

ORDINANCE #25-09

AN ORDINANCE UPDATING CONDITIONAL USES

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 TOWN COUNCIL THAT ORDINANCE 11C-500 CONDITIONAL USES, BE UPADATED AS FOLLOWS:

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 permit shall have been approved. A conditional use permit runs with the land and shall continue unless the use discontinues as described under I. Time Limit, below.

A. Application. Application for a conditional use permit shall be made at the Town Office on forms provided for that purpose.

B. Development Plan. The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary.

C. Fee. The conditional use permit fee shall be set by resolution.

D. Hearing. A hearing need not be held; however, a hearing may be held when the Planning Commission or the Town Council shall deem a hearing to be necessary to serve the public interest.

E. Planning Commission Action. All Conditional Use Permits go to the Planning Commission who may approve, modify and approve or deny the Conditional Use Permits. The Planning Commission may require regulations and conditions that may be necessary to protect the health, safety and public welfare of the community. When approving a conditional use, the Planning Commission shall ~~findreview each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:~~

~~1. That the proposed use is necessary or desirable and will contribute to the health, safety and general well-being of the community.~~

2. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity injurious to property or improvements in the vicinity, or detrimental to the environment of the area;

3. That the proposed use will comply with the regulations of this ordinance;

4. That the proposed use is in harmony with the intent of the General Plan:

1. size and location of the site;
2. traffic considerations including capacity of the existing streets in the area;
3. utility capacity, including storm water run-off;
4. emergency vehicle access;
5. location and amount of off-street parking;
6. internal vehicular and pedestrian circulation system;
7. fencing, screening, and landscaping to separate the use from adjoining uses;
8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
9. usable open space;
10. signs and lighting;
11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
12. noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;
13. control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas;
14. expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;
15. reviewed for consistency with the goals and objectives of the Garden City General Plan; however such review for consistency shall not alone be binding.

~~F. Town Council Action. The Planning Commission has the option to refer any Conditional Use Permits to the Town council for their approval. {A Conditional Use Permit approval should be an administrative action. If it meets the conditions imposed, you must approve it. It should not be referred to the legislative body. If the applicant feels like the conditions are unreasonable, they can appeal to the Town Council.}~~

GF. Appeals. Appeal of any decision of the Planning Commission shall be to the Town Council. Appeals shall be in writing and shall be filed at the office of the Town not more than ten (10) working

days after the decision of the Planning Commission. If the Town Council's decision is appealed, the final decision will ~~be~~ made by the Board of Adjustments who may affirm, modify or reverse the decision of the Town Council. ~~However, t~~The Board of Adjustments shall present, in writing the reasons for its action.

~~HG.~~ Inspection. The building inspector shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the use permit.

~~IH.~~ Time Limit. A Conditional Use Permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion. The Conditional Use Permit shall be null and void if the use has been discontinued for a period of 12 months.

~~JI.~~ Not Transferable. A Conditional Use Permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval. The permit is not transferable off the site to another location.

~~KJ.~~ Revocation. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

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 14th day of August 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	___	___
Hansen	___	___
Parry	___	___
Menlove	___	___

ORDINANCE #25-11

AMENDING THE SHORT-TERM RENTAL ORDINANCE

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 TOWN COUNCIL THAT ORDINANCE 8-604 THRU 8-606, SHORT TERM-RENTALS, BE UPADATED AS FOLLOWS:

8-604 Effective Date of License. The License shall be issued by the Clerk upon approval by **one** Town Council **Member and/or the Mayor, and Code Enforcement Officer** provided that **all items in section 8-603 have been completed.**

- A. ~~The Town Council has reviewed the application, and if necessary has interviewed the applicant/owner and set requirements as stipulated by this ordinance for issuing the license, and;~~
- B. ~~The Council has reviewed all Valid Objections, and:~~
 - 1. ~~The Applicant/owner has addressed and corrected any violations, listed in the objection, as stipulated by this ordinance, or~~
 - 2. ~~The Town Council finds that the objection is not valid as stipulated by this ordinance.~~
- C. ~~All conditions of the license approval, by the Town Council, have been completed by the applicant or owner.~~

8-605 Fees: The application fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the Town to process, administer, and monitor the operation of Short-Term Rentals.

