

ORDINANCE NO. _____

RESIDENTIAL SHORT-TERM RENTALS (RSTR)

**AN ORDINANCE AMENDING THE BOULDER ZONING ORDINANCE FOR
THE PURPOSE OF REGULATING THE USE OF PROPERTY IN
RESIDENTIAL ZONES FOR SHORT-TERM RENTALS**

WHEREAS the Boulder Town Council is concerned with insuring that the growth of tourism and the need for local accommodations is accomplished in a manner consistent with the General Plan and in a manner that does not have an adverse impact on the health, safety, and general welfare of the public and the residents of the Town of Boulder; and

WHEREAS the Boulder Town Planning Commission is in the process of drafting revisions to the General Plan over the past two years, both in working groups and in public meetings, wherein the topics of tourism, job and income opportunities and lifestyle preservation for residents have been discussed extensively. The Planning Commission has also done extensive research on the impacts of tourism on rural communities, and on the pricing and availability of housing for residents as single family dwellings in high demand tourism areas are being purchased by absentee owners and converted into residential short term rental units, a trend that serves that market at the expense of local residents in need of housing opportunities. The Planning Commission has also researched, heard and considered the concerns of retired residents and young families alike in need of supplemental income to defray the costs of home ownership by occasionally engaging this market; and on the quantifiable impacts upon neighborhoods when the short-term rental activity is engaged in by owner-residents living on the property versus absentee owners who are less vested in the peace, quiet and well being of the community and its neighborhoods; and

WHEREAS said Council deems it desirable to protect the rights of property owners to neighborhood preservation, the quiet use and enjoyment of their property, the preservation of open space and the agricultural character of the Town; and

WHEREAS said Council also deems it desirable to allow RSTR in recognition of the rights of property owners to use their property to generate income, and to create jobs associated with the RSTR activity; and

WHEREAS said Council recognizes the influx of RSTR units owned and operated by absentee landlords throughout the region and deems it desirable to reserve this opportunity for resident homeowners.

WHEREAS the Boulder Town Planning Commission has reviewed and recommended the changes and amendments herein; and

WHEREAS, the Boulder Town Council finds good cause to strike a balance between each of the foregoing recited rights, duties and interests and to establish reasonable regulations, controls and permitting requirements for RSTR in single-family zones.

NOW, THEREFORE, BE IT ORDAINED by the Boulder Town Council as follows:

Chapter 10, and Chapter 6, Section 603 and Section 604 of the Boulder Town Zoning Ordinance are hereby amended and supplemented as follows:

1. Chapter 10 is hereby amended and Section 1020 is added thereto as follows:

1. Residential Short Term Rentals (RSTR) Defined: Occupancy of a dwelling on a single-family legal Lot of record by a transient Guest(s) renting the entirety of the dwelling, or any portion thereof, for any period between 1 to 29 consecutive nights pursuant to a Conditional Use Permit (CUP).
2. Allowed Zones: RSTRs are allowed in the HDR zone, the MDR zone, the LDR zone and the GMU zone.
3. Ownership, Occupancy and Residency: To qualify for a CUP under this ordinance, the applicant must be an individual who is a resident of and whose primary domicile is in the Town of Boulder and who is also the principal Owner of the subject Lot for which the CUP is being applied for.
 - a. To qualify for a CUP hereunder the Owner must comply with the following:
 - i. Be a Resident of Boulder Town and occupy their Lot as their fixed, permanent and principal home and domicile for all legal purposes; and
 - ii. Prove said primary residence within Boulder Town as defined by the Garfield County Assessor's primary residency tax classification, and
 - iii. Not be registered to vote in any other jurisdiction.
 - b. Dwellings eligible for RSTR status fall into two (2) separate classifications, which are mutually exclusive and only one (1) shall qualify for a CUP as follows:
 - i. The primary dwelling or an ADU on the Lot comprising the domicile and Residence of the applicant,
 1. which shall be physically occupied a minimum of one hundred and eighty-three (183) days per year by the applicant, and
 2. said Lot containing the subject dwelling(s) shall not be occupied by RSTR guests in excess of one hundred and eighty-two (182) days per year; or

