9 feet | 18 feet |
| Parallel | 9 feet | 20 feet |
| Oversized Stalls | 9 feet | 40 feet |

11C-305 Computation Of Off Street Parking Spaces The table on the following pages contains the minimum parking requirements for specific uses. To clarify the computation of off street parking spaces, the following standards shall apply:

- A. Parking calculations shall be based on gross square footage of a building. Outdoor seating must also be included in parking calculations.
- B. If a fractional number is obtained one parking space shall be required for that fraction.
- C. If more than one use is located on a site, the number of off street parking to be provided shall be equal to the sum of the requirements of each use.
- D. Parking requirements for Short Term Rentals (STRs) see chapter 8-601-G and 8-607-B.
- E. If the gross square footage of an existing nonresidential building is not altered but the use is changed then no additional parking spaces are required.
- F. If gross square footage of an existing nonresidential building is altered regardless of use, then the minimum parking requirements must be calculated.
- G. In the event that off-street parking cannot be reasonably provided in accordance with the provisions of this title, a commercial property owner may be allowed to make a payment-in-lieu of providing parking spaces, according to the following conditions:
 1. The Planning Commission must review all payment-in-lieu of parking requests.
 2. The payment-in-lieu fee shall be established by resolution.
 3. Payment-in-lieu of parking shall be permitted to provide no more than 30% of the parking spaces required by this chapter.

| <u>Residential Land Use</u> | Required Parking Spaces | Employee Parking |
|---|--|------------------|
| Duplexes, multi-family dwellings, condominiums, townhouses | Studio 1 space 2 to 3 bedrooms 2 spaces 4 or more bedrooms 3 spaces Guest parking: 1 space for each 3 units | |
| Second residential unit | 1 space in addition to that required for the primary dwelling | |
| Senior housing | .5 space for each unit plus 1 guest space for each 10 units | 1 |
| Single-Family dwellings | 2 spaces per unit | |
| <u>Non residential land use</u> | | |
| Amusement park/entertainment facilities | Determined by conditional use | |
| Art galleries, artisan/ craft shop, | 1 space per 500 sq. ft | 1 |
| Auto and vehicle maintenance and repair | 4 spaces for each service bay | 1 |
| Auto/vehicle sales and/or parts store | 1 space per 400 sq. ft | 1 |
| Banks and financial services | 1 space per 300 sq. ft | 2 |
| ATM's | 1 space for each exterior ATM | |
| Bed & Breakfast (Inns) | 1 space per guest unit. An additional oversized stall for more than 3 guestrooms | 1 |
| Building material stores | 1 space per 500 sq. ft | 1 |
| Child day care centers | 1 space for each 10 children that the facility is licensed to accommodate | 2 |
| | | |
| Community/Convention Centers, lodges and meeting halls | 1 space per 100 sq. ft. | 2 |
| Grocery Store | 1 space per 250 sq. ft. | 2 |
| Hotels | 1 space and .2 oversize spaces for each guest hotel room; plus, retail, restaurant, and conference uses calculated at 50% of the requirements of this table. | 2 |
| Laundromats | 1 space for each 5 washing machines | |
| Libraries and museums | 1 space per 300 sq. ft | 1 |
| Medical Clinics, offices, labs, pharmacies, and other outpatient facilities | 1 space per 500 sq. ft | 3 |
| Night clubs and bars | 1 space per 100 sq. ft | 3 |
| Offices | 1 space per 500 sq. ft | 1 |
| Outdoor commercial recreation | Spectator seats: 1 space for each 4 seats Sports courts: 2 spaces per court plus 1 space per 500 | 1 |

| | sq. ft. of area other than courts | |
|---|---|--|
| Personal services: Barbers/beauty, etc. | 1 space per 500 sq. ft. | 1 |
| Plant nurseries and garden supply stores | 1 space per 500 sq. ft of indoor use area; 1 space per 2,000 sq. ft. of outdoor use area | 1 |
| Public safety facilities | 1 space per 500 sq. ft | 1 |
| Religious facilities, churches, places of worship | 1 space per every 4 seats to maximum seating capacity | |
| Restaurants (indoor and outdoor dining) | 1 space per 180 sq. ft | 2 spaces for every 1,000 sq. ft. |
| Retail Stores | 1 space per 500 sq. ft. | 1 |
| Schools – public and private | | |
| Grade 9 and lower | 1 space per classroom | 2 per classroom |
| Grade 10 – 12 | 5 spaces per classroom | 1 per classroom |
| Service station/Convenience Store | 1 space per pump island, does not include parking at the pump | 1 |
| Short Term Rental | See ordinance 8-601-G and 8-607-B | |
| Studios – art, dance, music, photograph, etc. | 1 space per 180 sq. ft. | 1 |
| Theaters | 1 space per 100 sq. ft. | 1 |
| Transient Business | 1 space per 150 sq. ft of commercial area | 2 |
| Utility facilities | 1 space per 1,000 sq. ft | 1 |
| Veterinarians, animal hospitals, kennels, boarding, pet shops | 1 space per 500 sq. ft | 1 |
| Warehousing, wholesaling and distribution | | 1 space per employee |
| Wholesale design showrooms | 1 space per 1,000 sq. ft | 1 |

(This Ordinance approved on September 8, 2016.)

CHAPTER 11C - 400 Motor Vehicle Access

11C-401 Roadway Access Management. Roadway access is a means for a motor vehicle to move from roadway to roadway or between private property and the public roadway. An access shall meet the requirements as hereinafter provided or as prescribed in the Utah State Department of Transportation manual entitled Regulations for the Control and Protection of State Highways rights-of way@ (whichever requirements are greater).

