



Nibley City
Planning Commission Meeting
Thursday, September 2, 2021
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Workshop:** Minor Subdivisions Standards
2. **Workshop:** Short-term Rental Regulations
3. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
September 2, 2021**

Agenda Item #1: Minor Subdivision Standards

Description

Workshop: Minor Subdivisions Standards

Department

City Planning

Action Type

Legislative

Recommendations

Discuss potential revisions to Minor Subdivision Ordinance

Reviewed By

City Planner, City Attorney

Background

Commissioner Obray has requested to discuss a potential revision to the Nibley City Subdivision Code, regarding Minor Subdivisions. Specifically, he has requested to consider the allowance of the creation of a non-conforming lot, if there is no building on the lot. This request has come out of a desire to subdivide an existing property within an R-1 zone, so he can buy a portion of the lot that is partially used as access to an adjacent property. The portion that he wishes to obtain is 0.24 acres which is below the minimum lot size of 1 acre. Although a parcel boundary adjustment would be an option to legally obtain the property, he has indicated that this is not a

viable option for him as it would encumber his mortgage on the existing home. The purpose of this workshop is to discuss this request and give Staff direction regarding any potential revisions to the ordinance.

Subdivision Ordinance and General Plan Considerations

Nibley City Code 21.06.020 states:

All subdivisions must meet the minimum lot and development standards as outlined in each zone of the Nibley City land use ordinance and within this Title.

Nibley City Code 21.12.070(A) states:

Standards: All lots shown on the subdivision plan shall conform to the minimum requirements of the zoning title for the zone in which the subdivision is located, and to the minimum requirements of the Nibley City Design Standards and Specifications.

Furthermore, Nibley City Code 21.12.070(F) states:

Lot Remnants: All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than be allowed to remain lot remnants.

In general, the existing ordinance does not allow remnant, non-buildable parcels, except for public infrastructure, open space, trails, etc. This practice is in support of the General Plan which stresses facilitating ‘balanced, predictable and orderly development.’ This is facilitated through the subdivision process, in compliance with zoning. Allowing for the creation of lots which do not meet current zoning standards undermines the purpose of such standards. It is important to note that nonconforming lots can legally be built upon if setback standards are met, and supportive utilities are provided to the lot. The City may record a restriction upon a parcel that it is non-buildable upon the plat. However, such restrictions are often challenged by future property owners who may want to build upon the lot. They can be changed through subdivision amendment. Simply not allowing the creation of such remnant parcels facilitates more predictable, orderly development.

Standard Practice

To better understand the state of the practice, Staff has conducted research into any exceptions that cities allow for non-conforming parcels. Based upon a survey of APA-Utah members and research of five different city ordinances (Hyrum, North Logan, Smithfield, Draper, West Valley City), allowing such remnant or nonconforming pieces are typically only allowed if they are used as supportive infrastructure or are imposed by the City or transportation/utility company, such as for a road widening.

When asked about potential exceptions to prohibiting new nonconforming lots in new subdivisions and any prohibitions on building within a nonconforming lot, John Jansen, an experienced planner with *Planning Solutions* offered the following:

Even though a lot may be non-conforming, the use proposed needs to be a conforming use. If the use can meet the required standards of the zone, it should be allowed to build, even if the lot does not. This assumes these are old existing lots.

There shouldn't be "new" lots created in a subdivision that are non-conforming. You shouldn't create new nonconforming lots, period. Redesign of the subdivision would be needed.

This is consistent with the City Attorney, who has expressed that allowing for such lots is not good practice and creates potential problems in regulating the land in the future.

Staff Recommendation

Recommend denial of request to amend Minor Subdivision Ordinance to allow for the creation of nonconforming, non-buildable lots.

Findings

1. The existing provisions which require that lots within a new subdivision conform to the minimum requirements of the zoning ordinance facilitates orderly and predictable development within Nibley City.
2. Nonconforming lots which have adequate setbacks are considered buildable lots.
3. Allowing for an exception to lot size minimums rule for non-buildable parcels may undermine the very purpose of such zones.

