

Chapter 24A: Residential Short Term Rental Overlay Zone (RSTROZ)

24A.1 Purpose

The Residential Short term Rental Overlay Zone (RSTROZ) is established:

- A. To allow carefully designed short term rentals on Rockville parcels located along the proposed Rockville Connector Corridor located on the west side of Rockville.
- B. To protect Rockville's General Plan by allowing limited short term rentals that will not be materially adverse to the Town's desire to maintain the vision of a rural, residential, and agricultural community.
- C. To preserve the Town's character by implementing standards for the design and development of short term rentals and limitations as to the number of rentals permitted.
- D. To allow preservation of the underlying zone associated with the parcels located along the proposed Rockville Connector Corridor.

24A.2 Definitions

Cooking Facility: Shall refer to microwave ovens, ovens, stoves, hot plates, toasters, toaster ovens, refrigerators and other appliances for the cooking or warming of food.

Floor Plan: Shall mean a level-by-level plan of the short term rental dwelling with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.

Guest Room: Shall mean a room which is designed for occupancy by one (1) or more guests for sleeping purposes, but having no Cooking Facility.

Owner: Shall mean any individual, corporation, partnership, limited liability company, trust or other entity which has a legal equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling.

Primary Renter: Person signing the rental agreement.

Property Manager: Shall mean a management agent, or operator other than the owner.

Short Term Rental: Shall mean the act of leasing a whole residence by a person or entity to another for a period of less than thirty (30) calendar days in exchange for direct or indirect remuneration.

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.

24A.3 Applicability

- A. Utah Code 10-9a-505, Zoning Districts, provides for the creation of the Overlay Zone RSTROZ as follows:
 1. (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
 - (b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

- (c) A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
 - i. protect life; and
 - ii. prevent:
 - A. the substantial loss of real property; or
 - B. substantial damage to real property.
 - 2. The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.
 - 3. (a) There is no minimum area or diversity of ownership requirement for a zone designation.
 - (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
 - 4. A municipality may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.
- B. The Town Council has determined short term rentals along the Rockville Connector Corridor, and limited to the properties identified in B.1 below, is not materially adverse to the Town’s desire to maintain the vision of a rural, residential, and agricultural community. This decision is also considerate of the following factors:
- 1. This overlay zone consists of the following parcels only:
 - R-1248-B-2-A-1
 - R-1248-A-2-C
 - R-1248-A-1-B-1
 - R-PERR-2
 - R-1249-A
 - R-1249-E
 - ~~R-1249-C~~
 - R-1248-E**
 - 2. The Rockville Connector Corridor is contained within ~~these parcels~~ **the Residential Short Term Rental Overlay Zone and Parcel R-1249-C.**
 - 3. The short term rental use is separated from the primary residential areas in the Town of Rockville and limited to the properties identified in B.1 and limited to the ~~two~~ **three** existing homes on such properties, plus ~~two~~ **one** additional rental homes on the properties.
 - 4. The residential nature and appearance of the properties is, and shall be required to remain, in keeping with the Town of Rockville General Plan.

24A.4 Short term Rentals Development Standards:

Regulations and restrictions imposed by this section are in recognition of the premise that a short term rental provides lodging for a transient population that may or may not honor neighborhood standards or exhibit neighborly consideration to the same extent as owner occupants. These requirements are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single family residential zones to promote safe locations for residential uses.

The following development standards apply to short term rentals in the RSTROZ:

- A. Regulations and requirements for short term rentals shall be the same as required for the underlying zone, with the following exceptions:
1. The existing home on Parcel R-1248-B-2-A-1 shall be allowed to retain the bathrooms in the gymnasium/theater building and the garage. The bathroom in the garage may be modified to contain up to three (3) sinks, two (2) toilets and two (2) shower/tubs. Both bathrooms, which were installed without permit, shall require application for an after-the-fact building permit and be subject to required fees and building inspector approvals as to compliance with the International Building Code, International Residential Code and International Fire Code.
 2. The existing home on Parcel R-1248-B-2-A-1 shall be allowed an additional bedroom in the section of the garage where the bathroom is located, subject to application and approval of a building permit.
 3. The allowance of **the remaining** ~~one (1) of the two (2)~~ new short term rental homes, to be built on a parcels within the overlay zone, to have in addition to the main residence, one (1) accessory building to have two (2) bathrooms, each of which may contain up to three (3) sinks, two (2) toilets and two (2) shower/tubs and two (2) sleeping areas. Parcels to be considered for this exception include only R-PERR-2 **and** R-1249-A, ~~and R-1249-C.~~
 4. No Cooking Facility is allowed in any accessory building.
 5. **The existing cabin on parcel R-1248-E is not a dwelling that may be licensed as a short term rental. The cabin shall only be used as a dwelling for the Property Manager managing the rental homes in the Short Term Rental Overlay Zone and must adhere to the sleeping area requirements in 24A.4.E.**
- B. All structures must comply with International Building Code, International Residential Code and International Fire Codes and all other applicable State and Town statues, ordinances and regulations.
- C. The properties within the RSTROZ shall be planned and landscaped so as to minimize the impact on neighboring properties and in a manner designed to maintain the residential character of the Town.
- D. No temporary, or semi-permanent structures such as tents, yurts, trailers, containers, campers or RV's may be used as living quarters or rented. The only exception would be for youth oriented, non-profit groups for a maximum of six (6) days temporary tent camping, limited to no more than four (4) groups per year within the RSTROZ. Owner is required to obtain a Simple Temporary Use / Special Event Permit from the Town Clerk prior to the event. This permit has no fee. Appearance before the Planning Commission is not required for approval.
- E. 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 sq. feet of floor space.
- F. 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.

