

**COTTONWOOD HEIGHTS COMMUNITY COUNCIL
BUTLER MIDDLE SCHOOL
7530 SOUTH 2700 EAST
(CHORAL ROOM 101)
JUNE 5, 1996
6:30 P.M.**

- | | | |
|-----------|------|---|
| 6:30 p.m. | 1) | Opening Ceremonies |
| 6:32 p.m. | 2) | Review of Minutes |
| 6:35 p.m. | 3) | Sheriff's Report |
| 6:40 p.m. | 4) | Townships - Salt Lake County Representative
and Delpha Baird |
| 7:20 p.m. | 5) | U.A.C.C. Report - Brian Smith/Joyce Smith |
| 7:25 p.m. | 6) | Traffic problems -
A) Jim Whitehead - 3000 East North of 7000
B) David Jackson - 3084 East 7180 South |
| 7:45 p.m. | 7) | Chris Stansfield - pedestrian right of way |
| 7:50 p.m. | 8) | Zoning - Jeannine Cunningham |
| | a) | PL-96-2136 1930 E Fort Union Boulevard
Conditional Use - Billy Jones |
| | b) | PL-76-2198-002 3698 E 7000 S
Amended Site Plan - Joe Baer |
| | c) | PL-96-2138 6727 South 1680 East
Home Occupation - Lori Hendry |
| | d) | PL-96-2144 2969 East 7375 South
Home Occupation - Beverly Thornblad |
| | e) | PL-96-1066 6706 South 2300 East
Subdivision - Mark Green |
| | f) | PL-96-2150 3931 Big Cottonwood Canyon
Amended site plan - Salt Lake City Public Utilities |
| | g) | PL-96-7010 2460 east Bengal Boulevard
Street Vacation - Cannon Mortuary |
| | h) | PL-94-2276-004 1300E Park Center Drive
Amended Site Plan - JKS Management |
| | i) | PL-96-2157 1838 Fort Union Boulevard
Jean Bednar - Conditional Use |
| | | <u>Text Change</u>
95-4077 Tourist Home Ordinance Change
Text attached to agenda |
| 8:15 p.m. | 9. | Geraldine Johnson - Landscaping around Target Store |
| 8:30 p.m. | 10. | Any Other Business |
| 8:35 p.m. | 1 1. | Adjourn |

**SALT LAKE COUNTY
PUBLIC WORKS DEPARTMENT
PLANNING DIVISION**

2001 S State St. #N3700
Salt Lake City, Utah 84190-4200
Phone (801) 468-2061
FAX Number (801) 468-2066

Community Council Recommendation

Application no.: 95-4077

Date: May 23, 1996

Nature of the request: **TOURIST HOME ORDINANCE CHANGE**

SEE ATTACHED

This text change is scheduled to be heard by the Planning Commission on **June 25, 1996**. Hearing items are considered after 9:00 A.M. The meeting is in room number N1100 at the County Government Center at 2001 S. State St. If you have any questions or would like to see the file please contact **John Newell** at 468-2061, during office hours.

Please complete the following

1. Meetings held: _____ 2. Public meetings held: _____
3. Decision: Approved () Denied () Approved with stipulations ()

4. Reasons for action:

5. Is there any other pertinent information that will assist the County Commissioners in arriving at a decision?

Community Council

Signature of Chairman

Date

May 23, 1996

Introduction

The tourist home issue began last September when the County Commission requested a proposed change to the zoning ordinance to eliminate the tourist home use from all zones except the FM zones.

The first public hearing was held on November 28, 1995 with the Planning Commission. After the hearing the Planning Division was directed by the County Commission to form a task force to study the tourist home issue further. The task force was to come up with proposed solutions to the problems associated with tourist homes.

A Tourist Home Task Force of twelve people was created in December. The Task Force consisted of three people from the tourist home industry, three citizens against tourist homes, and six individuals representing the community councils. In addition, staff members from the Planning Division, Development Services, and the Attorney's Office were also involved. The Task Force held eight meetings. One of the first dilemmas the Task Force realized was that the problems with tourist homes were not completely understood. It was suggested that a survey be conducted to obtain a better perspective.

Survey

The Task Force created a survey that was mailed to all property owners within 300 feet of existing licensed tourist homes and a sampling of illegal ones. Approximately 800 surveys were sent out and about 48% of those were returned. The results were then tallied and summarized. The survey proved to be beneficial giving the Task Force a better understanding of tourist homes issues.

Attached please find the recommendations developed by the Task Force and a summary of the 1990 tourist home ordinance.

Task Force Recommendations

General recommendations

Enforcement

Change the enforcement of the zoning regulations from criminal to administrative civil penalties and have a hearing officer review complaints.

The Task Force believes effective enforcement of the tourist home ordinance is going to be the best solution to most of the problems. The County Attorney's Office has suggested that the county should look at changing its zoning enforcement process from criminal to civil. This is currently being done in Salt Lake City. In addition, the county should have a hearing officer review complaints. A review system should be set up based on the number of complaints a tourist home receives and should define the appropriate penalties for violations. The county could fund the hearing officer by possibly increasing all business license and conditional use fees.