Agenda Item #2: Short-term Rentals

Description

Workshop: Short-term Rental Regulations

Department

City Planning

Action Type

Legislative

Recommendations

Discuss potential revisions to regulations for Short-term rentals

Reviewed By

City Planner, Planning Intern

Background

One of the Planning Commission goals for 2021 is to create a more detailed Short-term Rental Code. The existing code, NCC 19.28.050(C)(1)(g) provides the following regulations:

g. Short-term rentals

- 1) All short-term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.*
- 2) Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.*
- 3) Only one Short-term rental shall be allowed for each property.*

In addition, 19.24.250(D)(9), which regulates Accessory Dwelling Units (ADUs) states:

Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.

These regulations are very limited and may not reasonably mitigate potential impacts on existing residents in established neighborhoods. Although short-term rentals are somewhat limited in Nibley City, it is a rapidly growing industry and may have a greater impact on the City in the future. Developing a more detailed ordinance in anticipation of this growth will help ensure that proper safeguards are in place.

To better understand the state of the practice and offer considerations for potential provisions that could be added to Nibley City short-term rental regulations, Nibley's Planning Intern conducted research of different Utah cities: Park City, Salt Lake City, Sandy, Provo, Moab, St George and Kanab. These cities were selected, as they have significant experience in regulating short-term rentals as more prominent travel destinations. Although Nibley City is not expected to reach the same volume of short-term rental demand as these cities, there are some considerations and lessons learned that are worth gleaning from such examples. The following requirements are included within such City regulations:

1. Requirement for a business license
2. Requirement for a building or property inspection
3. Proper yard & structure maintenance, including trash/snow removal
4. Provision of off-street parking
5. Noise control
6. Limits on size (i.e. 4 bedrooms)
7. Limiting hours for use of pools/spas
8. Requirement for proper housekeeping services
9. Responsible party must be available 24/7
10. Provision of smoke/CO detectors

11. Assessment of impact fees for separated units
12. Providing the City with a list of rules
13. Assessment of transient room tax

The purpose of this workshop is to discuss these and any other provisions that may be appropriate to short-term rental regulations in Nibley City, and provide Staff guidance in drafting the ordinance.

For: Levi Roberts

Date: August 12th, 2021

Subject: Different City Ordinances of Short-Term-Rental and other dwellings

NIBLEY CITY

The Planning Commission is the land use authority for Conditional Use Permits, but may appoint staff to review and approve conditional use permit applications.

The City shall consider the following, plus other adopted standards in order to mitigate any detrimental effects of a conditional use application.

Additional Standards for Conditional Uses for Residential Zones:

All Conditional Uses within Residential Zones shall comply with all conditions set forth in this Title applicable to all conditional uses, Nibley City Code, Nibley City Design Standards and Specifications, and any applicable state or federal law

Traffic and Connectivity

- Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.
- Site plans must comply with the Transportation and Trails Master Plan.

Applicants may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA.

Applicants may be required to limit light associated with the conditional use that emanates beyond their property boundaries to less than 0.01 foot-candles.

Parking

- Applicants shall provide off-street parking for the proposed use. Parking may be contained in a driveway, RV pad, or parking lot.
- Applicants may be required to provide off-street accommodation for delivery and pickup of materials and supplies associated with the Conditional Use.

Hours of operation: Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m.

Short-term rentals

- All short-term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.
- Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.
- Only one Short-term rental shall be allowed for each property.
- Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons
 - There is only one vehicle access road to the site
 - Allow for greater emergency access to the site
 - Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
 - Construction access to minimize impact to existing homes and infrastructure

Utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.

All buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license and conditional use permit is given. New buildings shall be inspected by the Fire Marshal before Occupancy can be given and inspection must be passed annually thereafter.

The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.

PARK CITY

Accessory Apartments

- Size: Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the floor Area of a Structure over the maximum floor Area as specified in the Land Management Code or Subdivision approval.
- Parking: One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:
 - One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.
 - One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.
- Requirements for Review: The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.
- Density Limits: A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.
- Ownership: One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.