- ii. A separate Lot of record in Boulder Town which contains a dwelling separate and apart from the domicile of a Resident-applicant, in which case said lot:
 - 1. does not need to be occupied by the Owner-applicant,
 - 2. but shall not be occupied by RSTR guests in excess of one hundred and eighty-two (182) days per year.
 - c. No Owner/Resident shall own more than one (1) RSTR property, nor be entitled to more than one (1) CUP for an RSTR within the Town of Boulder.
 - i. Owner and ownership is defined as any individual or entity as shown on the property tax records of Garfield County; and
 - 1. where the Owner is an entity, be it a corporation, partnership, LLC, trust, conservatorship or otherwise, the individual who holds the majority interest in said entity; and
 - 2. other members of the applicant's household, and other individuals claiming an ownership interest in the applicant's entity, shall not be eligible for a CUP for any other Lots in the Town of Boulder, notwithstanding the provisions of Section 3(b)(ii) above; and
 - ii. Only a Resident Owner as defined herein can apply for a CUP.
 - d. In no event shall more than one (1) of the qualified dwellings in Section 3(b) be occupied by RSTR guests on any given day or at any given time; in no event shall more than one (1) booking of an RSTR guest or group occupy a subject dwelling in any given time frame. Each guest or group occupying any qualified RSTR dwelling for any period of time must have reserved the property and paid for the booking in a single transaction.
4. Limitation on number and type of RSTRs allowed.
- a. For purposes of this ordinance, the Town limits are divided into Upper Boulder, Middle Boulder and Lower Boulder. Each of these three (3) areas shall be allowed a maximum number of CUPs under this ordinance. That maximum number shall not exceed fifteen percent (15%) of the total number of dwellings occupied by permanent Residents. Lots and dwellings owned by non-Residents shall not be counted.
 - i. In calculating the number of CUPs available in each of the three (3) areas, a fractional remainder of .5 or more shall be rounded up to the next whole number.
 - b. The CUPs in each area shall be available on a first come basis. When an area's quota is reached, a waiting list shall be established, also on a first come basis.
 - c. A CUP within each of the three (3) geographical areas, will be issued, renewed, or revoked as follows:

- i. Once granted, any RSTR must maintain its CUP in good standing through strict compliance with the terms of this ordinance and the conditions in the permit; and
- ii. Any CUP that is allowed to lapse, shall be placed at the back of the wait list, if any, and the next applicant in line, if any, will then have priority; and
- iii. Any CUP that is revoked or not renewed for cause hereunder, shall not automatically be allowed on the wait list or entitled to apply for a new CUP, except as determined by the Planning Commission in considering all the circumstances of said revocation or nonrenewal; and
- iv. Any Lot that has been in use as a legal RSTR over the previous twelve (12) months from the date of enactment of this ordinance, and can prove such RSTR legal usage by providing proof of payment of sales and use tax to the Utah State Tax Commission, together with a sales tax license therefrom in effect for the same twelve (12) month period, shall be entitled to continue RSTR rental of the Lot as a legal noncomplying use, so long as the Owner of the Lot obtains a CUP and complies with all the terms and conditions of this ordinance, excepting:
 - 1. if the Owner of the subject Lot and noncomplying use thereon is not a Resident of Boulder, then
 - a. the Residency requirements of this ordinance shall not apply,
 - b. nor shall the Owner's subject Lot be counted in the quota system set forth herein; however,
 - c. said Owner shall comply with all other provisions this ordinance.
- d. The three geographical areas are described as follows:
 - i. Upper Boulder – beginning at an east-west line through the south property line of the Boulder Cemetery, said line extending due east and due west to the Boulder Town limits on opposite sides, then encompassing and including all property within the Boulder Town limits situated to the north of aforesaid east-west line.
 - ii. Lower Boulder – beginning at a point where the Burr Trail intersects the east boundary of the Boulder Town limits, then proceeding westerly along the center line of the Burr Trail to its junction with State Highway 12, and then continuing westerly along the centerline of said Highway 12 to a point where it intersects the west boundary of the Boulder Town limits, said described line comprising the north boundary of this Lower Boulder area, and then encompassing and including all property within the Boulder Town limits situated to the south of the aforesaid Burr Trail and Highway 12 centerline.

