

SOUTH WEBER PLANNING COMMISSION AGENDA

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PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday May 12, 2022, in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m.

OPEN (Agenda items may be moved in order or sequence to meet the needs of the Commission)

1. Pledge of Allegiance: Commissioner Walton
2. Public Comment: Please respectfully follow the guidelines below: Comments will also be accepted at publiccomment@southwebercity.com to be included with the meeting minutes.
 - a. Individuals may speak once for 3 minutes or less
 - b. State your name and address
 - c. Direct your comments to the entire Commission
 - d. Note: Planning Commission will not respond during the public comment period
3. Approval of Consent Agenda
 - a. PC2022-04-14 Minutes
4. **Public Hearing & Action on Amending ORD 2022-08 Short Term Rental Regulations (City Code 10.18.xx)**
5. Discussion Item: Amending R-7 Multi-family Zone
6. Planning Commission Comments (Boatright, Davis, Losee, McFadden, Walton)
7. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE www.southwebercity.com 4. UTAH PUBLIC NOTICE WEBSITE www.pmn.utah.gov 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

DATE: April 28, 2022

DEVELOPMENT COORDINATOR: Kimberli Guill

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 14 April 2022 **TIME COMMENCED:** 6:00 p.m.

LOCATION: South Weber City Office at 1600 East South Weber Drive, South Weber, UT

PRESENT:

COMMISSIONERS:

Gary Boatright (via zoom at 6:15)
Jeremy Davis
Julie Losee
Marty McFadden
Taylor Walton

COMMUNITY SERVICE DIRECTOR:

Trevor Cahoon

DEVELOPMENT COORDINATOR:

Kimberli Guill

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Michael Grant, Tim Grubb, Brent Petersen, John & Sydney Grubb, Brad Brown, Lynn Coy, John & Cathy Von, Elizabeth Rice, Jordan Love, Val Petersen, Sherrie Poll, Charles Poll, and Michael Grant.

Commissioner Davis called the meeting to order and welcomed those in attendance.

1. Pledge of Allegiance: Commissioner McFadden

2. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & address and direct comments to the entire Council (Council will not respond).

Paul Sturm, 2527 Deer Run Drive, referenced agenda item #6 (Amending Ordinance 19-12 Short Term Rental Ordinance) and stated this item was added yesterday to the agenda and the actual ordinance wasn't added to the packet for tonight's meeting. He also expressed his concerns regarding agenda item #5 (Action on Final Plat, Improvement Plans & Conditional Use (for CH zone over 1 acre) for South Weber Gateway Project: 2 Lot R-7/Commercial located at approx. 2350 E South Weber Drive by Applicant Brad Brown). He is confused as to what the developer is proposing and the fact that the developer is marketing the proposed units as townhomes in a Planned Unit Development. He expressed concerns with the developer digging into the hillside on the south end of the development and the potential geological landslide hazard, even with a retaining wall.

ACTION ITEMS:**3. Consent Agenda**

- 10 March 2022 Minutes

Commissioner Walton moved to approve the consent agenda as written. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Walton voted aye. The motion carried.

Commissioner Losee moved to open the public hearing & action on Preliminary Plat, Improvement Plans, and conditional Use for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM, & R-7 zoning) 13.06 acres located at approximately 6950 S 475 E by applicant, Timothy Grubb. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

******* PUBLIC HEARING *******

4. Preliminary Plat, Improvement Plans & Conditional Use for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM & R-7 zoning) 13.06 acres located at approx. 6950 S 475 E by Applicant: Timothy Grubb:

Trevor Cahoon reported referenced item #3 of his memo in which the Planning Commission has the purview within the PUD to approve appropriate setbacks for the development. He then discussed the agreement between the city and the developer to allow the use of the donated portion of Canyon Meadows West Park to be used as open space for the project and be counted in the density calculations. Trevor reviewed the following in his memo.

