



Report by Barton Brierley, AICP

**Agenda Name:** **Zoning ordinance text amendment on short-term rentals in downtown**

**Petitioner/ Developer:** Ogden Community and Economic Development Department

**Petitioner/ Developer’s requested action:** Amend city standards on short-term rentals to:

1. Allow short-term rentals in the C-ENT and H25 zones under certain conditions.
2. Require the applicant for an owner-occupied short-term rental to have owned the dwelling unit for three years before operating it as a short-term rental.

What the Planning Commission reviews

The Planning Commission reviews the zoning ordinance amendment for:

1. Consistency with the General Plan,
2. Consistency with the purpose of the regulation, and
3. Consistency with state and federal law and case law.

Planning Commission’s determination for action

Possible Commission findings and actions:

1. Recommend adoption: Find that the proposed amendments are consistent with the General Plan, the purpose of the short-term rental ordinance and state law and recommend that the City Council adopt the proposed amendments.
2. Recommend adoption with modifications: Find that the proposed amendments with the following modifications (list) are consistent with the General Plan, the purpose of the short-term rental ordinance, and state law and recommend that the City Council adopt the proposed amendments as modified.



3. Do not recommend amendments. Find that the proposed amendments are not consistent with the General Plan, the purpose of the short-term rental ordinance, or state law and recommend that the City Council not adopt the proposed amendments.

**Planning staff’s recommended action**

Recommend that the City Council adopt the proposed zoning ordinance amendments as shown in Attachment 1.

**Description of request**

**SHORT-TERM RENTALS IN DOWNTOWN**

The zoning ordinance does not allow short-term rental of dwelling units in commercial zones. The proposal would allow dwelling units in the C-ENT and H25 zones to be used as short-term rentals, provided:

1. Short-term rentals are not combined with apartments or other residence types on the same lot.
2. Parking meets standards for residences (1 per unit) or be nonconforming.
3. A maximum of 14-units per lot are allowed.
4. The maximum stay is 6-months.

**OWNER-OCCUPANCY LIMITS**

The zoning ordinance allows short-term rentals in single-family R-1 zones only if the unit is owner-occupied. For example, a snowbird could rent out her house in the winter, and tourists could rent her home. The proposal would require an applicant to have owned the house for three years before operating a short-term rental.

**Factors for consideration of action**

**CURRENT STATUS**

Below is a summary of current short-term rental rules:



- Owner-occupied short-term rentals are allowed in R-1 zones.
- Non-owner occupied short-term rentals are allowed in multiple-family zones, limited to one per block.
- Short-term rentals are not allowed in commercial zones:
  - Hotels/motels are allowed.
  - Minimum of 15 hotel rooms are required downtown.

The Planning Commission has recommended amendments addressing:

- Owner-occupancy rules
- Parking
- Guests
- Fines
- Management

The amendments have yet to be sent to the Council for consideration.

### NEED FOR TOURIST LODGING

Ogden General Plan Objective 5.7 is “Expand tourism and enhance the visitor experience.” Strategy 7.C. is “Encouraging development of upscale bed and breakfast, boutique hotels and restaurants to cater to ski tourists and others.” Visit Ogden has indicated that Ogden currently is short on overnight tourist lodging facilities.

### LOCATION OF OVERNIGHT LODGING

Visit Ogden’s preferred location for overnight lodging facilities is downtown Ogden, where tourists can also enjoy downtown restaurants and entertainment. This also is consistent with a key recommendation of the Ogden General Plan: “Strengthening the 25th Street corridor as a shopping, entertainment and tourist destination.”

Most issues with short-term rentals have been related to visitors disturbing long-term residents in residential areas. The short-term rental regulations are designed to limit and control impacts on residential neighborhoods. While the same and other issues

can occur downtown, they are somewhat less harmful due to lower density and different expectations of residents and neighboring businesses.

## ISSUES

### ***Need for management***

Short-term visitors can cause issues, such as:

- Loud parties
- Drinking and drunk behavior
- Illegal activities
- Frequent traffic in and out.

These issues can occur in both hotels and short-term rentals. A major difference is that hotels have on-site managers that can address issues as they arise. Visitors at a short-term rental may never see the manager on site. Neighbors having issues may have a difficult time finding a manager to address complaints to.

Staff recommends short-term rentals in downtown be limited to the core H25 and C-ENT districts that are focused more on entertainment uses. In those areas, staff recommends they be subject to the same management requirements as in residential zones, including sending management contact information to neighbors and having a representative available within ½ hour.

### ***Mixing long-term residents and tourists***

A concern is mixing short-term rentals in the same building as long-term apartments. Apartment residents should be able to enjoy peace without having regular parties and traffic in the unit next door. Staff recommends that all units in a building be either long-term or short-term rental, not a mixture of both.

### ***Length of stay***

Ogden has faced problems with low-end hotels becoming long-term residences. This is particularly a problem where hotels rooms lack facilities needed for long-term stays, such as kitchens, laundry facilities, and recreation space. For this reason, Ogden limits stays in hotels to 90-days in any 12-month period.

Short-term rentals are limited to dwelling units, so they should have better facilities to handle extended stays. To avoid mixing long-term residents and tourist stays, stays



should be limited. Staff recommends stays be limited to 6-months in a one-year period.

***Parking***

Dwelling units downtown require one parking space per unit. Hotels require none. Short-term rentals in residential areas require more than this. Staff recommends that short-term rentals downtown be subject to the same parking standards as dwelling units, which would allow the units to be converted to long-term dwellings in the future.

**CONSISTENCY WITH THE PURPOSE OF THE REGULATION**

OMC 5-13-38A1 states,

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

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

The proposal would amend this purpose statement to reflect that short-term rentals could be allowed in parts of downtown.

**Attachments**

1. Proposed code amendments
2. Previous Planning Commission recommended short-term rental code amendments

# Short-term Rental Ordinance



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

Draft May 24, 2023

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

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. ~~and that is required by its license to have an owner on-site during the term of the short-term rental~~

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

E. [Qualification as owner-occupied short-term rental:] In order to qualify as an owner-occupied short-term rental, the applicant must:

1. \_\_\_\_\_ have owned the dwelling unit for three (3) years continuously prior to commencing operation as an owner-occupied short-term rental; and

2. \_\_\_\_\_ Occupy the dwelling unit as their primary personal residence during the term of the short-term rental license.