- iii. Middle Boulder – all property within the Boulder Town limits situated between the south line described above defining Upper Boulder and the north line described above defining Lower Boulder.
5. Conditional Use Permit Required: The Boulder Town Planning Commission will consider all applications for said conditional use permits, after the application has been certified as complete in accordance with Boulder Zoning Ordinance. A conditional use permit issued under this section is valid for one (1) calendar year and can only be granted or renewed as specified herein. The application for the CUP shall contain the following licenses, information and exhibits properly verified and sworn to by the Owner:
- a. Name of the Owner, the property manager (if different from the Owner) and the address of the Lot; and
 - b. How the subject Dwelling on the lot will be used and occupied by RSTR guests:
 - i. All of the dwelling, or part of the dwelling; and
 - ii. A site plan showing the property, dwelling and rooms; and
 - c. Proof that the applicant is a Resident as defined in Section 3(a) above in the form of the property tax notice from Garfield County and proof of ownership by the applicant; and
 - d. A copy of the Guest instructions specified in Section 6 that will be posted on the premises for Guests; and
 - e. A business license and a sales tax number issued or proof of payment of taxes as follows:
 - i. For an initial CUP application, the Owner shall fill out the application and present it in accordance with the Boulder Zoning Ordinance. If the application is certified as complete and eligible for being put on the Planning Commission agenda, the Owner shall provide a copy of a Utah State sales tax license and number together with a Boulder Town business license before the CUP will be finalized; or
 - ii. For a renewal CUP application, the Owner shall provide a copy of the quarterly sales tax returns filed with the Utah State Tax Commission, together with proof of payment, and a copy of the records of any website host (such as Vrbo and/or Airbnb) showing the dates that any subject dwelling was occupied by RSTR Guests during the previous 12 month period; and
 - f. One (1) parking space for every 2 bedrooms, in addition to those spaces reserved for the Owner; and
 - g. A sign at the head of the driveway clearly identifying the name and address of the subject dwelling or other demarcation to inform guests that they are at the correct location; and
 - h. Location and number of the following:
 - i. Smoke detectors;

- ii. Exits;
 - iii. Fire extinguishers;
 - 1. One must be prominently hung on the wall in the kitchen within twenty (20) feet of the stove;
 - i. Proof of a culinary water source and wastewater facilities compliant with current residential building codes.
6. Property management: The person designated as the property Manager in the CUP, the Owner or a 3rd party ("Manager"), shall:
- a. Make arrangements for the availability of the keys or codes to the Guests and provide twenty-four (24) hour contact information for said Manager, who will be available to respond to the Guests by telephone within one (1) hour, and in person within three (3) hours;
 - b. The Manager shall provide the guests with the set of written instructions -- posted visibly within and governing the use of the property -- which shall include:
 - i. A description and a map of the property boundaries specifying public roads and public trails as the only areas where walking/hiking or access to public lands is permitted; and
 - ii. A description and a map of surrounding private property where intrusion is trespass and must be avoided; and
 - iii. Guest's duty to control their dogs and/or other animals, if any, not leave them unattended, prevent them from roaming, barking or otherwise creating a nuisance; and
 - iv. Location and use of garbage containers and proper disposal; and
 - v. Location of fire extinguishers and exits, and
 - vi. If an outdoor fire-pit, barbeque or similar device is available on the property, any fire restrictions for the area clearly posted, and said devices shall be safely sited, constructed and clear of weeds, debris and other flammables to the satisfaction of the local fire marshal; and
 - vii. Authorized parking spaces(s) designated for guest vehicles; and
 - viii. Specified quiet time from 10 pm to 7 am; and
 - ix. Acknowledgement of Boulder's dark sky aspirations in the General Plan and requesting that guests turn off all outside lighting when not needed and avoid light pollution through windows after retiring for the evening; and
 - x. Contact numbers for Manager (and Owner if different) and all available emergency services.
 - c. The Owner/applicant is responsible for any nuisance created by the Guests, which can constitute grounds for revocation and/or nonrenewal of the CUP.

7. Violation of this ordinance, including providing false information on an application for the CUP, is a Class C Misdemeanor punishable by a fine and/or civil penalties as authorized by UCA 10-9a-803. Violation of this ordinance or the conditions of the CUP shall be grounds for termination and/or nonrenewal of the CUP.