Conditional use Review: In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use.

Nightly Rentals Regulations

All new and renewal applications for nightly rentals must first pass a Business License Inspection from the Building Department.

- Management Standards: The authorized lodging must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present

a statement to that effect signed by the owner. The minimum services and management regulations required include:

- Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the Unit; Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for occupant use;
- Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties;
- Structural maintenance to preserve substantial code compliance as described herein is required;
- Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties;
- Trash collection which ensures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours; the property must be kept free from accumulated garbage and refuse;
- Housekeeping service as a part of hotel or property management company included in property management license;
- On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety;
- No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use;
- Nightly rentals may not be used for commercial uses not otherwise permitted in the zone.
- Nightly rentals may not be converted to Corporate Sponsor or Business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.

Noise and Occupancy Control: The licensee and the owner of rentals under this Section are responsible for regulating the occupancy of the Unit and noise created by the occupants of the Unit. Violation of the Noise Ordinance, violation of occupancy loads, failure to use designated off-street parking, illegal conduct, or any other abuse, which violates any law regarding use or occupancy of the premises, is grounds for revocation.

Criteria For Bed And Breakfast Inns

A Bed and Breakfast Inn is a Conditional Use subject to a Conditional Use review. No Conditional Use permit may be issued unless the following criteria are met:

- The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- The rooms are available for Nightly Rental only.
- An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- Food service is for the benefit of overnight guests only.
- No Kitchen is permitted within rental rooms.
- Parking is provided on-Site at a rate of one (1) space per rentable room.

SALT LAKE CITY

Short Term Rental

- 30 days or more rentals

- A short-term rental shall not contain more than four bedrooms.

A short-term rental shall be maintained to the following minimum standards:

- Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and
- Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.
- Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.
- A short-term rental use shall not have any signs on the premises that advertise the use.
- The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes..
- Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.

A short-term rental shall be maintained to the following minimum standards:

- Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis.
- Short-term rentals may not be used for any of the following:
- Commercial purposes not otherwise permitted in the zone;
- Distribution of retail products or personal services to invitees for marketing or similar purposes; or the outdoor display of goods and merchandise for sale.
- The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single family home, duplex, condominium or other dwelling place and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

Responsible Party

- The responsible party is personally liable for failure to properly manage the short-term rental.
- The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.

SANDY

Short term Rental needs a business licence, short term rental 30 days

Each rental dwelling shall meet the building code requirements necessary to achieve, or be mitigated to the satisfaction of the Chief Building Official to achieve:

- structural integrity; proper installation, maintenance and operational condition of all plumbing, electrical, and mechanical systems; appropriate exiting; properly constructed and located stairways, including consistent rise and run of stair treads; appropriate bedroom egress windows, including

proper sill height and size of window openings and window wells for basement rooms; minimum bedroom floor area;

- adequate guardrails; appropriately located and operational smoke alarms; watertight and sound roofing systems; fire-rated separation between dwelling units; and properly placed street addressing.

Listed next are the design standards for parking. (on the code website)

Bed and Breakfasts

Regulations and site standards for bed and breakfast facilities within residentially zoned districts as may be allowed through the development review process. Bed and breakfast facilities may be allowed by conditional use permit where the applicant can show evidence of compliance with outlined standards and procedures and where there are clearly minimal impacts on adjacent residential properties and neighborhoods.

Requirements for Approval.

- A conditional use permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a conditional use permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

The following pre-conditions and documentation are required:

A letter of application sworn before a notary public shall be provided by the owners stating that such owners or live-in residential manager will occupy the facility except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.

Development Standards and Requirements for Bed and Breakfast Facilities.

- The owners of the property or live-in residential manager shall live within the facility, except for bona fide temporary absences.
- The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.
- The location of a bed and breakfast facility shall be at least one-fourth mile from any other similarly approved facility, unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.
- The bed and breakfast facility shall be located on a larger parcel than a typical residential lot. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc. In no case shall the parcel be less than one-half acre in size, unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel.
- The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Unique architecture is encouraged, where possible, in keeping with the local area.
- Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than four square feet.