**CHANGE 4.** Substitute the following language in Section 15-13-38E4 (to be renumbered) of the Ogden Municipal Code:

4. A statement affirming whether or not the ~~vacation~~ short-term rental will be owner-occupied; ~~and~~. If the applicant is applying as an owner-occupant:

a. \_\_\_\_\_ 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.

b. \_\_\_\_\_ 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

**CHANGE 5.** Substitute the following language for the proposed new OMC 15-13-38C 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:] Except within C-ENT and H25 zones, 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.

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 15-13-3814a

as follows:

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

<b><u>Number of sleeping rooms</u></b>	<b><u>Number of required parking spaces</u></b>
<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>
<b><u>Any number in C-ENT and H25 zones</u></b>	<b><u>Meet the parking standards for dwelling units or have nonconforming parking rights</u></b>

**CHANGE 7.** Amend subsection 15-34-3B 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 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.~~

~~c. (2) The building or lot must contain at least fifteen (15) 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 following:

(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 fourteen (14) dwelling units on one lot.

(4) The maximum length of stay for any individual or family in a short-term rental unit is six (6) months in any twelve (12) month period.

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

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.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 5-1B-2.C; AMENDING SECTION 5-2D-1; AMENDING SECTION 5-9-1; AMENDING SECTION 12-17-2; AMENDING SUBSECTION 15-1-17.D; AMENDING SECTION 15-2-19; AMENDING SECTION 15-2-20; AMENDING SUBSECTION 15-6-3.H; AMENDING SECTION 15-13-38; AMENDING SUBSECTION 15-13-39.C; AMENDING SECTION 15-15-2; AMENDING SECTION 15-16-2; AMENDING SECTION 15-17-2; AMENDING SECTION 15-18-2; AMENDING SECTION 15-19-2; AMENDING SECTION 15-35-2; AMENDING SECTION 15-36-2; AND AMENDING SUBSECTION 15-39.8.C TO REVISE PROVISIONS RELATED TO RESIDENTIAL SHORT-TERM RENTALS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.**

**The Council of Ogden City hereby ordains:**

**SECTION 1. Subsection amended.** Subsection 5-1B-2.C of the Ogden Municipal Code is amended to read as follows:

**C. [Disproportionate Costs:]**

1. Determination: It is hereby determined by the city council that:
  - a. A disproportionate level of municipal services is provided to commercial operations within the city in comparison with that level of services provided to residences within the city not classified as rental dwellings, based on the disproportionate use of police and fire services and the additional costs associated with increased usage of and demand for public facilities and services by employees; and
  - b. Certain types of businesses also receive a disproportionate level of municipal services in comparison with that level of services provided to other business categories and classifications, based on the disproportionate use of police and fire services.
2. Fees Determined: Except as otherwise provided in subsections C3, C5, C6 and C7 of this section, the fee determined to be related to the disproportionate costs of such municipal services is seven dollars (\$7.00) per employee, plus the designated fee for the applicable business or business license as follows:

Amusement halls and arcades under chapter 4, article A of this title	\$105.00	
Auction houses	105.00	
Banks, credit unions and other banking related businesses	216.00	

Boarding houses/rooming houses (as defined in section 5-9-1 of this title) (including hotels, motels and other short term room rentals but not including [ <del>owner occupied residential vacation rentals</del> ] <u>owner-occupied short-term rentals</u> )		105.00	
Businesses with alcoholic beverage license:			
	Retail with class A beer license	885.00	
	Restaurant with class B beer or liquor consumption license	225.00	
	Tavern with class C beer or combination B and C beer license	253.00	
	Private club with class D beer license	253.00	
	Class E beer license per event	31.00	
	Recreation business with class F license	125.00	
	Hotel, resort facility, sports center or conference center with class G license	225.00	
	Beer wholesalers	105.00	
Constables		105.00	
Detective agencies		105.00	
Manufactured (mobile) home park, based on the number of rental pads or spaces		58.00	per pad or space
New/used motor vehicle dealers (including all retailing of automobiles, trucks, motorcycles, recreational vehicles)		301.00	
Pawnbrokers		105.00	
Recreational and sporting activities, other than amusement halls and arcades		105.00	
Rental dwellings, based on the number of dwelling units per building:			
	1 dwelling unit (single-family dwelling)	156.00	per unit

	2 dwelling units (duplex, two-family dwelling)	70.00	per unit
	3 or more dwelling units (multiple-family dwelling)	82.00	per unit
	Restaurants (without alcoholic beverage license)	225.00	
	Retailing of goods, other than motor vehicles or secondhand goods	245.00	
	Retailing of secondhand goods (secondhand dealers)	105.00	
	Short term loan business	216.00	
	Sidewalk vendors	105.00	
	Street vendors	105.00	
	Temporary businesses:		
	Christmas tree sales	21.00	
	Distressed goods (30 days)	21.00	
	Exhibition or special event, per event	No charge	
	Fireworks:		
	Temporary stand	21.00	
	With ongoing business	No charge	
	Participant in an exhibition or special event	No charge	
	Spook alleys	21.00	
	All other businesses, not listed above	105.00	

3. Special Discounts For Rental Dwellings:

- a. If the owner of a rental dwelling with two (2) dwelling units per building (a two-family dwelling or duplex under the city's zoning ordinances) resides in one of the dwelling units, the owner shall be entitled to a discount of fifty percent (50%) on the disproportionate fees applicable to the remaining dwelling unit. Such discount shall be applied on a pro rata basis, if such residency is not maintained during the entire licensing year.

- b. Landlords may qualify for a discount under the good landlord incentive program as provided in section 12-16-2 of this code.
  - c. The owner of a multi-family rental dwelling with no more than four (4) dwelling units in the building shall be entitled to a discount of fifty percent (50%) on the disproportionate fees applicable to the remaining dwelling units located within the rental dwelling, if the owner resides in one of the dwelling units but does not otherwise qualify for a discount under subsection C3b of this section for such building. Such discount shall be applied on a pro rata basis, if such residency is not maintained during the entire licensing year.
4. Fixed Location Required: Disproportionate impact fees shall only apply to businesses with a fixed location within the city. It shall specifically not apply to individual, occupational, or employee licenses identified under subsection B4 of this section or to any other license or permit required of an employee of a business licensed herein.
  5. Home Occupations: Businesses which are located in the principal residence of the owner of the business and which are classified as a home occupation under the city zoning ordinances are exempt from the disproportionate impact fee.
  6. Special Discounts For Small Businesses:
    - a. Small businesses, as defined herein, shall be entitled to the following discount:

<b>Gross Receipts</b>	<b>Discount</b>
\$0.00 to \$9,999.00	100 percent
\$10,000.00 to \$49,999.00	50 percent