Non-conforming

1. All tourist homes that are currently licensed, but don't conform to the new regulations will become legal nonconforming (i.e. "grand-fathered").

2. All tourist homes that are **not** currently licensed fall into two categories:

A. The illegal tourist home that is located in such a zone that does not comply with the 1990 ordinance or the new 1996 ordinance, but has been in continuous existence since before 1990. Previously, they had the opportunity to prove they have been operating since before 1990 and were grand-fathered in as per 19.76.280 (B).

19.76.280 Commercial renting of dwellings prohibited.

B. Tourist homes existing at the date of the adoption of this section of the zoning ordinance shall be considered nonconforming uses. Existing tourist homes remain subject to all health fire and licensing requirements. (Ord. 1115 7, 1990)

The Task Force recommends Section 19.76.280(B) be removed. It felt that six years was more than enough time to file for legal nonconforming status.

NOTE: There was considerable discussion, and a close vote, about allowing a "window" (six months?) for these illegal tourist homes to get licensed.

B. The illegal tourist home that is located in a zone that does not comply with the new 1996 ordinance but does comply with the 1990 ordinance.

A tourist home is illegal if it does not have the necessary permits, and therefore, does not have the right to operate. By not allowing them in the new ordinance is not taking that person's right to have a tourist home. Illegal tourist homes in this category will not be grand-fathered.

Tourist Home Association

The Task Force recommends that a private Tourist Home Association be organized to govern/assist the Tourist Home Industry. This Association will be created separately from the county and will be responsible for determining its role in the Tourist Home industry.

Task Force Zoning Recommendations

1. All tourist homes should remain as conditional uses. (same as existing ordinance)
2. Tourist homes should not be allowed in any R-1 zones. (same as existing ordinance)
3. Tourist homes should be allowed in all FM zones. (which are only located in Big and Little Cottonwood Canyons and mostly near the ski areas) (same as existing ordinance)
4. Tourist homes should be allowed in the MD-1 and MD-3 zones. (same as existing ordinance)
5. Tourist homes should be allowed in the R-4-8.5 and RM zones. (same as existing ordinance)

NOTE: The Planning Staff recommends a variation of Number 5: That tourist homes be allowed in the R-4-8.5 and RM zones but limited to developments that are all rentals and have a full-time manager present on the property.

6. The parking ordinance for tourist homes, Section 19.80.040 (30), should be changed to help relieve the parking problem sometimes associated with tourist homes. The change would allow tandem parking for the third and forth space required when the tourist home has more than two bedrooms. This change should effect only duplexes and not apartments.

7. Keep the definition of a tourist home the same, except for adding the wording "and access to parking areas" to clarify the parking requirements. The change would read as follows:

2. 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

8. Tourist homes should be allowed in the FR zones, provided the property is located within Big and Little Cottonwood Canyons east of the dividing line between R1E and R2E (essentially the mouth of each canyon). A provision should be added to require the tourist home to have a connection to the sewer. This means that tourist homes would not be allowed in Emigration, Parleys, Millcreek Canyons or the foothills.

9. Tourist homes should be allowed in the R-2 zones on a site with frontage on a road of 66 feet or wider, but limited to single lots with a maximum of two units per structure (a duplex). This would not allow tourist homes in PUD's, dwelling groups, or any residential building over a duplex in the R-2 zones.

Additional Planning Division Recommendation:

1. The Planning Division recommends that the name "tourist home" be changed to "short-term rental." There is another facet of the tourist home industry separate from ski rentals: short-term corporate housing. There are companies in Salt Lake that provide corporate housing for out-of-town business visitors with the typical stay being a week. This use falls under our definition of a tourist home. To avoid confusion, we recommend that the term "short-term rental" be used for any rental of a dwelling for less than thirty days which would include both ski rentals and corporate housing.

Existing Tourist Home Ordinance

Tourist Homes are currently allowed:

As a Conditional Use in the following zones:

All R-2's

R-4-8.5

RM

All FR's

All FM's

MD-1, MD-3

Only allowed in the R-2's if:

The site is located in a planned unit development or dwelling group containing a minimum of ten dwelling units, or has frontage on a street with an existing or proposed right-of-way of at least sixty-six feet, as identified on the map entitled "Road Widening and Improvement Map" on file with the Development Services Division and such map is made by this reference, as such, a part of this title as if fully described and detailed herein.

Definition of a Tourist Home:

19.04.547 Tourist home.

A. "Tourist home" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

B. A tourist home shall not contain more than four bedrooms.

C. A tourist home shall be maintained to the following minimum standards:

1. 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

2. Required 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

3. 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.

D. Occupants of a tourist home shall not create excessive noise that is incompatible with adjacent land uses.

E. A tourist home use shall not have any signs on the premises that advertise the use.

F. The use of a dwelling as a tourist home shall not change the appearance of the dwelling or property for residential purposes.

G. Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m. (Ord 1115 1, 1990)