(Modified by Ord. # _____, passed _____.)

2. **Section 603, Table 1, Table of Uses**, is hereby amended as follows:
(See attached Table 1, incorporated herein by this reference.)

(Modified by Ord. # _____, passed _____.)

3. **Section 604, Use Definitions**, is hereby amended as follows:
(See attached Use Definitions, incorporated herein by this reference.)

(Modified by Ord. # _____, passed _____.)

4. That the town clerk or recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

A. Cause a copy of this ordinance to be deposited in the office of the town recorder; and

B. Either:

(1) Cause a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

(2) Cause to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

APPROVED and PASSED this _____ day of _____, 20__.

ATTEST:

BOULDER TOWN

Judith Davis
Boulder Town Clerk

Steven Cox, Mayor

	VOTE
_____, Councilperson	_____
_____, Councilperson	_____
_____, Councilperson	_____
_____, Councilperson	_____

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH)
 : ss.
COUNTY OF GARFIELD)

I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

[] (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

Either

[] (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

[] (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this ____ day of _____, 20__.

[Seal]

Judith Davis
Boulder Town Clerk

Section 603, Table 1, Table of Uses: (as amended, Ord. # _____, passed _____)

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Accessory Dwelling Unit for Employees	C				C
Accessory Dwelling Unit – Rental (Added by Adoption of Ord. #2018-4, passed 01-03-19, which amends Chapter 10, by adding Section 1019.)	C	C	C	C	
Accessory Dwelling Unit – Guest (Added by Adoption of Ord. #2018-4, passed 01-03-19, which amends Chapter 10, by adding Section 1019.)	P	P	P	P	
Accessory Use or Building	P	P	P	P	P
Agriculture	P	P	P	P	P
Agricultural Building	P	P	P	P	P
Automotive Care					C
Bed and Breakfast Inn	C	C	C	C	C
Borrow Pit (Added by Ord. #66 passed 09-01-11)	C				
Campground	C	C			C
Cemetery	C	C			
Church	C	C	C	C	C
Commercial Sales and Services					C
Community Market (Added by Ord. #15- 2 – passed 05-07-15)					P
Concrete Plant associated with an existing Gravel Pit (Added by Adoption of Ord. #48, passed 8/8/2002).	C				
Day Care/Preschool Center					C
Day Treatment Facility/Program					
Farmstand (Added by Ord. #15-2, passed 05-07-15)	C	C	C	C	P
Group Child Care	C	C	C	C	C
Guest Ranch	C	C			
Home Child Care	P	P	P	P	P
Home Occupation, Minor (Modified by Ord. #72, passed 11-7-13).	P	P	P	P	P
Home Preschool	P	P	P	P	P
Hotel					C
Intermediate Secure Treatment Facility/Program for Minors					

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Light Manufacturing					C
Long-term Temporary Use (Modified by Ord. #15-1- passed 02-05-15).	T	T	T	T	T
Mobile Food Business (Added by Ord. #15-2 – passed 05-07-15)					C
Motel					C
Outpatient Treatment Facility/Program					
Professional Offices (Modified by Ord. #72- passed 11-7-13).					C
Public Uses and Utilities (Modified by Ord. #16-1- passed 01-07-16).	C	C	C	C	C
Recreational Facility	C				C
RV and Campground Parks (Added by the Adoption of Ord. #51 – passed 11/5/2003). (Modified by Ord. #72- passed 11-7-13).	C				C
Recreational Vehicle or Mobile Home as Interim Residence During Construction (Added by the Adoption of Ord. # 46B – passed 12/3/2003).	C	C	C	C	C
Residential Facility for Elderly Persons (Modified by Ord. #72- passed 11-7-13).	P	P	P	P	
Residential Facility for Persons with a Disability	C	C	C	C	
Residential Short-Term Rental (added by Ord # _____ passed _____)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Residential Support Facility/Program					
Residential Treatment Facility/Program					
Resort	C				
Restaurant					C
Retail Sales and Services					C
School	C	C	C	C	
Single Family Dwelling on a legal lot of record	P	P	P	P	
Social Detoxification Facility/Program					
Special Events (Modified by Ord. #15-1- passed 02-05-15).	T	T	T	T	T
Veterinary Clinic	C				C
Wholesale Business and Storage					C

Table of Uses Notes:

P = Permitted Use; C = Conditional Use; T = Temporary Use. Blank cell or use not listed = Prohibited Use.