- b. A "small business", for purposes of this subsection C6, shall include any business with less than fifty thousand dollars (\$50,000.00) in gross receipts in the immediately preceding calendar year. It shall not apply to any of the following business classifications: businesses with alcoholic beverage licenses, sexually oriented businesses, banks, credit unions and other banking related businesses, new/used motor vehicle dealers, boarding houses, rooming houses (including hotels, motels and ~~residential vacation~~ short-term rentals), pawnbrokers, rental dwellings, manufactured (mobile) home parks, taxicabs, or temporary businesses.
- c. For purposes of this subsection C6, "gross receipts" shall mean:



- (1) The gross receipts derived from the trade, business, commerce or sale of tangible personal property or services, or both, without deduction or exclusion for the cost of goods or property sold or the expense of carrying on any business, trade, profession, craft, occupation or calling; or
  - (2) The gross receipts of each and any person received as compensation for personal services without deduction or exclusion for the expense of carrying on any business, trade, profession, craft, occupation or calling specified therein.
- d. Any person applying for the small business discount shall report and declare, in writing, under oath, the true and correct amount of the gross receipts by which the discount is measured. The business license coordinator is authorized to deny any discount, if determined that the information is inaccurate or that the applicant was not otherwise qualified for the discount.
7. Independent Contractor: An individual who engages in business as an independent contractor shall not be subject to the disproportionate impact fee, under the following circumstances:
- a. The independent contractor shares or uses office or work space within the premises of another licensed business;
  - b. The other licensed business is subject to the applicable disproportionate impact fee for the entirety of the business location;
  - c. The business activities of the independent contractor are directly related to and a part of the business operations of the other business; and
  - d. The independent contractor is not in a landlord-tenant relationship with the other licensee.

**SECTION 2.** Section amended. Section 5-2D-1 of the Ogden Municipal Code is amended to read as follows:

**5-2D-1: [DEFINITIONS:]**

For purposes of this article, the following terms shall have the following meanings:

**PUBLIC ACCOMMODATION:** A place providing sleeping accommodations for less than thirty (30) consecutive days that is regularly rented or offered for rental to the public, such as:

- A. A motel;

- B. A hotel;
- C. A recreational coach park;
- D. A rooming house;
- E. A bed and breakfast inn;
- F. A timeshare or other fractional interest development;
- G. [~~A residential vacation rental~~]A short-term rental; and
- H. A boarding house.

RENTS: Rents and timeshare fees or dues.

TRANSIENT: A person who occupies a public accommodation.

**SECTION 3.** Section amended. Section 5-9-1 of the Ogden Municipal Code is amended to read as follows:

**5-9-1: [DEFINITIONS:]**

BOARDING HOUSE: Any place where rooms are rented, furnished or unfurnished, together with board, such as a bed and breakfast inn.

ROOMING HOUSE: Any place where rooms are rented or kept for rental for lodging or sleeping purposes by the day, week or month, where such rental does not include board, by whatever name such place is denominated, such as hotel, motel, or [~~residential vacation rental~~]short-term rental.

**SECTION 4.** Section amended. Section 12-17-2 of the Ogden Municipal Code is amended to read as follows:

**12-17-2: [DEFINITIONS:]**

The following terms as used in this chapter shall have the indicated meaning:

**ATTACHED GARAGE:** An enclosed space for the parking or storage of one or more motor vehicles, which is physically a part of a residential occupancy by means of a common roof or wall. It shall not include any parking structure separated by an approved firewall without openings of any kind to the residential occupancy, including doors.

**BUILDING CODES:** The building, fire and other technical codes adopted pursuant to title 16, chapter 2 of this code.

**CO DETECTOR:** A device sensing invisible particles of carbon monoxide that is either battery powered or AC powered with battery backup that has been installed in accordance with its manufacturer's recommendations, which, when activated, will provide some form of visual or audible detector, and which has been either UL (Underwriters Laboratories, Inc.) listed or CSA (Canadian Standards Association) approved.

**CENTRALIZED FUEL FIRED APPLIANCE:** A fuel fired appliance, such as a hot water heater or boiler that serves more than one dwelling unit or sleeping room within a multiple dwelling.

**DWELLING UNIT:** Any building or portion thereof designed, occupied, or intended as a residence, with complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**FOSSIL FUEL:** Includes coal, natural gas, kerosene, oil, propane and wood.

**FUEL FIRED APPLIANCES:** Any appliance that burns a fossil fuel of any type including, but not limited to, boilers, furnaces, heaters, fireplaces, stoves, ranges, clothes dryers, barbecues and engines.

**OCCUPANT:** An individual in lawful occupancy of a residential dwelling or dwelling unit, which shall be the owner in the case of an owner occupied residential dwelling, or the tenant, where such tenant is the primary lessee or renter of a residential dwelling or dwelling unit.

**RESIDENTIAL DWELLING:** Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families, including single-family dwellings, two-family dwellings, and multiple-family dwellings as such terms are defined in title 15 of this code.

**RESIDENTIAL OCCUPANCIES:**

- A. Any of the following uses as such terms are defined in title 15 of this code:
1. Residential facilities for elderly persons or residential facilities for persons with a disability;
  2. Mobile homes, manufactured homes;
  3. Hotels, motels, boarding houses, [~~residential vacation~~]short-term rentals, bed and breakfast inns, single room occupancies;

4. Fraternity or sorority houses, bachelor or bachelorette dwelling units, educational institutions with housing;
  5. Assisted living facilities, nursing homes, retirement homes;
  6. Protective housing facilities, rehabilitation treatment facilities, whether licensed or unlicensed, transitional housing facilities, shelters for the homeless; and
  7. Adult daycare facilities, daycare centers, nurseries for children.
- B. Any residential occupancy or any institutional occupancy with sleeping units as such terms are defined in the building codes.
- C. Any other occupancy used for sleeping purposes.

SEPARATE SLEEPING AREA: Bedrooms or sleeping rooms separated by other use areas, such as a kitchen or living room, but not including bathrooms.