Community Services Director Trevor Cahoon's memo is as follows:

After a review of the preliminary application Petersen Farms PUD Site Plan and Conditional Use Application, the following items should be noted for the Planning Commission's consideration:

- 1) An agreement exists between the city and the developer to allow the use of the donated portion of Canyon Meadows West Park to be used as open space for the project and be counted in the density calculation.
- 2) Developer can spread density and uses throughout the project. PUD's purpose is to provide greater open space opportunities while clustering the development of the residential uses. The allowed density for this project in combining uses is 35, the developer is proposing 25.
- 3) The Planning Commission has the purview within the PUD to approve appropriate setbacks for the development. The setbacks indicated on the drawings do represent reduced spacing from the underlying zones. The commission should examine the setbacks illustrated and determine if the distance shown is sufficient in the eyes of the commission.
- 4) The development indicates a twin-home use within the project. This is a permitted use in the R7 zone and is allowed to be utilized in the project. The lot orientation complies with code.
- 5) The entire development is being done all together as one subdivision. No phasing is proposed.
- 6) There is an existing home on 475 East that will be removed in order to connect the proposed Iris Lane with 475 East.

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7) 475 East will have some additional patching required to install the storm drain and secondary water lines.

8) The R-7 Zone requires 15% landscaping. Only a portion of the required landscaping is being provided inside the development. The remaining amount is being provided on property that was donated to the city for a public park. This is being done by paying for their proportionate share of the landscaping going into Canyon Meadows Park (West). This will be documented by Agreement.

9) All developments are required to control the storm water generated by their development. A portion of this control is done by detaining the peak flows in a storm event. The Old Maple Farms regional detention basin was master planned to include this development area. The developer is meeting their detention requirement by paying for their proportionate share of the cost to construct this detention basin. This will be documented by Agreement.

10) Lot 1 is using an existing access that is shared by the Assisted Living Facility and the residential home to the east. There is a shared used cross access agreement already in place and this shared use has been approved by UDOT.

11) There are some discrepancies with the property lines on the north end of the development along the park property. In order to clear up any issues, a Boundary Line Agreement will be recorded that establishes a common line that both property owners agree upon. The newly installed fence along the park property is the line that is being followed.

Commissioner Davis asked if there was any public comment. There was none.

***** **PUBLIC HEARING CLOSED** *****

Tim Grubb, 6929 S. 475 E., pointed out he is not the developer but will be living on the property. Lot 16 is his home. Lot 2 is the existing home. He conveyed he has a vision and dreams for this project. He married into a great family and has lived in South Weber City for 27 years. The Petersen family has children and grandchildren who want to be a part of the development. He affirmed 2.0 acres was donated by the Petersen family on the north side of South Weber Drive and 3.5 acres was donated on the south going up the hillside with the hope of a cemetery someday. He favors diversity with apartments, commercial, and mixed uses. He expressed covenants with quality of materials will be recorded with this development. The development allows for playable setbacks.

Commissioner Walton asked if there is a way to provide access to the park and trails. Tim replied there is sidewalk access. At one time, they did discuss a trail or corridor to the park but there were certain city requirements that just didn't work with this development. Commissioner Walton asked about the monitoring wells. Tim replied there are two monitoring wells in the development - one on Lot 20 and one on Lot 1, which have a lease agreement attached to them. He is in discussion with Hill Air Force Base concerning the possibility of discontinuing them because after testing there has been zero contamination for a number of years. Trevor suggested recording the wells on the plat. Tim recommended removing the wells from the plat or adding a note to the plat.

Commissioner Losee asked if the existing home on Lot 2 is staying. Tim replied he recently renovated the home. Commissioner Losee asked about parking for the townhomes. Tim replied

he has exceeded the requirement for parking. He discussed UDOT has given approval for the access. Commissioner Boatright feels the Petersen family has done their due diligence.

Commissioner Walton questioned the grading on the access from South Weber Drive. Tim replied the access has been engineered. He explained Lot 1 will have its own fencing. The Planning Commission commended Mr. Grubb for the structural design of the townhomes.

