

Short-term Rental Ordinance



Proposed Additional Amendments Addressing Short-term Rentals Downtown and Owner-occupancy Requirements

Draft October 27, 2023

CHANGE 1. Substitute the following language for the amendment to OMC 15-13-38.A:

A. [Purpose:] The purpose of ~~[residential vacation rentals]~~ short-term rentals in Ogden City is to provide a short term rental option ~~[in residential zones]~~ for ~~[individuals]~~ visitors who have a primary residence at another location.

~~[1.]~~ Special regulation of ~~[residential vacation rentals]~~ short-term rentals is necessary to ensure that they will be compatible with surrounding residential and other uses and will not be detrimental to, or alter, the neighborhoods in which they are located.

~~[2. Notwithstanding any other provision of this section, a person may not be fined, charged, prosecuted, denied a business license or otherwise punished solely for the act of listing or offering a residential vacation rental.]~~

CHANGE 2. Substitute the following language for the definition of “Owner-Occupied Short-term rental” in OMC 15-13-38B:

OWNER-OCCUPIED SHORT-TERM RENTAL: A dwelling that is a person’s primary residence ~~[; in which the person lives for at least eight (8) months each year;]~~ as shown on the valid documentation presented to obtain a short-term rental license and for which title is in the person’s name or in the name of a living trust of which the person is both the trustor and the beneficiary.

CHANGE 3. Insert the following language as a new subsections 15-13-38.E of the Ogden Municipal Code, with renumbering the subsequent subsections.

E. [Qualification as non-owner-occupied short-term rental in a residential zone:] In order to qualify as a non-owner-occupied short-term rental in a residential zone, the applicant must have owned the dwelling unit for three (3) years continuously prior to commencing operation.

CHANGE 4. Substitute the following language in Section 15-13-38.E. 3 & 4 (to be renumbered) of the Ogden Municipal Code:

3. A statement of how transient room tax will be collected and remitted and A a copy of a State issued sales tax license or evidence that a third party will collect and remit the tax.

4. A statement affirming whether or not the [~~vacation~~] short-term rental will be owner-occupied[~~; and~~].

a. If the applicant is applying as an owner-occupant, evidence that the property is the owner/applicant's primary residence, including evidence that the property is taxed as their primary personal residence and three (3) of the following forms of evidence that match the address of the residence:

(1) _____ The address shown on the person's driver's license, vehicle registration, or state issued identification card;

(2) _____ The address shown on the person's voter registration; or

(3) _____ The address shown on the person's State or Federal income tax return.

(4) _____ One other document or piece of mail from a business showing the applicant's place of residence, such as a utility bill, bank statement, or pay stub; and

b. If the applicant is applying as a non-owner-occupant in a residential zone, evidence that the applicant has owned the property continuously for three (3) years prior to the date of commencing operation. Acceptable forms of evidence include property deeds or Weber County tax assessor's information.

CHANGE 5. Substitute the following language for the proposed new OMC 15-13-38.C as follows:

C. [Location:]

1. _____ [Where permitted:] Short-term rentals are permitted where designated by the applicable zoning district. In R-1 zones, short-term rentals are limited to owner-occupied short-term rentals.

2. _____ [Spacing of Non-owner-occupied Short-term Rentals:] A non-owner-occupied short-term rental may not be located on the same linear block as another non-owner-occupied short-term rental, residential facility for persons with a disability or residential facility for

elderly persons. A non-owner-occupied short-term rental license may be renewed if a residential facility for persons with a disability or residential facility for elderly persons is established on the same linear block after the original short-term rental license was issued. Exceptions include:

a. Non-owner-occupied short-term rentals in the C-ENT and H25 zones,

b. A locally registered historic building that is located along the Ogden Express (OGX) route, was converted to condominiums prior to January 1, 2023, and contains fewer than nine (9) units, shall be allowed to have two (2) non-owner-occupied short term rental units in the same building.