- The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.
- At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.
- The design and size of the bed and breakfast facility shall conform to all applicable standards in the Fire, Building, and Health Codes. The facility shall be licensed in conformance with all City ordinances.
- Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.

PROVO

Provo doesn't allow Airbnb's. Only Short term rentals for 30 or more days. Business license for short-term rentals.

Minimum Health and Safety Requirements

- Same statements as Sandy City. Looks like they used the same policy.

MOAB

Nightly Rental

No person shall operate or engage in any nightly rental activity within the City of Moab without first obtaining and maintaining a valid nightly rental business license.

An individual owner who owns multiple nightly rental properties must obtain a separate license for each nightly rental property, and may list up to four nightly rental property locations on one license application. A nightly rental business license fee will be assessed for each property location. Sales tax for each location must be reported and remitted to the Utah State Tax Commission as per current state regulations and requirements. Property managers and property management companies may not include multiple nightly rental properties in one license.

From time to time, the City Council may establish license fees for nightly rentals operating within the City limits. Fees shall be based on the total number of bedrooms in each nightly rental.

Nightly rentals may be allowed where the applicant can show evidence of compliance with the standards and procedures outlined below, and where there is minimal impact on adjacent properties and neighborhoods.

- No license shall be granted for a nightly rental operation unless allowed as a land use in the underlying zoning district(s) in which it operates.
- The nightly rental must meet all applicable building, health and fire codes for the intended use.
- A maximum stay at a nightly rental by an individual or particular group shall not exceed thirty consecutive days.
- Maximum occupancy of any nightly rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Moab Fire

Chief, and the owner obtains written approval from the Fire Chief, a greater maximum occupancy may be approved by the City Treasurer.

- Each sleeping room must be equipped with smoke and CO (carbon monoxide) detectors.
- All nightly rental owners or property managers must collect and pay the applicable State transient room tax, State sales tax, City resort communities sales tax, City municipal transient rooms tax, and pay the City business license fee.
- Water and sewer impact fees for nightly rentals shall be calculated.
- The owner or property manager shall provide information on current or past occupants to police, emergency, or City personnel as requested. The owner or property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the owner and/or property manager, or revocation of the nightly rental license.

Short Term Rentals

Except for bed and breakfast facilities and guest apartments that comply with Chapters 17.70 and 17.71 of the Moab Municipal Code, the short-term rental of dwellings is prohibited in the following zones: A-2, C-1, C-5, FW, I-1, O-1, R&D-1, R-1, R-2, R-3, R-4, RA-1, and all other zones where short-term rentals are not listed as a permitted use.

Accessory dwellings

Accessory dwelling units are encouraged as dwellings for persons to increase affordable housing opportunities in the R-2, R-3, R-4, and RA-1 residential zones. They shall be allowed in the R-1 zone on lots sufficient in size to allow further subdivision.

The following provisions are intended to facilitate accessory dwellings while minimizing land use conflicts and environmental degradation:

- Accessory dwellings shall not occupy more than twenty-five percent of any rear or side yard. The front yard setback for an accessory dwelling shall be at least equal to the plane of the front wall of the principal structure and/or adhere to the required setbacks of the underlying zone.

Any request for accessory living quarters within residential zones shall be reviewed for compliance with the standards in this chapter and approved by city staff. A letter of compliance shall be issued to the applicant by the Zoning Administrator prior to issuance of a building permit.

An accessory dwelling shall not be constructed prior to the principal structure.

An accessory dwelling may be constructed above a garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed twenty feet in height.

The following criteria must be established prior to building permit issuance:

- Size: The maximum size for accessory living quarters shall be no more than one thousand square feet with no more than three bedrooms.
- Parking: One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.
- Accessory Dwellings Per Lot: No more than one accessory dwelling may be located on a lot.
- Property to Remain Undivided: Properties with accessory dwelling permits shall remain recorded as one lot.