Section 604, Use Definitions: (as amended, Ord. # _____, passed _____.)

For the purpose of applying the Table of Uses and rendering other decisions required by this Ordinance, the Uses identified in the Table of Uses (Table 1) are hereby defined as follows:

Accessory Building: A subordinate building detached from but located on the same lot as the principal use, the use of which is incidental and accessory to that of the principal use. An Accessory Building shall be no larger than 1000 square feet and shall contain no living facilities, including cooking facilities, and shall not be used as a dwelling unit.

Accessory Dwelling Unit for Employees: A Dwelling Unit for an employee of the owner of the principal structure and which is located on the same lot as the principal structure.

Accessory Dwelling Unit – Rental: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used as a rental for a term or month to month tenancy pursuant to a CUP, and that meets the criteria found in Ordinance 2018-4, passed 01-03-19, which amends Chapter 10 by adding Section 1019.

Accessory Dwelling Unit – Guest: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used for family, invitees, caretaking, and otherwise which meets the criteria found in Ordinance 2018-4, passed 01-03-19, which amends Chapter 10 by adding Section 1019.

Accessory Use: A use clearly subordinate and customarily incidental to, and located on the same parcel as an authorized permitted or conditional use. Accessory Use may include the parking of one (1) vehicle or piece of equipment owned by the owner of the parcel and used in the conduct of a business or activity, as allowed and licensed by the Town. (Amended by the Adoption of Ord. #47 – passed 6/19/2002).

Agriculture: The production, keeping, or maintenance for sale of plants and animals useful to man, including crops and products such as vegetables, fruit trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage, the raising thereon of farm poultry and farm livestock and animals, such as cattle, sheep, goats, or animals of the Bovinae family; all horses, mules, or animals of the Equine family; all pigs, swine, or animals of the Suinae family; fur bearing animals, bees, and ostriches, rhea, and emu; trees and forest products; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agriculture does not include Concentrated Animal Feeding Operations, as defined by the Administrative Rules of the State of Utah, R317-8-3.5(5)(a) and (b) as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES)

Agricultural Building: A structure used solely in conjunction with agriculture use, and not for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must be

located outside of a residential area, as defined by §58-56-4(1), Utah Code Annotated, 1953, as amended.

Automotive Care. An establishment providing motor vehicle repair or maintenance services. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

Bed and Breakfast Inn: A residential structure offering transient lodging accommodations where meals may be provided. A Bed and Breakfast Inn shall have no more than five guest rooms and shall meet all applicable health, safety and building codes.

Borrow Pit: An area used for excavating sand or fill material for transport to another location. Considerations for approving a conditional use permit should include, but are not limited to, the following general concerns: hours of operation, noise levels, traffic issues, blowing soil or sand, wind speed during operation, watering, restoration/revegetation, viewshed, and neighbor comments. The permit will be issued for a period of one year, with conditions reviewed annually. Any non-emergency, fee-based transfer of fill dirt from one property to another owner's property will be considered a commercial venture and require appropriate business licensing. . (Added by Ord. #66 passed 09-01-11).

Campground: An area of land upon which two or more campsites are located, established, or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit for recreational or vacation purposes.

Cemetery: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums and meeting all applicable Local, State and Federal requirements and regulations.

Church: A facility principally used for people to gather for public worship, religious training, or other religious activities. One dwelling for the housing of the pastor or similar leader of the church and family will be considered as incidental and a part of this use.

Commercial Sales and Services: An activity involving the sale of goods and services, including the sale of personal or household goods, for profit. Commercial Sales and Services include tradesman's shops and construction and contractor services. No Commercial Sales and Services establishment shall include or provide "Drive-up" windows or "Drive through" facilities.

Community Market: A community market provides a venue for local growers, and food, craft, and service artisans to display and sell items to the public. (Added by Ord. #15-2- passed 05-07-15).