3. The short-term rental may not be housed within an accessory dwelling unit or the primary single-family dwelling associated with an accessory dwelling unit.

CHANGE 6. Substitute the following language for the proposed new OMC 15-13-38.1.4

and 5 as follows:

4. Off-Street Parking

a. Each short-term rental shall provide at least the number of on-site parking spaces shown in the table below.

<u>Number of sleeping rooms</u>	<u>Number of required parking spaces</u>
<u>1-4 sleeping rooms</u>	<u>2 spaces</u>
<u>5-6 sleeping rooms</u>	<u>3 spaces</u>
<u>7-8 sleeping rooms</u>	<u>4 spaces</u>
<u>9 or more</u>	<u>½ additional parking space per sleeping room over 8, rounded up</u>
<u>Any number in C-ENT and H25 zones</u>	<u>Meet the parking standards for dwelling units or have nonconforming parking rights</u>
<u>A locally registered historic building that is located along the Ogden Express (OGX) route, that</u>	<u>1 space per dwelling unit</u>

<u>is used as a non-owner-occupied short-term rental unit, and was condominiumized prior to January 1, 2023, and contains fewer than nine (9) dwelling units</u>	
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b. Parking spaces shall meet the minimum dimensions shown in chapter 12 of this title.

c. A short-term rental may not utilize a driveway shared with another parcel to provide access to parking unless the driveway was approved to serve a common development, such as in a planned unit development.

d. No additional off-street parking in the front or side yard of the short-term rental shall be created to accommodate the short-term rental, such as a side yard parking slab or widened driveway, but tandem parking (one vehicle behind another) in the driveway is allowed, provided the tandem parking does not extend over the property line or interfere with any public sidewalk.

e. Garage spaces may be counted toward meeting the required number of parking spaces provided they are accessible to guests during the term of the rental or the owner is present during the rental term.

5. [On-Street Parking:] On street parking may not be used to satisfy the parking requirements for a residential vacation short-term rental. For short-term rentals in residential zones, guests may not park on the street within two (2) blocks of the short-term rental. The owner is subject to the penalties described in this title for each violation.

CHANGE 7. Substitute the following language for the proposed new OMC 15-13-38.1.9 & 10 (as renumbered) as follows:

~~10.9. [Management:] A responsible person shall be available at all times who is capable of personally responding to the residential vacation rental location within thirty (30) minutes.~~

~~a. The contact person name and phone number shall be posted in a prominent place inside of the dwelling together with a copy of the residential vacation rental permit; and~~

~~b. The contact information shall also be mailed by the responsible person annually to surrounding property owners within three hundred feet (300') of the property line of the residential vacation rental, except that mailing is not required for an owner occupied residential vacation rental where the owner does not make the dwelling available for rental during the owner's absence~~

An agent shall be available during the rental period who is capable of personally responding to the short-term rental location within thirty (30) minutes.

a. The agent's name and phone number shall be posted in a prominent place inside of the dwelling together with a copy of short-term rental license.

b. In residential zones, the applicant shall mail the agent's contact information to surrounding property owners within three hundred feet (300') of the property line of the short-term rental prior to receiving the short-term license and prior to each annual renewal. Upon each mailing, the applicant shall provide the Building Services Division an affidavit of noticing, the mailing list and map of properties that were sent information.

11.10. [Guest Log Required] In residential zones, the applicant shall maintain a log of the number of guests registered each rental term and the license plate numbers of the guest's vehicles brought to the site. The applicant shall make the log available to the city upon request.

CHANGE 8. Substitute the following language for the proposed new OMC 15-13-

38.J.7 & 8 as follows:

7. In residential zones, notice that guests are prohibited from parking on the public streets within two (2) blocks of the short-term rental; and

8. Notice that events are not allowed within the short-term rental.

CHANGE 9. Substitute the following language for the proposed new OMC 15-13-38.L

as follows:

[M.] L. [Noncompliance With Standards:] Noncompliance with the standards of this section; allowing the property associated with the ~~[residential vacation permit]~~ short-term rental license to become a nuisance, such as through violations of the City noise ordinance or property maintenance standards; creating cause for multiple neighbor complaints, failure to maintain the original conditions that allowed the ~~[residential vacation permit]~~ short-term rental license to be issued; and entering into sham transactions shall each constitute just cause for the denial of an application or renewal, or revocation of a ~~[residential vacation permit]~~ short-term rental license.