SLEEPING UNIT: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

**SECTION 5. Subsection amended.** Subsection 15-1-17.D of the Ogden

Municipal Code is amended to read as follows:

**D. Civil Penalties:**

1. Penalties Imposed: Violations of this title shall carry civil penalties pursuant to the following schedule:

	<b>Violation Classification</b>	<b>Initial Penalty</b>	<b>Intermediate Penalty</b>	<b>Maximum Penalty</b>
a.	Causing, permitting or maintaining any land use not allowed in the applicable zoning district	\$125.00	\$250.00	\$500.00
b.	Constructing, installing, permitting or maintaining any building, structure or improvement, which violates yard, setback, height or other dimensional requirements, regarding the placement of buildings, structures or other site improvements, imposed under the provisions of this title	125.00	250.00	500.00
c.	Violating any condition or requirement of a permitted or conditional use; noncompliance with conditions of an approved conditional use permit,	125.00	250.00	500.00

	variance, a site plan or any other development plan or permit issued in accordance with the provisions of this title (except violations under subsection D1b of this section)			
d.	Allowing a vehicle to be parked at a location prohibited under the provisions of this title	25.00	50.00	100.00
e.	<del>[Advertising, renting, or operating a residential vacation rental in violation of section 15-13-38 of this title]</del> <u>Operating or executing any contract for renting a short-term rental without a valid short-term rental license</u>	500.00	500.00	500.00
f.	<u>Operating a licensed short-term rental in violation of any terms of the license or this title</u>	<u>125.00</u>	<u>250.00</u>	<u>500.00</u>
f.g.	Any other violation not described above	125.00	250.00	500.00

**SECTION 6.** Section amended. Section 15-2-19 of the Ogden Municipal Code

is amended to read as follows:

**15-2-19: ["R" DEFINITIONS:]**

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

Reasonable: A requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

RECREATIONAL COACH: A vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Code, and designed for the use of temporary human habitation.

**RECREATIONAL COACH PARK:** Any area or tract of land or a separate designated section within a manufactured home park where one or more spaces are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed two (2) weeks.

**RECREATIONAL COACH SPACE:** A plot of ground within a manufactured home park designated and intended for the accommodation of one recreational coach.

**RECYCLABLE MATERIALS:** Reusable material, including, but not limited to, glass, plastics and synthetic materials, paper products such as newspaper, stationery, scrap paper, computer paper and corrugated cardboard, rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood, building materials, or any "junk or salvage material", as defined herein, which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials nor does it include coins, precious metals or commercial grade precious metals if they are the sole recyclable material.

**RECYCLABLE MATERIALS, LIMITED:** Aluminum cans, plastic, or scrap paper such as newspapers, stationery, computer paper, or magazines, but not including cardboard materials or boxes.

**RECYCLING COLLECTION CENTER:** A facility located in an enclosed building for the acceptance by donation, redemption, or purchase, of recyclable materials, which have been source separated by type by the person who last used the material. Such facility may allow limited compacting or crushing of recyclable materials and may allow temporary outdoor storage of such recyclable materials if stored in weather resistant containers.

**RECYCLING DROP OFF STATION:** A facility maintained in connection with another use consisting of reverse vending machines or unattended weather resistant containers that are provided for collection of limited recyclable materials which have been source separated by type by the person who last used the material. A recycling drop off station shall not include weather resistant containers located on a residential, commercial or manufacturing designated parcel used solely for the collection of recyclable material generated on the parcel.

**RECYCLING PROCESSING CENTER:** A facility that accepts, stores or processes recyclable materials, whether or not maintained in connection with another business. Processing includes baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction or melting of such materials. Recycling processing center includes junk or salvage yards where processing of recyclable material is included, but does not include recycling drop off stations or recycling collection stations.

**REHABILITATION/TREATMENT FACILITY:** A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug

abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

**RESIDENCE, RESIDENTIAL FACILITY:** Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

**RESIDENTIAL CHICKEN:** A female domesticated fowl of the genus Gallus, commonly referred to as a hen chicken.

**RESIDENTIAL FACILITY FOR ELDERLY PERSONS:** A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement, together with any incidental domestic staff. A "residential facility for elderly persons" shall not include any facility:

- A. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- B. Where persons being treated for alcoholism or drug abuse are placed;
- C. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
- D. Which is a healthcare facility as defined by section 26-21-2 of the Utah Code; or
- E. Which is a residential facility for persons with a disability.

**RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY:** A residence in which more than one person with a disability resides, together with any incidental domestic staff, and which is:

- A. Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
- B. Licensed or certified by the Department of Health under title 26, chapter 21, of the Utah Code Health Care Facility Licensing and Inspection Act.

**RESIDENTIAL GARAGE SALES OR YARD SALES:** The occasional sale of surplus household goods or furnishings as a use accessory to a dwelling. Sales held more

frequently than three (3) days in any one calendar quarter shall be considered a retail use and not "occasional" in nature, nor a use accessory to a dwelling.  
A residential garage sale or yard sale shall not include goods or property:

- A. Acquired for the purpose of resale, barter or exchange; or
- B. Manufactured or repaired for the purpose of sale as part of a home occupation.

~~[RESIDENTIAL VACATION RENTAL: Use of a dwelling unit for temporary sojourn or transient visit for a period of up to thirty (30) consecutive days by a person or group of people whose primary residence is at another location; who provide compensation, in any form, in exchange for occupancy; and where meals or food are not provided.]~~

RESTAURANT: A place of business where food and beverages are prepared, served and sold for human consumption. A restaurant does not include a business:

- A. Engaged in the sale and consumption of alcoholic beverages unless licensed by the City and the State of Utah;
- B. That provides entertainment for its patrons unless zoned for and licensed as a cabaret or adult live entertainment business; or
- C. Where the annual revenue from the sale of food is less than the annual revenue from the sale of alcoholic beverages.

RETAIL TOBACCO SPECIALTY BUSINESS: A commercial establishment in which:

- A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment;
- B. Food and beverage products excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and
- C. The establishment is not licensed as a pharmacy under title 58, chapter 17b, Pharmacy Practice Act of the Utah Code.

Tobacco products for sale in a retail specialty business are defined as:

- A. Any cigar, cigarette or electronic cigarette as defined in section 76-10-101, Utah Code Annotated;



- B. A tobacco product as defined in section 59-14-102, Utah Code Annotated, including chewing tobacco or any substitute for a tobacco product including flavoring or additives to tobacco;
- C. Tobacco paraphernalia as defined in section 76-10-104.1, Utah Code Annotated;
- D. Liquid for producing vapor in electronic cigarettes, regardless of whether such liquid contains nicotine.

RETIREMENT HOME: A residential facility designed, occupied and intended for residents fifty (50) years of age or older, where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

REVERSE VENDING MACHINE: An automated mechanical device, maintained in connection with another use, which accepts at least one or more types of limited recyclable materials and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

**SECTION 7. Section amended.** Section 15-2-20 of the Ogden Municipal Code

is amended to read as follows:

**15-2-20: ["S" DEFINITIONS:]**

SENSITIVE AREA: Lands containing environmentally and geologically sensitive elements which, if encroached upon by unsuspecting urban land development such as utilities, housing, streets, and/or public facilities, could be damaged beyond reparability or could cause severe damage to such urban development or cause complete destruction thereof or cause the loss of life or bodily harm. Such sensitive areas could include active earthquake faults, potential landslide areas, steep unstable terrain, or areas of potential rockfall.