Commissioner Walton moved to close the public hearing & action on Preliminary Plat, Improvement Plans & Conditional Use for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM & R-7 zoning) 13.06 acres located at approx. 6950 S 475 E by Applicant: Timothy Grubb. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

Commissioner Walton moved to approve the Preliminary Plat, Improvement Plans & Conditional Use for Petersen Farms PUD (25 Lot Plat) (Combined R-L, R-LM & R-7 zoning) 13.06 acres located at approx. 6950 S 475 E by Applicant: Timothy Grubb with the following conditions:

- 1. Acknowledgement from HAFB on the condition of the monitoring wells.**
- 2. Address lot lines and make sure sufficient.**
- 3. Items 1-11 of Community Service Director Trevor Cahoon's memo.**

Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

5. Action on Final Plat, Improvement Plans & Conditional Use (for CH zone over 1 acre) for South Weber Gateway Project: 2 Lot R-7/Commercial located at approx. 2350 E South Weber Drive by Applicant Brad Brown:

Applicant Brad Brown expressed the city staff has directed them very well. They did update the geotechnical report and received written approval from UDOT concerning access.

Trevor reported the South Weber Gateway has been working on a potential development for the proposed site for several years. After development plan negotiations the City Council requested the developer to move forward with a rezone application. In July 2021 the property rezone request was approved by the City Council to have the front portion of the property rezoned to commercial highway (C-H) and the back portion of the property as Residential Multi-Family (R-7). The application has met all requirements of a final application and has been passed forward the Planning Commission for their recommendation.

Community Services Director Trevor Cahoon's reviewed his memo as follows:

After review of the preliminary application for South Weber Gateway Development, staff would recommend approval with the following considerations:

1. The developer has shifted the units to allow for more setback on the eastern portion of the residential units. This would allow for 20 feet from the building to the property line.
2. The pedestrian trail connection point has been reoriented in the project to allow for better setbacks on the project.
3. The developer has met the requirements of the Private ROW ordinance.

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4. UDOT has granted a Conditional Access Permit (CAP) to the developer. This covers the access locations as well as the proposed utility connections (water, sewer, storm drain). This is what is needed in order to know that UDOT has approved the proposed access and utilities.
5. There is a proposed retaining wall that runs along the bottom of the slope that varies in height up to a maximum of 11'. The geotechnical engineer has given recommendations on how this wall is to be built. Before it can be constructed, it needs to be designed and stamped by a qualified engineer.
6. The parking requirements for the residential is 143 stalls (61 units x 2.33 stall per unit), and they have provided 261 (2 per garage, 2 per driveway, and 17 visitor). The parking requirement for the commercial is 55 stalls (15,583 x 3.5 stalls per 1k sf), and 82 are being provided.
7. The development will be installing a pedestrian trail that connects the sidewalk on South Weber Drive to the southeast corner of the development property. In order for this trail to continue and connect to View Drive, the city will need to work with the property owners in that area to find the best location for making the connection. The city will also need to pay for any costs associated with making this final connection.
8. The water mains through the development will be public, but all other water facilities will be private. All the sewer and all of the storm drain facilities will be private.
9. The R-7 zone requires a 6' screening fence around its boundary. This means that there will be a fence separating the commercial zone up front and the residential properties along View Drive in the back.
10. The striping on the south side of South Weber Drive will be changed to add right-hand turn pockets for both accesses.
11. The C-H zone requires a buffer yard between the commercial and the residential. The buffer yard landscaping proposed does not match exactly what is listed under the code. However, the code allows for changes to be recommended by the Planning Commission and approved by the City Council.

Trevor reported city staff has received concerns surrounding the "for sale" nature of the housing units in which staff contacted the developer and issued a letter. He noted the developer is submitting this project as a single lot and not a condo lot. Therefore, they would not be able to have a "for sale" product. He reported that private business matter doesn't have a bearing for final approval of the project. The developer has expressed they are looking for investors and interest in the property, but no real estate transactions are transpiring as far as the conversation with the city. He reassured the Planning Commission this is not a factor in the decision making process for tonight. It is strictly the review of the final plat and whether or not it complies with city code. Staff discussed this item with City Attorney Jayme Blakesley and that was his advice as well.

