Staff Report

Coalville City
Community Development Director

To:	Coalville City Council and Mayor
From:	Don Sargent, Community Development Director
Date of Meeting:	July 26, 2022
Re:	Short-Term Rentals - Development Code Amendment
Action:	Work Session

Short-Term Rentals - Development Code Amendment

REQUEST: Review, discuss, and conduct a work session on Short-Term Rental provisions as an amendment to the development code.

BACKGROUND: The City Council recently directed Staff and the Planning Commission to address short-term rental provisions as an amendment to the development code. The model ordinance used for the proposed language provisions are from Heber City. The City Council suggested reviewing these provisions for applicability to Coalville City.

On June 20, 2022, the Planning Commission reviewed and discussed the draft Short-Term language provisions, conducted a public hearing, and unanimously recommended approval of the amendments to the City Council with several revisions.

Attachment A includes the updated Short-Term Rental language as recommended by the Planning Commission for review and consideration. The "Track Change" revisions to the language were recommended by the Planning Commission.

On July 11, 2022, the City Council tabled a public hearing and requested staff to schedule the draft Short-Term language provisions on their next work session meeting.

ANALYSIS: As identified and discussed with the review of on-going development and building permit applications, short-term rental uses are increasing in demand in the City. The Short-Term Rental language was drafted for applicability to Coalville City.

RECOMMENDATION: Staff recommends the City Council review and discuss the Short-Term Rental provisions as recommended by the Planning Commission and provide direction to Staff regarding the language for preparation of a public hearing.

ATTACHMENTS

A. "Track Changes" Short-Term Rental Provisions

10-3-220: SHORT–TERM RENTALS

10-3-010: Purpose
10-3-020: Definitions
10-3-030: Licenses Required
10-3-040: Application Form
10-3-050: Maintenance Of Registry
10-3-060: Non-Transferability
10-3-070: No Property Rights Conferred
10-3-080: Denial, Suspension Or Revocation

10-3-010: PURPOSE

The purpose of this chapter is to provide a fair process for the licensing and administration of Short-Term Rental Licenses in Coalville City.

10-3-020: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply:

A. Lodger means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.

B. Owner Occupied means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the City records, currently and permanently resides for no less than 6 months of the year.

C. Short Term Rental means Short-Term Nightly Rental. The rental of any single-family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.

D. Room Rental means the short-term rental of a portion of a single residential dwelling that is owner occupied.

E. Home Rental means the short-term rental of an entire dwelling that is owner occupied.

F. Accessory Dwelling Unit (ADU) means an accessory residential single-family dwelling unit, but not a mobile home, with required limitations and located on the same lot as a single-family dwelling or in a detached accessory structure.

G. Vacation Rental means the short-term rental of an entire dwelling that is not owner occupied.

10-3-030: LICENSES REQUIRED

It is unlawful to engage in a Short-Term Rental business without first receiving a Business License from the City. All Short-Term Rental Business Licenses shall comply with the following:

A. Rental owners shall be onsite or be managed by a rental manager located within thirty ~~five~~ (30 ~~5~~) miles of the rental property. Contact information for said rental managers shall be on file with the City.

B. Rentals are subject to review and/or passing an inspection by the following:

1. Summit County Health Department
2. North Summit Fire District

C. Coalville City and its departments maintain the right to inspect any Short-Tern Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.

D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.

E. Exterior signs associated with short-term rentals are prohibited.

F. The following shall be posted inside the dwelling:

1. Coalville City Business License
2. Fire District and Health Department certifications
3. Rental Manager Contact information
4. Occupancy limit
5. Parking plan
6. Summary of Quiet Hours and Noise Restrictions.

G. Commercial activities are prohibited.

H. Recreational Vehicles, Campers, or other travel trailers are ~~prohibited~~ not allowed as Short-Term Rentals and must be parked off the public street in a designated parking area.

I. Tents or other temporary structures intended for sleeping are prohibited.

J. Room Rental. Room Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:

1. Room Rentals are limited to no more than one reservation at a single time.
2. Room Rentals are limited to no more than two bedrooms in the dwelling.
3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.

4. Lodgers shall be limited to no more than one vehicle.
5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions.

K. Home Rental. Home Rentals are permitted in any single-family residential dwelling so long as the follow provisions have been met:

1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Title 10-2, or 8 individuals, whichever is more.
2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.

L. Vacation Rental. Vacation Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:

1. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.
2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
4. The following shall be posted on the exterior of the property:
    a. Property Manager name, phone number, address, and email address
    b. Business License number.

M. All Short-Term Rentals are subject to Noise Disturbance regulations in Title 13 and any applicable transient room tax assessments.

10-3-040: APPLICATION FORM

The City shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

A. Review of Written Disclosures. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

B. Contact Information:

1. Applicant’s name, telephone number, home address, mailing address, and email address.

2. Applicant's business name, telephone number, business address, mailing address, and email address.

C. Proof of Identity. An in-person verification by the City of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

1. Valid driver's license issued by any State.
2. Valid passport issued by the United States.
3. Valid identification card issued by any State; and
4. Valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

D. Rental Manager Information:

1. Manager name.
2. Managing company name.
3. Managers contact address, phone number, and email.

E. Proof of Registration with Department of Commerce. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

F. Properties list. A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel ID number.

G. HOA Consent. A letter of consent from the Homeowners Association is required for any properties that are governed by a HOA.

H. Site and Floor Plans. A site plan and floorplan including the following shall be required for each property listed under the license:

1. Layout of property.
2. Designated parking areas.
3. Floor plan of building with area in square feet that will be used for short-term rentals.

I. Fees. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application. Refer to the City Fee Schedule for current fees.

J. Execution of Application. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful, and accurate.

10-3-050: MAINTENANCE OF REGISTRY

All Short-Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City upon written request.

10-3-060: NON-TRANSFERABILITY

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

10-3-070: NO PROPERTY RIGHTS CONFERRED

Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short-Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

10-3-080: DENIAL, SUSPENSION, OR REVOCATION

A. Denial: The City shall deny a Short-Term Rental application for the following reasons:

1. The application is not complete or does not comply with the requirements of this chapter.
2. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Coalville City Municipal Code.
3. The applicant has any licenses that are currently suspended or revoked.

B. Suspension or Revocation. The City may either suspend or revoke a Short-Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:

1. Suspension: Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Coalville City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.

2. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Coalville City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicants with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.

C. Notice of Denial, Suspension, or Revocation. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.