- Subdivision of Property: The accessory dwelling shall not be sold separately unless the accessory dwelling occupies an area of adequate size to meet the lot area and all other requirements of the zone.
- Nightly Rentals: Accessory dwellings are intended for long-term rental of six consecutive months or more, to the same individual, and may not be used for nightly rentals

Guest Apartments

“Guest apartment” means a structure whose original purpose was that of a multiple-household dwelling unit of two or more household units such as a two-household dwelling, triplex, four-plex or other apartment-type complex and currently rented on a short-term basis (less than thirty days).

This chapter shall not apply to multiple-household dwellings of apartment houses that have converted to guest apartments in the R-3 and R-4 zones and have a current business license prior to the effective date of the ordinance codified in this chapter.

No license shall be issued for guest apartments, and the future conversion of apartments to guest apartments shall not be a permitted use in any residential zone. Short-term boarding and rooming houses shall not be a permitted use in residential zones.

KANAB

Image Attached bellow.

4-34. Short Term Leases of Residential Properties.

1. **Purpose:** The purpose of this section is to promote the health, safety and general welfare of the residents of Kanab City by establishing zoning regulations for short term leases of residential property to ensure:
 - a) Protection of neighborhoods and the community, including compatibility with existing residences.
 - b) The peace and quiet of residential neighborhoods, and preservation of property values.
 - c) Promotion of tourism, and the generation of revenue for community members.
2. **Definition:** A Short Term Rental Property, also referred to as a Vacation Rental Property, is property which is used by any person or entity, for temporary transient lodging use where the term of tenancy of the property is for less than thirty (30) consecutive days, for direct or indirect compensation. For this section, compensation means money, rent or other consideration given in return for occupancy, or use of the property.
3. Short Term Residential Rental Properties (also known as Vacation Rental Properties) in residential zones cannot operate until they have met the following terms:
 - i) Must obtain a business license in accordance with Section 9 of the Kanab City General Ordinances.
 - ii) Any new structure built for the purpose of human occupancy must have a ten foot minimum set back.
 - iii) Any previously built accessory building converted for the purpose of human occupancy must first have a ten foot minimum set back.
 - iv) Living space cannot be shared by more than one private renter (no separate bookings for any space that has common/shared living areas).
 - v) There shall be no more than two (2) rentals per property.
 - vi) There must be an additional off-street parking space beyond the number of vehicles already normally parked at the property for every increment of four guests allowed to book.
 - vii) Owners are responsible for posting at the rental a list of rules as provided by the City Office.
4. **Exception to the requirements of this section:**
 - a) A single-family owner-occupied dwelling which is part of a Home Exchange where the owners are trading rights or money to use each other's home for a short- term period. The exchange is only for a dwelling

which is usually owner-occupied, and the total number of home rentals or exchanges shall not exceed six home exchanges per year, unless a Conditional Use Permit is approved for more than six rental periods per year.

9-11 Short Term Rental Property

It is unlawful for any person to keep, conduct, operate or maintain a "short term rental property" as defined in section 4 of the Kanab Land Use Ordinance within the city without a business license. The following requirements are in addition to the requirements of this section, and apply to both residential and commercial short term rental properties:

- A. License Not Transferable: A short term residential rental property business license is not transferable between persons or structures. When an owner has more than one Short Term Rental, each property address must have its own business license. Any person holding such license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any Short term residential rental dwelling unit licensed under this article.
- B. Transient Room Tax: All short term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah code.
- C. The business license number shall be included, in plain view, on any booking website and at each property.
- D. Local Property Manager Required: All short term residential rental properties shall designate a local property manager that resides within one (1) hour travel time of the property. The local property manager shall be available twenty four (24) hours per day to respond to questions or concerns. Each short term residential rental property shall have a clearly visible sign within the unit containing the following information: the name and phone number of the local property manager, and the maximum occupancy of the unit (look to Chapter 4-6 for occupancy limits).
- E. Owner And Property Manager Responsible: The owner and property manager shall be jointly and severally liable for any violations of this article. Any short term rental which is found in violation of this article or any other requirement of this code may be subject to revocation of the short term residential rental properties business license, as well as any other remedies outlined in this Business License section.