Trevor feels comfortable the development follows city code. This development meets fire code with appropriate turn arounds. The city engineer has reviewed and given approval as well.

Commissioner McFadden questioned where the trail connects. Trevor replied it is part of the city's trail master plan. Commissioner Boatright voiced he doesn't have any questions or concerns and feels the project meets city code.

Commissioner Losee questioned if the townhomes are being built in a Planned Unit Development (PUD) or are they condominiums. Developer Brad Brown replied it is a single lot plat. Trevor explained it is a multi-family unit that is a rental product in the style of a townhome.

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Trevor explained there are two definitions of a PUD. First, South Weber City's ordinance allowing for a PUD. Second, the Federal Housing Administration's definition of a PUD. Those two are not synonymous and have completely separate requirements.

Commissioner Losee is concerned about digging into the sensitive lands hillside. Brad replied 11' is the maximum and CMT did go back and revise the geotechnical study and it was reviewed by Brandon Jones and Reeves & Associates. Trevor expressed the city staff worked diligently with the developer concerning the hillside, but before construction the city will need fully engineered drawings.

Trevor discussed item #9 of his memo concerning the R-7 zone and if the city updates the R-7 zone to allow a town home use, the developer would have the ability to come back and request a re-plat to create a "for sale" unit. The developer's ultimate goal is a "for sale" product, but with restrictions on the current city code, that is why the developer is left with a single lot subdivision.

Commissioner Losee questioned if the berm fencing goes around the entire perimeter. Trevor explained the buffer area is created by the berm between commercial and residential

Commissioner Walton questioned the layout of the sidewalks and gave some suggestions in making it more of a direct path. Brad replied he doesn't have a problem with that.

Trevor reported all conditions from preliminary plat have been approved. Commissioner Walton is concerned about the amount of traffic on the south side by High Mark Charter School. Trevor reported the city will be meeting with the school to discuss concerns. It was suggested red striping further to the east for better access in and out of the school. It was stated the CC&R's address snow removal.

Commissioner Walton asked about the Traffic Impact Study. Trevor replied the study didn't have any outliers and was consistent with what UDOT approved. Commissioner Walton is concerned about using garage space for something other than parking. Brad reported all the units will have parking in the garage and driveway area.

Commissioner Losee asked if the CC&R's address no parking of trailers, pop-up tents, etc. because that impacts the development. Brad replied he doesn't know if the CC&R's address that.

Commissioner McFadden moved to recommend approval of the Final Plat, Improvement Plans & Conditional Use (for CH zone over 1 acre) for South Weber Gateway Project: two Lot combined R-7Commercial located at approx. 2350 E South Weber Drive by Applicant Brad Brown. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

6. Discussion Item: Amending Ordinance 19-12 Short Term Rental Ordinance

Trevor reported the Short Term Rental Committee is recommending the following:

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1. In order to apply for a short term rental, the short term rental owner must be the primary resident. The primary resident is required to follow voter registration laws.
2. Need to define single family zone and include it in the ordinance. This allows only short term rentals in a single family zone.
3. Distance from school requirement. It is recommended a short term rental must be 2,000 ft. from a school. The measurement is a radius from the center of the home.

Commissioner Boatright doesn't feel comfortable discussing this item when it was placed on the agenda yesterday. He hasn't seen anything to respond to and/or even review. He would like more time to think about it. Trevor replied the intent tonight is to inform the Planning Commission of the proposed amendments, and it is also a timing issue.

4. Cap the number of short term rental units in the city to a maximum of 25. Trevor reported the city currently has five short term rentals.

Commissioner Boatright questioned item 1 and if the resident has to be living in the short term rental. Trevor replied the ordinance follows voter registration requirements. For example, the resident must live in home over six months of the year or there are exceptions (military, church mission, etc.). This will prevent someone from purchasing a home and using it strictly as a short term rental.