Concrete Plant associated with an existing Gravel Pit: A facility, with associated loading and unloading areas, materials, storage areas and equipment, for the manufacture, transfer, storage and distribution of concrete and concrete related products and located within the boundaries of a gravel pit. (Added by the Adoption of Ord. #48 – passed 8/8/2002).

Day Care/Preschool Center: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.

Day Treatment Facility/Program: Specialized treatment for less than 24 hours a day, for four (4) or more persons who are unrelated to the owner or provider and is established and operated as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Day Treatment Programs. A Day Treatment Facility/Program provides services to individuals who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day Treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service in accordance with §62A-2-101,5, Utah Code Annotated, 1953, as amended.

Existing Gravel Pit: An open excavation or pit from which gravel or other stones or earthen materials have been obtained by digging, cutting, crushing, or blasting, and which existed prior to the adoption of the Zoning Ordinance, as a legally authorized use. (Added by the Adoption of Ord. #48 – passed 8/8/2002).

Farmstand: Farmstands should be accessory to onsite agriculture operations. The intent is to encourage the sale of locally grown fresh produce, not the establishment of traditional retail stores or convenience markets in agricultural and residential zones. Food sales at a farm stand must be limited to the following: a) Produce and shell eggs, and b) value added and farm products that were grown or produced in close proximity to the farm stand. (Added by Ord. #15-2- passed 05-07-15).

Group Child Care: The care of children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than seventeen (17) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the childcare is provided. There shall be at least two (2) care givers at all times when there are nine (9) or more children present.

Guest Ranch: A facility, including either a single building or resort cabins, which serves as a destination point for visitors and generally has accessory recreational facilities for the use of guests.

Home Day Care: The care for children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).

Home Occupation, Minor: An activity carried out for gain by a resident and conducted entirely within the resident's home and/or a separate building of no more than 750 square feet and is clearly incidental and accessory to the residential use of the dwelling or property and provided that the home occupation does not change the residential character of the residence and does not result in noise, vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line, does not include any outside storage of goods, materials, or equipment, has no signage, complies with all required Federal and State licensing requirements, complies with all required Local licensing requirements. (Modified by Ord. #72- passed 11-7-13).

Home Preschool: A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

Hotel: A building offering transient lodging accommodations to the public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall have no more than 30 guest rooms.

Intermediate Secure Treatment Facility/Program for Minors: A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider, and is established and operated as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Intermediate Secure Treatment Programs, in a facility designed to physically restrict minors' ability to leave the program at their own free will. An Intermediate Secure Treatment Facility/Program offers room and board and provides for or arranges for the provision of specialized treatment, rehabilitation, or habilitation services for children and youth. In secure treatment, each consumer is assisted in acquiring the social and behavioral skills necessary for living in the community.

Legal Lot of Record: Any land parcel that existed, as recorded in the Office of the County Recorder, and with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to September 11, 1998, and all parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the Town and the laws of the State of Utah after September 11, 1998, but excluding those parcels that were created only for the purposes

of transfer of ownership or for agricultural purposes created under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

Light Manufacturing: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty- five percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes that do not require extensive floor areas or land areas.

Mobile Food Business: A “mobile food business” serves food and/or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operation on premises other than its own and is readily movable, without disassembling, for transport to another location. (Added by Ord. #15-2- passed 05-07-15).

Mobile home: A transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

Motel: A building or group of buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. A motel shall have no more than 30 guest rooms.

Outpatient Treatment Facility/Program: Individual, family, or group therapy or counseling designed to improve and enhance social or psychological functioning of those consumers whose physical or emotional status allows them to continue functioning in their usual living environment in accordance with §62A-2-101,15, Utah Code Annotated, 1953, as amended, and as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Outpatient Treatment Programs. An Outpatient Treatment Facility/Program shall serve consumers who require less structure than offered in Day Treatment Facility/Program. Consumers are provided treatment as often as determined and noted in the treatment plan.

Professional Offices: A building for the professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. (Modified by Ord. #72- passed 11-7-13).

Public Uses and Utilities: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities, including water and sewer facilities, gas and electricity facilities, recycling and waste management, cable television facilities and telecommunications facilities, but excluding airports, prisons and animal control facilities. (Modified by Ord. #16-1-passed 01-07-16).