1. Revocation shall be based upon the findings of fact at an administrative hearing before a Hearing Officer, pursuant to title 5, chapter 1, article C of this Code, as such provisions may be applicable.

2. If the ~~[permit]~~ license is revoked, the rental of the dwelling as a ~~[residential vacation]~~ short-term rental shall terminate within thirty (30) days of the final determination.

3. A dwelling whose ~~[residential vacation permit]~~ short-term rental license has been revoked is not eligible for use as a ~~[residential vacation]~~ short-term rental for a period of three (3) years from the date of revocation.

4. For purposes of this section, a sham transaction means any transaction which is meant to, or could result in, a violation or avoidance of other applicable zoning ordinances, including transactions:

a. Where a ~~[residential vacation]~~ short-term rental in a residential zone is occupied by a person or group of people for more than thirty (30) consecutive nights, regardless of the term of any rental contract or contracts; or

b. Where a ~~[residential vacation]~~ short-term rental is occupied by a person or group of people, regardless of the number of nights of occupancy, who do not have a primary residence at another location.

5. A short-term rental license may not be revoked for a single violation involving guests parking on the street or visitors on the property.

CHANGE 10. Amend subsection 15-34-3.B of the Ogden Municipal Code to read as

follows:

B. [Services:] Service land uses are those that use a lot, building, or portion thereof, to provide various business, professional, repair, or temporary lodging services to customers or clients. The uses typically do not sell or manufacture material goods on-site or only do so as an accessory use. Service uses include the following:

1. Adult Business Offices: An adult business office is a sexually oriented business that arranges services but provides no sexually oriented client services or sale of goods on-site. This includes adult entertainment dancing agencies and outcall services as those terms are defined in section 5-15-3 of this code.

2. Automotive Repair and Maintenance: Automotive repair and maintenance are businesses engaged in repair or maintenance of automobiles, trucks, boats, motorcycles, or other motorized vehicles. It includes auto repair or body shops, automobile lube and oil centers, and car washes. It excludes automobile service stations.

3. Commercial Lodging: A commercial lodging business provides overnight lodging for a fee for the traveling or business public who have primary residence at another location for short-term stay. These include hotels and motels. It excludes shelters for the homeless, boarding houses, lodging houses, and single room occupancies.

a. ~~[Short-term rentals, bed]~~ Bed and breakfast inns, campgrounds, and recreational coach parks are not permitted within downtown commercial zones.

b. Hotels and motels are subject to the following:

~~[b.]~~ (1) The maximum length of stay for any individual or family is ninety (90) days in any twelve (12) month period. See section 15-13-32 of this code.

~~[e.]~~ (2) The building or lot must contain at least ~~[fifteen (15)]~~ eleven (11) individual sleeping units.

~~[d.]~~ (3) Common reservation and cleaning services must be provided.

~~[e.]~~ (4) On-site management and reception services must be available.

~~[f.]~~ (5) Restaurants, fitness centers, conference facilities and the like may be part of the use.

c. Short-term rentals are subject to the standards in section 15-13-38 of this title, except as follows:

(1) Short-term rentals are limited to C-ENT and H25 zones.

(2) Short-term rentals may not be located in the same building with other residential uses, hotels, or motels.

(3) Short-term rentals are limited to a maximum of ten (10) dwelling units on one lot. Projects with more than ten (10) units shall be subject to standards for hotels and motels.