5. Property owner must be an established resident and live in home for 12 months before applying for short term rental business license.

Trevor announced the amendments were reviewed with the City Attorney. Commissioner Davis acknowledged a lot of these items address those citizens who made public comment. Trevor reviewed what happens if a short term rental is operating without a business license.

Commissioner Boatright suggested being sensitive to those who are serving in the military because they are serving the country.

7. Planning Commission Comments (Boatright, Davis, Losee, McFadden, Walton)

Commissioner McFadden: recommended the City Council review an architectural design for South Weber Drive. Trevor reported there are some things coming in the future that may include that.

Commissioner Walton: questioned why townhomes aren't allowed in R-7 Zone. Trevor replied because the code doesn't allow for zero lot line. The Planning Commission requested the City Council direct the Code Committee review this. Commissioner Walton suggested looking at the ordinance concerning city standard for trails. He also is concerned about making sure the city is doing due diligence for environmental sensitive lands. It was suggested environmental sensitive lands, transportation, etc. be added to the checklist of items.

ADJOURN: Commissioner Boatright moved to adjourn the Planning Commission meeting at 8:29 p.m. Commissioner McFadden seconded the motion. A roll call vote was

taken. Commissioners Boatright, Davis, Losee, McFadden, and Walton voted aye. The motion carried.

APPROVED: _____ **Date**
Chairperson: Jeremy Davis

Transcriber: Michelle Clark

Attest: _____
Development Coordinator: Kimberli Guill

**Comments to South Weber City Planning Commission
for 14Apr22 Meeting
by Paul A. Sturm**

Public Comments

A) Agenda Item #6 -No Packet Pages to Reference

6. Discussion Item: Amending ORD 19-12 Short Term Rental Ordinance

This Agenda Item was added at approximately 1550 yesterday (13Apr22), but the actual document being discussed was not added into the packet for this meeting discussion. Thus SWC citizens do not have the text of this ordinance or the proposed changes. Thus, this is an incomplete packet for discussion tonight because of no reference material!

B) Agenda Item #5 - Packet Pages 36 to 56

5. Action on Final Plat, Improvement Plans & Conditional Use (for CH zone over 1 acre) for South Weber Gateway Project: 62 Lot R-7 Residential & C-H Commercial located at approx. 2350 E South Weber Drive. by Applicant Brad Brown

I have several concerns regarding this presentation:

- 1) There appears to be a bit of "Bait and Switch" happening with this project with what was previously proposed to the Planning Commission and this current presentation. This presentation appears to be ignoring statements made by Trevor Cahoon during Preliminary Design Review regarding the lot-line distances permitted for either Condos or Townhomes. Currently there is confusion as to what is actually being proposed. The developer is currently marketing these proposed housing units in the MLS as "Townhomes in a PUD", which, I believe, has not been discussed previously with the City.
- 2) My second concern has two parts:
 - a) This new concept shows the developer digging into the hillside on the southern end of the development. As per the SWC General Plan this hillside is consider to be "Sensitive Lands", and, as such should have further environmental review by Government Agencies.
 - b) This proposal to cut the "Toe" of the hill also presents itself as a potential geologic landslide hazard, even with the new retaining wall. This is an area with which I am very familiar, having worked for the Utah State Geological Survey on landslides.

From: [Amy Mitchell](#)
To: [Public Comment](#)
Subject: Planning commission meeting 4_14
Date: Thursday, April 14, 2022 5:01:51 PM

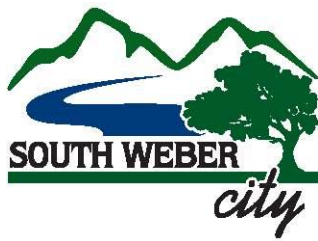
Dear planning commission members-

Amy Mitchell
1923 Deer Run Drive

I just want to quickly address the new development called the “Gateway” project. I’ve seen some of the condos or townhouse proposed already being marketed online. If this truly is our “Gateway” can we demand that only the best materials are used? What they have shown are cookie cutter condos without any personality or design. We want people to drive into our city with only the best greeting them... not sub-par construction that will not only look shabby after taking a few years of wind damage, but high turn over due to location. If we demand high quality... it will set this project apart from the many others being built across the state. Encouraging people to buy with the intention to live there and not just rent it out. Please put the residents first and make sure they have the space required and something they will want to stay in for a while.