SENSITIVE VEGETATION: Vegetative cover which can be harmed by compaction from overuse, urban development or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing a severe retardation of growth or elimination of a particular variety of vegetative species.

SENSITIVE WILDLIFE HABITAT: Wildlife habitat which provides an environmental biosphere critical to the well being and perpetuation of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife.

SEXUALLY ORIENTED BUSINESSES: An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to

the sexually oriented business license chapter, set out in title 5, chapter 15 of this Code, which types of businesses include for purposes of this title the following: outcall services, adult entertainment dancing agencies, adult businesses (an inclusive term including adult motion picture theaters, adult bookstores or adult video stores), and adult live entertainment businesses. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of this title.

**SHELTER FOR THE HOMELESS:** Charitable lodgings or sleeping rooms provided on a temporary basis (usually on a daily basis), to those members of society lacking other safe, sanitary or affordable shelter. May also include kitchen and cafeteria.

**SHELTERED WORKSHOP:** An on site supervised educational or vocational training facility for persons with a disability that does not provide any residential facilities.

**SHORT TERM LOAN BUSINESS:**

- A. An establishment engaged in extending credit to individuals (regardless of whether the debt is secured or unsecured or in the form of a loan, advance or other credit intermediation service) that:
  - 1. Generally charges an annual percentage rate of thirty percent (30%) or higher as calculated under the federal truth in lending act (15 USC 1601 et seq.) or the rules or regulations adopted pursuant to the truth in lending act; or
  - 2. Extends credit in amounts generally less than ten thousand dollars (\$10,000.00).
  
- B. This definition specifically includes businesses such as check cashers, deferred deposit lenders and title lenders, but does not include establishments whose primary activity is:
  - 1. Selling real estate or financing real estate transactions;
  - 2. Making retail or food sales or financing retail or food sales made on the installment plan;
  - 3. Selling vehicles or financing purchase money vehicle loans;
  - 4. Making repairs or improvements to real or personal property;
  - 5. Acting as a pawnbroker under the provisions of title 5, chapter 12, article A of this code;
  - 6. Providing professional, medical, dental, insurance or educational services;
  - 7. Acting as a charitable organization under section 501(c)(3) of the internal revenue code or as a community development entity that has been certified by the U.S. department of the treasury's community development financial institutions fund; or
  - 8. Providing deposit banking as a depository institution or depository institution holding company as defined in Utah code section 7-1-103.

- C. In determining the primary activity of a business, the value of any goods sold or services rendered compared with the amount of credit extended shall be taken into account.
- D. A short term loan business may offer more than one type of credit intermediation service if it meets the licensing requirements for each service and operates from a single storefront.

SHORT-TERM RENTAL: A dwelling unit or any portion of a dwelling unit that the owner of record or the lessee of the dwelling unit offers for occupancy for fewer than thirty (30) consecutive days. "Short-term rental" excludes a facility licensed by Ogden City as a bed and breakfast inn, hotel, motel, boarding house, or lodging house.

SIDEWALK VENDOR: Any person or persons licensed under title 5, chapter 13, article B of this code as a sidewalk vendor who sells, or offers to sell at retail, food, nonalcoholic beverages, balloons, or cut flowers on a public sidewalk.

SINGLE ROOM OCCUPANCY: A residential facility with six (6) or more living units which are leased generally on a monthly basis with no more than two (2) persons per unit and may or may not provide complete and independent living facilities; provided, that bathroom facilities shall be available either in common or on an individual basis. Twenty four (24) hour on site management shall also be provided.

SITE DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

SOCIAL HALL: A for profit privately owned, multiuse indoor space that provides for a variety of private and public functions such as banquets, parties, games, social gatherings, entertainment, lectures and receptions.

SOUP KITCHEN, CHARITABLE: A not for profit establishment devoted exclusively to feeding the poor. Such establishment may provide one or more meals per day, at no monetary charge to the hungered.

STABLE, PRIVATE: A detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a private stable.

STORY: The space within a building, other than a cellar, included between the surface of any floor area and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor immediately below it.

STREET: A public thoroughfare, dedicated, abandoned or condemned for public use prior to the initial enactment of the zoning ordinance, which affords the principal means of access of abutting property and is more than twenty six feet (26') wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

SWAP MEET: A business operated entirely within an enclosed building where, under direction of a swap meet proprietor, individual sellers occupy a designated area where goods are sold or exchanged.

SWIMMING POOL: Any artificial or semiartificial container, whether indoors or outdoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

SWIMMING POOL, FAMILY: A swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.

**SECTION 8. Subsection amended.** Subsection 15-6-3.H of the Ogden

Municipal Code is amended to read as follows:

H. [Reuse Of Nonresidential Structures:]

1. Reuse Of Commercial Style Building In A Residential Zone: Structures that were originally designed as commercial buildings located within a residential zone, including a dwelling on the same lot as the commercial building and traditionally associated with the commercial use, may take advantage of this provision in order to establish a reuse of the buildings. This provision applies to all residential zones and is intended to be used as a method of providing uses in buildings which were originally designed to house commercial uses or that have a commercial building as part of the parcel or lot.

a. Allowed Uses: If the use is not specifically listed below it is not permitted as a reuse option of the property and buildings.

(1) Services:

Altering, pressing and repairing of wearing apparel.

Business and professional offices.

Dance rehearsal or instructional halls for the performing arts.

Daycare centers or adult daycare facility, provided:

(A) The facility shall conform to the occupancy requirements of the current building code, as adopted by title 16, chapter 2 of this code, or its successor provisions, whenever more than six (6) persons are cared for; and

- (B) Child daycare centers shall include outdoor play areas with a minimum of seventy five (75) square feet of area for each child using the area at one time, and shall be completely enclosed.
  - (i) Screening, planting or solid fencing around portions of playground areas adjoining residential dwelling uses is required if the planning commission determines it is necessary to minimize visual and noise impacts; and
  - (ii) The planning commission may require that playground equipment be placed in a location which will minimize visual and noise impacts and prevent trespassing on adjacent properties.

Hairdressers, barbershops, manicurists, tanning salons.

Laundromat.

Photo studio.

~~[Residential vacation rental, provided that a vacation rental under this provision:~~

~~\_\_\_\_\_ (A) May be either owner occupied or nonowner occupied; and~~

~~\_\_\_\_\_ (B) For a building in a single family residential zone, is not subject to any provision restricting nonowner occupied rentals to one per linear block.]~~

Short-term rental, owner-occupied.