(4) Although there is no maximum length of stay, the dwelling unit must be operated as a short-term rental, including all of the following:

(a) there shall be no required minimum length of stay greater than thirty (30) days;

(b) the occupants shall have a permanent address at another location;

(c) the operator shall provide furnishings for the dwelling unit; and

(d) all utility services shall remain in the owner's or operator's account.

4. Contractor Services: Contractor services are businesses that provide services related to building or equipment installation, construction, maintenance, repair or similar work primarily off-site at the customer's site. Examples include a general contractor, roofer, plumber, flooring contractor, or heating contractor. These businesses include any of the following:

a. storage or movement of materials or equipment on site that require loading with a fork-lift or similar heavy equipment;

b. use of vehicles larger than standard cargo vans or pick-up trucks on a weekly or more frequent basis;

c. outdoor storage;

d. Indoor storage in an area larger twenty five percent (25%) of the business' floor area; or

e. Machining or equipment fabrication or repair on-site.

Businesses that provide contractor services but only provide office services or customer showrooms on site, and none of a. through e. above, are classified as office uses or sales uses as appropriate.

5. Equipment or Vehicle Rentals: These are businesses that provide rental of equipment for individuals, businesses, or agencies. Examples include equipment rental business, trailer rental, car and truck rental.

a. Must be located within a permanent building.

b. Display of the items available for rent is permitted.

c. Any outdoor storage of items to be repaired, as well as repair areas, shall be fully screened from public view. This may be accomplished through landscaping or fencing.

6. Office Services: Office services are businesses or organizations that provide business, professional, governmental, financial, medical, or counseling services in an indoor office setting. Examples include offices for architects, doctors, banking, insurance, real estate, advertising, employment agencies, government agencies, courts, and the like. It excludes personal service uses. It excludes contractor services as defined in this section.

a. The sale or provision of material goods directly from the office may be an accessory use, but in no case shall the display and storage of such goods occupy more than twenty five percent (25%) of the floor area and shall be limited to goods that may be hand carried by customers.

b. A drive-up window may be included with financial institutions only if it is located at the rear of the building. No entrance or exit driveway is allowed for exclusive use by drive-up window customers, and no driveway shall be installed that exceeds the minimum allowable driveway width. Drive-up windows are not allowed for any other use.

c. This category does not include short-term loan businesses, adult business offices, or non-profit free medical offices.

d. Must be located in a permanent building.

7. Personal Services: Personal services uses are businesses that provide physical aesthetic services, nonmedical treatment, repair or cleaning of small personal items, mailing, copying, or similar services largely to individuals who come to the site for the service or to drop off or pick up items. Examples include hairdressers, barbers, manicurists, tanning salons, tattoo and piercing businesses, massage businesses, clothing rentals, laundromats, dry cleaning pick-up stores, photocopy stores, mailing services, locksmiths, shoe repairs, tailoring and alteration of garments, and fitness studios. It excludes small engine repair and pet services.

a. Must be located within a permanent, enclosed building.

b. Drive-up windows are prohibited.

8. Pet Services: Pet services are businesses that provide health and grooming services to household pets. Examples include veterinary, pet grooming, and the like.

a. Must be located in a permanent, enclosed building.

b. Business shall be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.

c. Boarding and kenneling are not included in this category.

9. Short Term Loan Businesses: Short term loan businesses are businesses primarily engaged in making cash loans or providing check cashing services. See also the definition in section 15-2-20 of this code. This includes businesses such as check cashers, deferred deposit lenders and title lenders.

10. Upper-floor Storage: Upper-floor storage are businesses that provide storage for individuals or businesses on floors above the main ground floor level. Examples include warehousing, personal storage units, or refrigerated storage.

- a. Use is limited to existing buildings only. New buildings may not be constructed for this use.
- b. Must be located in a permanent, enclosed building.
- c. Storage must be located on floors above the main ground floor level.
- d. The entire ground floor level, except for necessary loading elevators, must be for a use in another category.
- e. This use is not permitted on any property with a front or street side property line on Washington Boulevard.