Stick with what all citizens are asking for... a bedroom community that we all want to live in! Zoning and construction should reflect those desires.

Thank you for your time.
Amy Mitchell



PLANNING MEMORANDUM

1600 E. South Weber Drive
South Weber, UT 84405

www.southwebercity.com

801-479-3177
FAX 801-479-0066

To: Planning Commission
From: Trevor Cahoon, Community Services Director
Re: Petersen Farms PUD Subdivision and Conditional Use Application

ACTION

Recommendation: Review the Draft Ordinance for Short-Term rental amendments.

STAFF REVIEW SUMMARY

In January 2022 the City Council initiated a review of the Short-Term Rental code within the City to make any amendments that need to be considered. The Short-Term Rental committee met and discussed potential amendments to code and made the following recommendations:

1. Must be a primary residence
2. Must possess the residence for more than 12 months
3. Clarify single family homes and single-family zones
4. Distance from schools – 2,000 feet
5. Cap # city wide – ½ % of residential units not exceeding 25

The Planning Commission discussed the topic at the April 14th meeting. The direction that was given was to continue with what was recommended. Staff worked with legal counsel to craft a draft ordinance for recommendation from the Planning Commission to the City Council with the following amendments:

1. Must be a primary residence & Must possess the residence for more than 12 months
 - a. 10-18-12: PRIMARY RESIDENCE:

Single-family homes that operate a short-term rental shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.

Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership of no less than twelve (12) consecutive months.

2. Clarify single family homes and single-family zones
 - a. As staff reviewed the definition provided with legal council there was general consensus that the definition in code does make a clarification here.
 - i. SHORT-TERM OR VACATION RENTAL: Means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.
-

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3. Distance from schools – 2,000 feet
 - a. 10-18-11: PROXIMITY FROM SCHOOLS:

The location of a short-term rental shall not be nearer than two-thousand (2,000) feet from primary or secondary school. Such distance shall be measured as a radius originating from the center point of the property of which the school resides.

4. Cap # city wide – ½ % of residential units not exceeding 25
 - a. 10-18-13: NUMBER OF AVAILABLE PERMITS

The number of available permits allowed shall be calculated at one-half percent (.5%) of the total number of residential units within city limits, not to exceed 25. Availability of permits shall be on a first-come-first-served basis according to a process established by the City Manager.

PLANNING COMMISSION RECOMMENDATION OPTIONS

After careful consideration of the information presented, the South Weber Planning Commission moves to:

1. Recommend approval the Ordinance 2022-08 SHORT TERM RENTAL AMMENDMENTS.
 2. Recommend approval the Ordinance 2022-08 SHORT TERM RENTAL AMMENDMENTS with the following conditions or recommendations:
 - a. *(Any other conditions that need to be met)*
 3. Recommend denial the 2022-08 SHORT TERM RENTAL AMMENDMENTS for the following reasons:
 - a. *(List reasons based upon City Code.)*
-

SHORT TERM RENTAL AMMENDMENTS
ORDINANCE 2022-08
AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL

WHEREAS, the South Weber City Council

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Chapters Amended

10-18-1: PURPOSES:

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence. (Ord. 19-12, 5-14-2019)

10-18-2: DEFINITIONS:

As used in this chapter:

OCCUPANTS: Mean the persons renting or residing in a short-term or vacation rental dwelling unit.

PETS: Mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

RESPONSIBLE PARTY: Means the owners and local representatives of the short-term or vacation rental property.

SHORT-TERM OR VACATION RENTAL: Means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel. (Ord. 19-12, 5-14-2019)

10-18-3: CONDITIONAL USE PERMITS REQUIRED:

A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.