8-606 Term of License: The License shall be valid for up to one year and may be renewed annually by December 31st of each year. The License may be renewed upon the payment of the annual renewal fee and submittal of the following required documents: proof of insurance, fire inspection, and proof of all the applicable taxes for short-term rentals paid. If the license is not renewed by December 31st, it is considered revoked, and a new license application will need to be submitted. Refer to section 8-602.

The Owner shall amend the Application at any time there is a change in circumstances that would require an update to the information submitted by the Owner or Property Manager. By way of example, and not limitation, a change in circumstance would be: any modification to the physical premises, including any changes to the Floor Plan, Site Plan, or number of sleeping

area; any change of the Property Management Company; or any change in the 24-hour contact information. The updated changes will be reviewed by ~~two~~ **one** Town Council Members **and/or** ~~one Town Council Member~~ and the Mayor **and Code Enforcement Officer** to confirm compliance with these ordinances.

- A. A change in ownership of the property will require a new application and license. **Upon ownership change of a property with an active Short-Term Rental (STR) license and scheduled bookings, the new owner may apply for a Temporary Operation Permit. The temporary permit is valid through December 31st of the current year and is subject to a transfer fee set by Garden City resolution. The temporary permit will expire on December 31st. To continue renting the property, the new owner must apply for a new Short-term Rental License during the application period (section 8-602) and meet all current ordinance requirements.**
 - a. **Notification of sale: Within 15 business days of the sale, the new owner must submit:**
 - i. **A signed affidavit acknowledging the change in ownership,**
 - ii. **A list of all scheduled STR bookings through year-end, and**
 - iii. **An agreement to comply with all current STR regulations for the duration of the temporary permit.**
- B. All Short-Term Rentals may be subject to a random annual inspection during checkout times and unoccupied periods.

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 14th day of August 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	___	___
Hansen	___	___
Parry	___	___
Menlove	___	___

11C-803 Storage and Use of Recreational Vehicle. It shall be unlawful to store on any vacant lot any Recreational Vehicle.

11C-804 Recreational Vehicles and Camping on Vacant Lots

- A. It is unlawful to camp on any vacant lot.
- B. It is unlawful to occupy a Recreational Vehicle on any lot except during active construction of a home or cabin and then only for a period not to exceed 18 months, (The occupant must apply for and receive a temporary permit stating the expiration date of the temporary occupancy permit. Such permit shall not be issued until after a building permit for the building has been obtained).

11C-805 Recreational Vehicles and Camping on Lots with Homes, Cabins or Businesses..

- A. Occupation of ONE recreational vehicle not belonging to the property owner by a guest of a property owner on the property owner's homesite shall be permitted for no more than 14 consecutive days. At the end of 14 days the recreational vehicle must be moved offsite for a period of 2 weeks (14 days) before returning to the site.
- B. In addition to the recreational vehicle mentioned in (11C-805-A) above, additional recreational vehicles may be located on a lot on a temporary basis when the owner of the property has first obtained from the city, a permit covering the specific time period during which such recreational vehicle may be so located.
- C. Such permits shall specify the days covered and the number of recreational vehicles permitted. Such permits shall not be issued for the same lot for more than 15 days and for not more than 10 consecutive days in any 90-day period. At the end of 10 days the recreational vehicle must be moved offsite for a period of 2 weeks (14 days) before returning to the site.
- D. For the purposes of (11C-805-C) above, a group of contiguous lots under the same ownership shall be considered to be one lot.
- E. All lots for which permits are issued shall have restrooms facilities available for all occupants of recreational vehicles and tents.
- F. Recreational Vehicles placed on a lot as allowed by paragraph (11C-805-B) above shall be placed at least 10' from any property line and at least 6' from other recreational vehicles or structures. There shall not be placed on any lot more than 1 recreational vehicle per 1500 square feet of open lot area not occupied by structures.

11C-1806 Violation – A violation of this Ordinance, or any provisions thereof, shall be