Recreational Facility: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle or RV: A motor coach or a travel trailer in working condition and capable of locomotion under its own power or by being towed and able to move from location to location. Any trailer of any type or motor coach incapable of movement does not qualify as an RV for purposes of this Ordinance. (Added by the Adoption of Ord. #46D – passed on 8/4/2005).

Residential Facility for Elderly Persons: A facility as defined by Sec.10-9a-103; Utah Code Annotated, as amended.

Residential Facility for Persons with a Disability: A residential dwelling (for four (4) or more persons) as licensed by the Department of Human Services, Division of Services for People with Disabilities. Disability means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.

Residential Treatment Facility/Program: A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider and operated in accordance with the requirements of §62A-2-101,17, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Residential Treatment Programs. A Residential Treatment Facility/Program offers room and board and provides for or arranges for the provision of specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In a Residential Treatment Facility/Program consumers are assisted in acquiring the social and behavioral skills necessary for living in the community in accordance with §62A-2-101,17, Utah Code Annotated, 1953, as amended.

Residential Short-Term Rentals (RSTR): Occupancy of a dwelling on a single-family legal Lot of record by a transient Guest(s) renting the entirety of the dwelling, or any portion thereof, for any period between 1 to 29 consecutive nights pursuant to a Conditional Use Permit (CUP). (Modified by Ord. # _____ passed _____).

Residential Support Facility/Program: A 24-hour group living environment, providing room and board for four (4) or more consumers unrelated to the owner or provider in accordance with §62A-2-101,16, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Residential Support Programs. A Residential Support Facility provides the necessities of life as a protective service to individuals or families who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of Residential Support; however, treatment shall be made available on request.

Resort: A facility that serves as a destination point for visitors and generally has recreational facilities for the use of guests and may include residential accommodations for guests. Guest residency is limited to no more than 90 days.

Restaurant: An establishment where food and drink is prepared, served, and consumed within the building. “Restaurant” does not include uses that are identified as Take-out or Drive-in restaurants; where food is served primarily in paper, plastic or other disposable containers; where customers may remove such food or beverage products from the food service establishment for consumption; and the establishment is required by contractual or other arrangements to operate with standardized menus, ingredients, architecture, decor, uniforms or similar standardized features.

School: Any building or part thereof that is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool center.

Single-Family Dwelling: A building arranged or designed to be used for and containing one dwelling unit.

Social Detoxification Facility/Program: A short-term non-medical treatment service for consumers unrelated to the owner or provider in accordance with §62A-2-101,19, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Social Detoxification Programs. A Social Detoxification Facility/Program offers room, board, and specialized rehabilitation services to persons who are in an intoxicated state. In a Social Detoxification Facility, consumers are assisted in acquiring the sobriety and drug-free condition necessary for living in the community and places emphasis on helping the consumer obtain further care after detoxification.

Special Events: An event advertised to the general public and established for a maximum period of seven (7) consecutive days per event, and limited to six (6) such events per property or applicant, per calendar year. Special Events may include, but are not limited to: Non-profit fund-raising activities conducted by a registered non-profit organization; organized events such as educational, historic, religious, and patriotic

displays or exhibits; concerts; athletic or recreational events; festivals; street fairs; arts and crafts fairs. (Modified by Ord. #15-1- passed 02-05-15).

Subdivision: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

Temporary Use - Long-term: A use established for a maximum period of 120 days, such use being discontinued after the expiration of 120 days. Long Term temporary uses may include: Temporary signs, Farm or Produce stands; Temporary Commercial Sales such as Christmas Tree Lots, Fireworks Stands; Farmer's Markets; Construction Offices; Materials and/or Equipment Storage; Seasonal Activities such as Corn Mazes and Pumpkin Patches. Other long-term temporary uses will be allowed if approved by the enforcement officer. The enforcement officer is a member of the Town Council who is appointed by the mayor to serve that function. Any denial of permission from the enforcement officer may be appealed to the entire Town Council. (Modified by Ord. #16-2- passed 4-07-16).

Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals that may include indoor and outdoor animal holding facilities.

Wholesale Business and Storage: Establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.