

ORDINANCE #24-16

AN ORDINANCE UPDATING SHORT TERM RENTAL PARKING REQUIREMENTS AND ADDITIONAL CRITERIA

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY PLANNING COMMISSION AND TOWN COUNCIL THAT ORDINANCE 8-601(DEFINITIONS), 8-603(REQUIREMENTS FOR APPLICATION) AND 8-607-B (ADDITIONAL CRITERIA), BE UPDATED AS FOLLOWS:

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 **parking spaces** must be clearly marked and on the property of the dwelling.
 2. **No parking space shall prohibit an emergency response vehicle from driving to within 40 feet of an entrance to 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.

8-603 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.
- B. Proof of Ownership for each unit.
- C. Site Plan for each unit, including the parking area. **Review 8-601-G and 8-607-B to assure that all parking requirements are met.**
- D. Proof of valid insurance for each unit being licensed for short term rentals.

- E. Proof of valid liability insurance for the following
 - a. Owner
 - b. Property management company/or any other entity
 - c. Contact person.
- F. Floor plan.
- G. Zone designation and street address for each unit.
- H. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner or owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the new property owner. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.
- I. The owner or property management company of any property that is being rented less than 30 consecutive days must provide acceptable documentation that TRT, Sales and Use taxes are being paid to the Town of Garden City.
- J. The name, address, and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living within 15 minutes of the property(s), who may be the Owner or Owner's Agent, and who can be contacted in the event of an emergency.
- K. Inspection by the Garden City Building Inspector/Code Enforcement Officer.
- L. A signed acknowledgement on the application, that the Owner, Property Management Company, and/or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a Short Term Rental.
- M. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

8-607 Additional Criteria:

- A. Sleeping area will be designated in the application packet, based on the square footage of the allowable sleeping area, and shall be required as part of the License application and approval process.
- B. There shall be at least one parking space on the Property for every four (4) occupants as a condition of the License. Parking shall be based on the total number of occupants the

unit is licensed for. All parking spaces shown on the Site Plan shall be available for parking and shall not be blocked or otherwise unavailable due to the storage of materials or for any other reasons. **No parking space shall prohibit an emergency response vehicle from driving to within 40 feet of an entrance to the dwelling.** All vehicles shall be parked on the Property and shall not be parked on any adjacent property or public right-of-way's. Vehicles including all motorized vehicles and such vehicle's trailers, RV's, boats, motor-homes, etc. shall be parked in license's designated parking areas. Each trailer parked at a licensed property shall be considered a vehicle.

- C. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping area. The maximum number of occupancy shall not include children under the age of three (3). Any advertising of occupancy over the allowed number by the license shall be subject to fines as set in the Garden City Code Infraction Schedule.
- D. The Owner or Property Management Company, or Owner's agent shall:
 - 1. Mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and
 - 2. Prominently display, on the Property, all of the rules and regulations pertaining to Short Term Rentals.
 - 3. Collect appropriate Sales, Resort, and Transient Rental Taxes.
- E. Each Short Term Rental shall have a clearly visible and legible notice within the unit, on or adjacent to the front door, containing the following information:
 - 1. The name of the Property Management Company, agent, and/or Property Owner, living within 15 minutes of the property(s), the contact person's telephone number who may be reached on a 24 hour basis;
 - 2. The maximum number of occupants permitted by the license;
 - 3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the Property;
 - 4. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;
- F. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-roof containers shall be used for all trash.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED this 13th day of June 2024.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	—	—
Hansen	—	—
Parry	—	—
Menlove	—	—
Leonhardt, Mayor	—	—

DRAFT