Short-term rental, non-owner-occupied, provided it is not 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.

Tailor.

Travel agency.

(2) Sales:

Antique, import or souvenir shop.

Art and artist supply store.

Automobile service station, provided it is in a structure originally built for service stations.

Bookstore, retail.

Camera store.

Clothing and accessory store.

Fabric and textile store.

Florist shop.

Garden supplies and plant material sales within the confines of the building.

Gift store.

Grocery store, including stores which may specialize in certain types of food products such as dairy, bakery or health foods.

Ice cream parlor.

Needlework, embroidery and knitting store.

On-line sales.

Pharmacy.

Restaurant.

Shoe store.

Small distribution center or warehouse only when the building has existing overhead delivery doors designed for truck pull-in, provided that this use may not exceed fifty percent (50%) of the building floor area.

Toy store, retail.

(3) Residential:

Single-family dwelling

b. Common Requirements For All Reuses:

- (1) Because of the location of the commercial style building in the heart of the neighborhood, no expansion of the building is allowed on the lot nor is building expansion or parking allowed on adjacent lots.
- (2) No use is allowed to install a drive-up window or pick up window. All transactions of exchange of merchandise must take place inside the building.
- (3) Exterior wall materials may not be replaced with new materials that do not match the existing or original materials. No exterior alterations are permitted which alter the original character of the building.
- (4) Before the new use can occupy the structure the building must meet all property maintenance and building codes applicable to the use. Existing areas of landscaping must be maintained whether on the property or in the public right of way.
- (5) Any exterior service areas such as dumpster locations, delivery areas other than the front door, and garbage pick up areas shall be located out

of the public view and in a location that is protected from visibility and smell by adjacent neighbors. No trash compacting devices may be located outside of the original building.

- (6) Eighty percent (80%) of the area of ground level windows shall remain clear of posters, banners, or other materials or objects which block views through the window. Ordinary window coverings of the type of use permitted, such as curtains, drapes or blinds are excluded from this requirement.
  - (7) For all uses except restaurants and ~~[vacation]~~ short-term rentals the hours of operation are limited to eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. Restaurant hours of operation are limited to six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.
  - (8) With the exception of outdoor dining, all uses and storage must be contained inside the building.
  - (9) For the warehouse use, deliveries are limited to regular business hours and delivery and pick-up vehicles exclude semi tractor-trailers.
- c. Application: Application for the use permit may be filed by the owner of the property for which the use is sought or an authorized representative. If the reuse proposes no changes to the site, the building exterior other than normal maintenance, or the use of outdoor areas, the request shall be submitted to the development services counter for normal site plan review and approval. If changes are proposed to the site, or to the building exterior in seeking to restore the exterior to the original design, the approval request will be submitted for review by the planning commission.
- d. Basis For Planning Commission Approval: The planning commission may approve the application for site or exterior revisions based on the following provisions:
- (1) Landscaping: The planning commission may require whatever landscaping is necessary to integrate the building into the neighborhood, or to provide visual buffers for parking or outdoor uses on the site. Parkway strips shall be landscaped unless used for existing parking. In such instances, the planning commission shall determine the amount of parkway which needs to be landscaped.
  - (2) Parking: The property will be considered as having nonconforming parking rights and any of the listed permitted uses will be allowed without requiring additional parking. Any proposed new parking must meet the requirements for parking as listed in chapter 12 of this title. However, the planning commission may approve a lesser amount if it finds that:
    - (A) A building occupies the entire site or the existing site limitations would restrict additional parking; and

(B) The reduction of such parking is not detrimental to the neighborhood.

- (3) Building Exterior: When building exterior changes are proposed the planning commission shall determine if the changes alter the original or existing character of the building. If the changes bring the building back to its original design based on pictorial or physical evidence the revisions may be approved.

e. Signs:

- (1) Except as provided in subsection H1e(3) of this section, signage shall be attached to the front face of the building and is limited to a maximum of forty (40) square feet.
- (2) Signs shall not be internally or externally lighted unless the proposed use is located on Harrison or Washington Boulevard and the planning commission determines such lighting will be compatible with the surrounding neighborhood.
- (3) The use may reuse existing sign structures that are:
- (A) Sixty (60) square feet or less in size;
  - (B) No taller than the height of the building on the lot where the sign is located; and
  - (C) Not internally or externally lighted unless the sign is on Harrison or Washington Boulevard.
- (4) Existing freestanding signage that does not meet the requirements of subsection H1e(3) of this section shall be removed and has no nonconforming rights.
- (5) Electronic message display signage is not allowed.

2. Reuse Of A Permitted Nonresidential Building In Residential Zones: Buildings which were constructed in a residential zone but were intended for permitted nonresidential usage such as public or private schools, churches, fire stations, libraries, public buildings or recreational facilities may be reused either as a use permitted in the zone or by approval of a conditional use permit by the planning commission for one of the following uses:

a. Conditional Uses:

Art galleries and museums.

College or university extension, provided parking is provided at the rate of one space per teacher and staff member, plus one space per two (2) students of the largest attendance period.

Community and senior citizen center.



Community cultural activities, including theater and dance rehearsal or instructional halls for the performing arts and performing arts theaters.

Daycare centers, provided:

- (1) The facility shall conform to the occupancy requirements of the current building code, as adopted by title 16, chapter 2 of this code, or its successor provisions, whenever more than six (6) children are cared for;
- (2) Outdoor play areas shall be provided with a minimum of seventy five (75) square feet of area for each child using the area at one time, and shall be completely enclosed. The planning commission shall require screening, planting or solid fencing around portions of playground areas which adjoin residential dwelling uses if they determine it is necessary to minimize visual and noise impacts;
- (3) The planning commission may require that playground equipment be placed in a location which will minimize visual and noise impacts and prevent trespassing on adjacent properties; and
- (4) The hours of operation may be restricted to assure compatibility with surrounding neighborhood.

Dwelling units at the density permitted by the underlying zone.

Libraries, publicly operated.

Maintenance caretaker residence.

Nursing home.

Personal service business.

Private or educational institution, provided:

- (1) Parking is provided at the rate of one space per teacher and staff member, plus one space per two (2) classrooms;
- (2) Play areas shall be screened with a minimum six foot (6') high screening fence;
- (3) The planning commission may require that playground equipment be placed in a location which will minimize visual and noise impacts and prevent trespassing on adjacent properties.

Professional and business office.