B. Application For Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:

1. The owner's daytime and evening phone contact numbers and email address;
2. A designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
3. The number of off-street parking stalls available for occupants;
4. A checklist showing compliance with the other requirements of this chapter; and
5. The application fee established in the consolidated fee schedule.

ORD 2022-xx Short Title

C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.

D. Applicant Requirements: As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:

1. Register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
2. Apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and
3. Ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time. (Ord. 19-12, 5-14-2019)

10-18-4: TAX:

Each short-term or vacation rental owner shall collect and remit Sales, Resort, and Transient Room Taxes to the Utah State Tax Commission. (Ord. 19-12, 5-14-2019)

10-18-5: NOISE AND OCCUPANCY:

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

A. Occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;

B. Occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;

C. Occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;

D. Occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and

E. The rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation. (Ord. 19-12, 5-14-2019)

10-18-6: PARKING:

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights. (Ord. 19-12, 5-14-2019)

10-18-7: CAMPING:

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation. (Ord. 19-12, 5-14-2019)

10-18-8: PETS:

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Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property. (Ord. 19-12, 5-14-2019)

10-18-9: SIGNAGE:

Information shall be displayed in the interior of the dwelling unit listing twenty four (24) hours seven (7) days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed. (Ord. 19-12, 5-14-2019)

10-18-10: MAINTENANCE AND STANDARDS:

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current Building Codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.
- F. A fire exiting route plan shall be posted.
- G. An annual inspection shall be conducted by the Fire Marshal to ensure compliance with fire safety provisions and occupancy requirements. (Ord. 19-12, 5-14-2019)

10-18-11: PROXIMITY FROM SCHOOLS:

The location of a short-term rental shall not be nearer than two-thousand (2,000) feet from primary or secondary school. Such distance shall be measured as a radius originating from the center point of the property of which the school resides.

10-18-12: PRIMARY RESIDENCE:

Single-family homes that operate a short-term rental shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.

Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership of no less than twelve (12) consecutive months.

10-18-13: NUMBER OF AVAILABLE PERMITS

The number of available permits allowed shall be calculated at one-half percent (.5%) of the total number of residential units within city limits, not to exceed 25. Availability of permits shall be on a first-come-first-served basis according to a process established by the City Manager.

10-18-15: COMPLAINTS AND VIOLATIONS:

- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.

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B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.

C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.

D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.

E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.

F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:

1. The permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
2. The permittee engaged in a pattern of unlawful activity; or
3. The permittee violated State law or local ordinances.

G. Notwithstanding any other remedy in this section, violations of this Code or State law may be prosecuted as a criminal offense in the Justice Court. (Ord. 19-12, 5-14-2019)

Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the th day of 2022.

MAYOR: Rod Westbroek

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:

Council Member Halverson	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Dills	FOR	AGAINST

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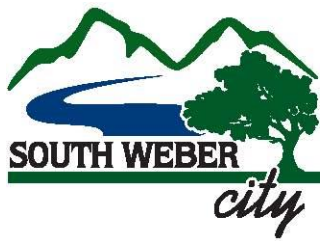
CERTIFICATE OF POSTING

I hereby certify that Ordinance 2022-xx was passed and adopted the th day of 2022 and that complete copies of the ordinance were posted in the following locations within the City thisth day of 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Lisa Smith, City Recorder

DRAFT



PLANNING MEMORANDUM

1600 E. South Weber Drive
South Weber, UT 84405

www.southwebercity.com

801-479-3177
FAX 801-479-0066

To: Planning Commission
From: Trevor Cahoon, Community Services Director

Re: Discussion on R-7 Multi-Family Zone Amendments

ACTION

Discuss the R-7 Multi-Family Zone limitations and potential amendments.

STAFF REVIEW SUMMARY

Through the development process we have noticed some deficiencies within the code in practical application of the R-7 code. Some areas of concern are the setback descriptions, townhome provisions, and general site requirements. This is meant as preliminary conversations with the intent of more conversations in the future.
