

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 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 needs of business - agricultural, tourist and non-tourist related – the need for long term rentals to house the workforce and the pricing conflicts between long term rentals and the RSTR market; and

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:

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 days 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. Limitation on number of RSTRs allowed: For purposes of this ordinance, the Town limits are divided into Upper Boulder, Middle Boulder and Lower Boulder.
 - a. Each of these three (3) areas shall be allowed a total of four (4) RSTRs on a first come basis, with a wait list thereafter. 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 a CUP in good standing through strict compliance with the terms of this ordinance; and
 - ii. Any CUP that is revoked, or 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.
 - b. The three geographical areas are as shown on the plat attached, marked as Exhibit A, incorporated herein and defined as follows:
 - i. Upper Boulder – from the north, east and west town limits to an east west line defined by the south boundary of the Boulder Cemetery, and within said area all property from the east to the west town limits;
 - ii. Middle Boulder – from the east-west line at the south boundary of the Boulder Cemetery, to a south line described as the Burr Trail beginning at the east town limit and proceeding west to Highway 12, then along Highway 12 to a point 200 feet from where it crosses Boulder Creek and proceeding due east to the west town limit, and within said area all property from the east to the west town limits;
 - iii. Lower Boulder - from a north line described as the Burr Trail beginning at the east town limit and proceeding west to Highway 12, then along Highway 12 to a point 200 feet past where it crosses Boulder Creek and due west to the west town limit, and within said area all property from the east town limit to the west town limit.

4. Ownership and Occupancy: To qualify under this ordinance, an Owner must comply with the following:
 - a. Be the Owner of the Lot; and
 - i. Occupy the Lot for a minimum of one hundred and eighty-two (182) days per year; and
 - ii. Not use the Lot as an RSTR in excess of one hundred and eighty-three (183) days per year.
 - b. No Owner shall own more than one (1) RSTR or be entitled to more than one (1) CUP within the Boulder Town limits;
 - i. Owner and ownership is defined as any individual or entity as shown on the property tax roles of Garfield County; and
 1. Where owner is an entity, be it a corporation, partnership, LLC, trust, conservatorship or otherwise, the individual who holds the majority interest shall be

the Owner for all applications and other requirements, including occupancy, in this ordinance; and

- ii. Only the Owner as defined above can apply for a CUP.
 - c. The Owner is responsible for any nuisance created by the Guests, which can constitute grounds for revocation and/or nonrenewal of the CUP.

- 5. Conditional Use Permit Required: The Boulder Town Planning Commission will consider all applications for said conditional use permits and issue the same where all the criteria set forth in this ordinance are met. 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 information 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 Dwelling on the lot will be used to host Guests;
 - i. All of the dwelling, or part of the dwelling; and
 - ii. Where two dwellings exist, a statement of how owner occupancy and RSTR occupancy will be apportioned; in no event shall two (2) dwelling on Lot be occupied by RSTR guests simultaneously; and
 - c. A copy 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 as follows:
 - i. For an initial CUP application, within 30 days of applying and receiving preliminary approval for a CUP hereunder, the Owner shall provide a copy of a sales tax/transient room tax license and number from the Utah State Tax Commission and a Boulder Town business license before the CUP is finalized;
 - 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 summary of the dates that the Lot was occupied by RSTR Guests during the previous 12 month period;
 - f. A plat sketch of the Lot showing the dwelling or dwellings and any neighboring dwelling within 300 feet as measured line of sight, front door to front door, and
 - i. Written permission from any neighbor within 300 feet; and
 - ii. The permission can be withdrawn by said neighbor(s) with ninety (90) days notice and without cause; and
 - g. One (1) parking space for every 2 bedrooms, in addition to those spaces reserved for the Owner; 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. 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) shall meet the Guests upon arrival and:
 - a. Deliver the keys or codes to the Guests and provide twenty-four (24) hour contact information for said property 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 property manager shall physically acquaint the Guests with the dwelling and property and provide them with the set of written instructions -- posted visibly within and governing the use of the property -- which shall include:
 - i. A description of the property boundaries, and areas where walking/hiking is permitted and trespass is to be avoided;
 - ii. Control of any Guest dogs and other animals, roaming, barking or otherwise creating a nuisance;
 - iii. Location and use of garbage containers and proper disposal;
 - iv. Location of fire extinguishers and exits, and any fire any restrictions in effect within the town;
 - v. Authorized parking place(s) designated for guest vehicles;
 - vi. Specified quiet time from 10 pm to 7 am;
 - vii. Specified dark sky time from 10 pm to 7 am where all exterior lighting must be turned off and light pollution through bay windows must be minimized.
- 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.