Professional, business or civic association hall; provided, that within thirty (30) days of the issuance of a conditional use permit, a neighborhood liaison committee shall have been established with representation from neighborhood property owners, to consider and make recommendations on complaints and concerns of neighbors, should they arise. The applicant shall submit a

statement explaining the proposed makeup and operating procedures of this committee at the time of conditional use permit application.

Public building.

Retirement home, provided parking at 0.35 space per room, plus one space per employee on the highest shift.

Trade and vocational schools, provided parking is provided at the rate of one space per three (3) students plus one space per employee at capacity class attendance.

- b. Specific Development Standards: In reviewing the request, the development shall meet the following standards and procedures for application:
  - (1) Height limits of the underlying zone shall apply;
  - (2) No parking shall be permitted in the required front yard or the side yard on the side street or corner lots;
  - (3) Building usage shall be limited to the amount of available off street parking;
  - (4) Off street parking for all building users shall be as stated herein or calculated based on the provisions set forth in chapter 12 of this title;
  - (5) All yard areas not covered by buildings or required off street parking shall be landscaped with living plant material and properly maintained;
  - (6) In cases where no space exists on site for off street parking, for buildings other than dwellings, parking may be provided off site, but within five hundred feet (500') of the site.
- c. Signs:
  - (1) The total area of all signs on the property shall be limited to one square foot of sign area for each two hundred fifty (250) square feet of gross floor area in a building or group of buildings in a common parcel;
  - (2) If the signs are illuminated, they shall be shielded so direct rays from the light do not impact surrounding properties.
- d. Site Plan Submittal:
  - (1) Application for a conditional use shall include a list of the uses of conversion and conditions, a site plan showing the existing conditions, any proposed structural modifications, existing and proposed parking and access, abutting right of way width and street and sidewalk improvements, fire access, existing vegetation and proposed landscaping, signs and exterior lighting;
  - (2) A declaration of the reasons justifying the proposed conversion and the steps taken to eliminate adverse impacts upon the neighborhood;

- (3) Disclosure of actions taken to explore feasibility of conversion to permitted uses, and alleged difficulties which inhibit conversion to a permitted use.
- e. Basis For Issuance Of A Conditional Use Permit: In addition to the standard conditions for issuing a conditional use permit listed in section 15-7-4 of this title, the planning commission shall not authorize a conditional use permit unless evidence is presented to establish:
- (1) That the converted use will not adversely impact the desirability, stability and character of the areas in which it is located; rather it will promote the desirability and character by rehabilitative improvements upgrading the structure and neighborhood; and
  - (2) That the purposes of the general plan are promoted, while encouraging, where appropriate, the conversion of vacant, nonresidential structures in residential zones to enhance rather than adversely impact the character and social fabric of neighborhoods; and
  - (3) That necessary provisions have been taken to provide adequate hard surfaced off street parking, landscaping, screening and lighting; preservation of open space, streetscapes, and to ensure that the building meets all codes for occupancy, when considering the following:
    - (A) The size and scale of the building, in connection with the intensity of the proposed use;
    - (B) The relative location of the building in the neighborhood, i.e., on the edge or the interior of the neighborhood, a corner or midblock lot;
    - (C) The size, type and condition of the street providing access to the property;
    - (D) The convenience of access to public transportation.
  - (4) In considering applications for conditional use, the planning commission may impose such conditions as it deems appropriate to achieve the delicate balance of underlying purposes. This may include, but not be limited to, requiring bonding of proposed improvements, limiting the amount of floor space devoted to a particular use, establishing hours of operation, fencing requirements and deferring action for up to one year to allow the applicant to explore alternatives of permitted uses or to offer it for sale for a permitted use before further consideration by the planning commission.

**SECTION 9. Section amended.** Section 15-13-38 of the Ogden Municipal Code

is amended to read as follows:

**15-13-38: ~~[[RESIDENTIAL VACATION]~~ SHORT-TERM RENTALS:**

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 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.]~~

B. **[Definitions:]** As used in this section, the following words shall have the meanings as defined in this subsection:

AGENT: A person or entity who contracts with an owner to manage or otherwise assist in the leasing or occupancy of real property as a ~~[residential vacation rental]~~ short-term rental, except that it does not include a person or entity who solely provides software or internet services to list or market the owner's property to potential renters.

GUEST: A person registered for short term (less than thirty (30) days) overnight occupancy of a short-term rental.

~~[NET LIVING SPACE: Space within a residential vacation rental utilized for living, sleeping or eating, but not including space used for hallways, stairs, cooking, bathing, washing or sanitation purposes.]~~

OWNER: A person or entity who claims an ownership interest in real property, including any part owner, joint owner or tenant in common of the whole or of a part of such land.

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, and that is required by its license to have an owner on-site during the term of the short-term rental.

SLEEPING ROOM: A room within a short-term rental with at least seventy (70) square feet where guests may sleep and that has required egress windows. "Sleeping room" may include an area typically known as a living room or great room, but excludes kitchens, bathrooms, and closets.

~~[C. Proof Of Residency: A person desiring to be recognized as an owner-occupant shall establish that the property is the person's primary residence by showing that the property is taxed as their primary personal residence and providing two (2) of the following forms of evidence that match the address of the residence:~~

- ~~1. Either 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. Either the address shown on the person's State or Federal tax return.]~~

**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.
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.

D. **[[Permit] License Required:]** It is unlawful for an owner or the owner's agent to rent a dwelling as a ~~[residential vacation]~~ short-term rental unless the owner or agent has a valid current Ogden City ~~[residential vacation rental permit and a]~~ short-term rental license. A short-term rental license shall serve as a rooming house business license under title 5 of this Code.

E. ~~[Issuance Of Permit: The issuance of a residential vacation rental permit is conditioned on the owner or owner's agent also obtaining and completing other permits that may be necessary to bring the dwelling into compliance with the standards of this section. The applicant shall pay any required fee and submit as part of the initial application for a residential vacation rental permit:]~~ **[Submittal requirements:]** An applicant for a short-term rental license shall submit the following:

1. ~~[Detailed floor]~~ Floor plans ~~[drawn to scale]~~ with labels on rooms indicating uses or proposed uses;
2. A drawing, photo, or other description as to how required legal off- street parking will be provided and the number of legal off- street parking spaces available;
3. A copy of a State issued sales tax license and a statement of how transient room tax will be collected and remitted;
4. A statement affirming whether or not the ~~[vacation]~~ short-term rental will be owner-occupied~~[-and]~~. 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:
  - a. The address shown on the person's driver's license, vehicle registration, or state issued identification card;
  - b. The address shown on the person's voter registration; or

c. The address shown on the person's State or Federal income tax return.

d. 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

5. The name and contact information of the person described in subsection ~~140-19~~ of this section.

6. The applicable fee.

~~[F. Renewals: In order to renew a residential vacation permit, a person shall pay any required fee and provide:~~

~~1. A copy of the person's Utah Transient Room Tax Return for the prior year.~~

~~2. A list from the prior year of the nights the residential vacation rental was occupied, the number of people in each rental to whom it was rented and the length of occupancy of each person or group of people.]~~

F. **[Action on Application:]** After review by the Building Services Division, the Planning Manager shall approve or deny an application for a short-term rental based on compliance with these regulations and payment of the fee established in section 4-6-1 of this Code.