24A.5 General Provision

The owner of a short term rental must comply with all the following:

1. **Short Term License Required:**

- a. The owner must apply for and obtain a short term rental license to be renewed annually. Said license is nontransferable with the property and must be applied for and approved before the holder of the license may begin short term rentals.
- b. No dwelling shall be occupied or used as a short term rental until such time that the owner has obtained a short term rental license.
- c. The owner must provide proof of a Utah State Sales Tax number for remittance of transient lodging taxes.

2. **Miscellaneous Rules and Regulations**

The following rules and regulations shall apply to any dwelling or accessory building for which a short term rental license has been issued:

- a. The entire rental home including accessory building, must be rented to one primary renter. At no time can individual rooms or buildings be rented.
- b. The owner/property manager must maintain a log with the following information:
 - i. Name and address of primary renter and number of guests.
 - ii. Date(s) of occupancy.
- c. No signs are allowed on premises or off premises except as a personal address and residential identification sign as allowed in Chapter 8, Section 11.1 (D) and (E). Signs advertising or announcing short term rentals are not be allowed.
- d. The owner/property manager must comply with all state and local applicable safety codes, laws, rules, ordinances and regulations.
- e. Primary Renter(s) must be at least 21 years of age and must occupy the rental property during the entire rental period.
- f. A special event, such as a wedding, family reunion, corporate retreat, cannot be open to the public and will only be allowed in conjunction with a nightly rental.
- g. Maximum occupancy in any dwelling licensed as a short term rental shall be determined by Fire Code. The dwelling or accessory building may be required to have a fire sprinkler system or other fire suppression system as determined by Fire Code as applied by the Fire Marshall. Maximum occupancy of the dwelling must be included in the regulations sign.
- h. The owner/property manager must verify to the Town that they have supplied their contact information to all adjacent property owners as listed on permit
- i. The owner/property manager shall provide information on current occupants to law enforcement when requested.
- j. The owner/property manager shall respond within forty-five (45) minutes of notification and take the needed action to resolve complaints and concerns within a reasonable amount of time. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the short term rental license holder.
- k. The requirements of this section shall be in effect throughout the time a short term rental license is in effect on the property, regardless of whether the property is

occupied by the owner, non-paying guests of the owner, or if the owner is receiving remuneration from renters and guests of the owner.

- l. An inspection of a short term rental property for compliance with these regulations may be performed at the time of short term rental application and annual renewal. Additional inspections may be performed with 24-hour's notice to the owner or property manager.
- m. The owner of any dwelling licensed as a short term rental shall be required to collect and remit on a timely basis transient lodging taxes.
- n. Pools and hot tubs shall comply with Utah State Code and Utah Department of Health requirements.
- o. Each sleeping area must meet current International Building Code, International Residential Code and International Fire Code. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

3. **Maintenance Standards:**

- a. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood.
- b. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes.

4. **Parking Regulations**

The owner of any ~~property~~ **parcel with a dwelling** licensed as a short term rental shall provide off street parking for primary renters and their guests in accordance with the following:

- a. Off-street parking shall be provided on the same lot as the dwelling which is licensed as a short term rental.
- b. All parking will be contained on the site with no side of the road or on street parking allowed.
- c. The number of vehicles allowed by the occupants of a rental home shall be restricted to the number of off street parking spaces provided by the owner.
- d. In the case of a special event which would cause excessive vehicles parked on the site, such as a wedding or event where most of the vehicles do not belong to the rental party, the owner or property manager will notify the Town in order to ease possible concerns of excessive occupancy of the residence.

5. **Prevention of Noise, Nuisance or Trespass**

In order to maintain the rural residential feel of the community, the owner of any dwelling licensed as a short term rental shall be responsible for notifying primary renters and their guests that State laws (Utah 76-9-1) and Rockville code (Chapter 1, Section 1.20) apply, especially but not limited to regulations against:

- a. Creating noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding neighborhood.

- b. Disturbing the peace of surrounding property residents by engaging in, without limitation, shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreation activities between the hours of 10 p.m. and 7 a.m., or other activities that affect the quiet enjoyment of surrounding properties.
- c. Interfering with the privacy of surrounding residents or trespass onto surrounding properties.
- d. Allowing pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
- e. Engaging in any disorderly or illegal conduct, including, without limitation, illegal consumption of drugs and alcohol.

6. Required Posting

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term rental:

- a. a copy of the short term rental license
- b. the name, address, and phone number of the owner or **Property Manager**
- c. the location of all fire extinguishers
- d. a list of all rules applicable for short term rentals including, but not limited to Section 24A.5, and as required by the Short Term Rental Licensing Ordinance
- e. the maximum occupancy of the short term rental home including all accessory building(s).