11C-402 Public Rights-of-Way. Public rights-of-way shall be identified before any permits for any kind of use are approved.

11C-403 Roadway Access. An access shall be identified when developing any property and shall be controlled as follows:

- A. Access may be up to but not more than one thirty (30) feet in width, measured by right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the property owner=s right-of-way.
- B. A property may have more than one thirty (30) foot access and in no event shall such accesses exceed sixty (60%) of the entire property frontage.
- C. No two (2) of said accesses shall be closer to each other than twelve (12) feet and no access shall be closer to a side property line than three (3) feet.
- D. No access shall be closer than forty (40) feet to the point of any intersecting roadways.
- E. Access roads to properties located on an inside turn (right angles) shall be twenty-five (25) feet from the property line.
- F. Any ingress or egress access to town owned streets must be in compliance with this ordinance.
- G. Where there is no existing curb and gutter or sidewalk, the applicant shall construct a safety island along the entire length of the property frontage, except across the permitted access. The safety island may be curb, fence, or appropriate landscaping not to exceed four (4) feet or be less than eight (8) inches in height, which shall be reviewed and approved by the Planning Commission. The safety zone cannot be in the Aclear zone@ according to UDOT standards.
- H. In all cases, where an access crosses the bike path, the return radii and the access, into the property, twelve (12) feet into the property shall be paved.
- I. Property Owners must pipe culverts under all accesses, or create a swale in the access.

CHAPTER 11C-500 Conditional Uses

11C-501 Purpose. To provide for the regulation of uses to insure their compatible integration in the land use pattern.

11C-502 Conditional Use Permit. An approved conditional use permit shall be required for each conditional use listed in this ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the Town unless a conditional use

- A. Having knowledge of the character and content of the material or film described herein; or
- B. Having failed to exercise reasonable inspection which would disclose its character and content.

8-509 Violations and Penalties. A violation of this Ordinance shall be subject to a fine, upon conviction, of not less than \$100.00 nor more than \$1,000.00 for each violation and imprisonment in the county jail not to exceed 90 days, or both, as determined by a court of competent jurisdiction. Each day that a violation exists or continues shall constitute a separate offense for which the above fine and penalty may be imposed. The remedies provided herein shall be in addition to any other remedies as provided by law in a civil proceeding.

8-510 Repealer. All Ordinances or parts of Ordinances, which are inconsistent with this Ordinance, are hereby repealed.

(Approved May 13, 2004)

TITLE 8 – Regulations of Business, Chapter 600 – Short Term Rental.

CHAPTER 8-600 The rules and regulations and process contained within this title shall be known as the Short-Term Rental Ordinance.

8-601 Definitions: The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Short-Term Rental Ordinance.

- A. Application shall mean the application for a Short-Term Rental License, which shall be a form, approved by the Town Council.
- B. Complete Application shall mean an Application that has satisfied all of the submittal requirements set forth in this Short-Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short Term Rental License.
- C. Clerk shall mean the Garden City Town Clerk or Assistant Clerk.
- D. Floor Plan shall mean a level-by-level plan of the Rental Property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.
- E. Nightly/Short Term Rental shall mean the rental of a Dwelling Unit or a portion thereof, including a Lockout Unit for less than thirty (30) days to a single person. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.
- F. Owner shall mean the record titled owner of the residence for which a Short Term Rental License is sought or has been issued. The Owner may be a person or any form of business entity recognized by the State of Utah. If the Owner is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce

- G. Parking Space shall mean an area with a width of not less than 10 feet and a length of not less than 24 feet located either within designated garages or designated parking areas. All parking shall be asphalt or concrete. One parking space shall be required for each four (4) occupants.
1. Single Family Dwelling must be clearly marked and on the property of the dwelling.
 2. All Multi-Family Dwelling parking, including approved off premise parking, must be clearly marked, and assigned to each unit.
- H. Property or Short Term Rental Property shall mean all such residences or dwelling units used for Short Term Rental purposes.
- I. Property Management Company shall mean the Owner's agent for renting the Property, if any.
- J. Sleeping Area shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping area shall require a minimum of 100 square feet of floor space.
- K. Temporary Access Easement shall mean an easement granted to the Owner to cross over the property of another when such access is necessary to provide entry to the Property being rented. The Temporary Access Easement shall be recorded in the records of the Rich County Recorder and shall terminate on the transfer by the owner granting the Temporary Easement.
- L. Town shall mean Garden City, Utah.
- M. Use With Criteria shall mean the land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Short Term Rental Ordinance, the terms and conditions in the Short Term Rental Ordinance shall control.
- N. Valid Objection shall mean an objection based on:
1. The Owner's objective failure to file a Complete Application; or
 2. The Owner's failure to meet any of the required criteria for the issuance of a Short Term Rental License.

8-602 Licenses: To operate as a Short Term Rental, the Property Owner or Owner's Agent shall file an Application with the Clerk. An Owner's failure to meet the requirements of Section 8-600 et. al., prior to renting shall be subject to the Penalties as referred to in Section 8-614.

8-603 Requirements for Application: Short-term rentals shall be allowed in all zones except where Homeowner's Associations do not allow them. Homeowner's Associations must provide the city with a letter stating they do not allow Short-term rentals in their subdivisions along with a copy of their CCR's showing that they are clearly prohibited. The following information and documentation shall accompany the application and be provided to the Clerk:

- A. Completed Application.