G. **[Time Period; Renewal; Change of Ownership:]** The initial short-term rental license is valid for a period of one (1) year from issuance. Thereafter, the applicant may renew the short-term rental license annually. A change of property ownership invalidates the short-term rental license unless the new property owner obtains a new license within ninety (90) days of change in ownership and prior to operating the short-term rental. If applying as an owner-occupied short-term rental, the new owner shall provide the same evidence of owner occupancy as required for a new license. A short-term rental renewal application shall include:

1. If the rental is owner-occupied, current evidence that the property is the applicant's primary residence using the same forms required for a new license.

2. Evidence of mailing contact information to surrounding property owners as required by subsection 110 of this section.

~~[G].~~ **H. [Compliance with Building Codes:]** A ~~[residential vacation]~~ short-term rental shall be inspected by the Building Services Division upon initial application, upon any housing complaint filed with the City, and every two (2) years for non-owner occupied dwellings, to verify that the structure:

1. Complies with the information contained in the application and with the requirements of this section;
2. Complies with all applicable local and State Building, Health, Fire, Safety and Maintenance Codes;
3. Has windows in sleeping rooms that:
  - a. Comply with the current Building Code for egress window size and location in all basement sleeping rooms regardless of when the structure was built;
  - b. For buildings constructed prior to January 1, 1972, have a minimum operable width of twenty inches (20"), a minimum height of twenty four inches (24"), and a minimum glazing area of five (5) square feet, which can include meeting rails or muntins, in above grade sleeping rooms; and
  - c. For buildings constructed after January 1, 1972, comply with the Building Code in effect at the time the building was constructed in above grade sleeping rooms;
4. Has a functioning interconnected fire alarm system; and
5. Has a fire extinguisher with a current tag or new within a year with proof of purchase and a minimum rating of 2-A:10BC that is hung in a visible and accessible location with the top of the extinguisher no more than sixty inches (60") above the floor.

~~[H. Spacing Of Non-Owner Occupied Residential Vacation Rentals: A non-owner-occupied residential vacation rental may not be located on the same linear block as another non-owner-occupied residential vacation rental, residential facility for persons with a disability or residential facility for elderly persons. A non-owner-occupied residential vacation rental permit 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 residential vacation permit was issued.]~~



I. **[Standards:]** All ~~[residential vacation]~~ short-term rentals must conform to the following standards:

1. Occupancy Limits: A ~~[residential vacation]~~ short-term rental may be occupied by no more than two (2) people per sleeping room, as established by the inspection described in subsection H of this section, including any long-term occupants of an owner-occupied rental present during the rental term.~~[, plus two (2) additional people. The number of allowed occupants may be increased if:]~~

~~[a. The minimum number of required off-street parking spaces are provided based on the number of sleeping rooms in the structure;~~

~~b. The total number of permitted occupants does not exceed one (1) person for every two hundred (200) square feet of net living space, with the number of occupants rounded down to the nearest whole number; and~~

~~c. Any basement sleeping room designated or arranged for occupancy by more than two (2) people has a Code-compliant door that exits directly to the exterior of the residential vacation rental.~~

~~2. Occupancy Limits For Owner-Occupied Rentals Where The Owner Is Absent: In addition to the numerical occupancy limits described in subsection I1 of this section, occupancy of an owner-occupied residential vacation rental that is not being lived in by the owner-occupant or a person related to the owner at the time of the vacation rental is limited to a single family as defined by section 15-2-7 of this title.]~~

2. Visitors Prohibited: Only those persons registered as guests of the short-term rental and any long-term occupants of an owner-occupied rental may be on site during the pendency of the short-term rental contract. Visitors are prohibited on the premises of the short-term rental during the rental term. The short-term rental may not be used for events with outside visitors.

~~[3. Occupancy Limits For Owner-Occupied Rentals Where The Owner Is Present: If the dwelling is being lived in by the owner-occupant or a person related to the owner-occupant at the time of the vacation rental:~~

~~a. Guest occupancy is limited to no more than two (2) adults, with or without minor children of the two (2) adults; and~~

~~b. The calculation of the number of guests allowed under subsection 11 of this section shall be based on the number of bedrooms or net living space occupied exclusively by the guests.]~~

[4]3. Single Contract: The [residential vacation] short-term rental may not be the subject of multiple rental contracts for the same night or nights.

[5]4. Off-Street Parking: [A residential vacation rental shall provide no less than the two (2) off street parking spaces that meet the legal location and requirements for off street parking for a single family dwelling or have been established as legal non-conforming parking.]

~~a. No additional off street parking in the front or side yard of the residential vacation rental is allowed, such as a side yard parking slab or widened driveway, but tandem parking (1 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.~~

~~b. A residential vacation rental with more than four (4) sleeping rooms that is not owner occupied or that is owner occupied but not being lived in by the owner occupant or a person related to the owner occupant at the time of the vacation rental shall, in addition to the required two (2) off street parking spaces, provide off street parking at the rate of one-half (1/2) parking space for each additional sleeping room recognized in the permit, rounded up to the nearest whole number.~~

~~c. An owner-occupied vacation rental that is being lived in by the owner-occupant or a person related to the owner-occupant at the time of the vacation rental shall, in addition to the required two (2) off street parking spaces, provide off street parking at the rate of one-half (1/2) parking space for each sleeping room recognized in the permit, rounded up to the nearest whole number.~~

~~d. A residential vacation 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.]~~

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>

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.

[6]5. On-Street Parking: On street parking may not be used to satisfy the parking requirements for a residential vacation short-term rental. 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.

[7]6. Garbage: Where a residential vacation short-term rental receives garbage service from Ogden City, the owner shall provide the minimum one (1) Ogden City garbage cart and one (1) recycling cart.

- a. Carts shall be placed at the side or rear of the dwelling and shall not be in public view except on collection days.
- b. Information about allowed recycling materials and garbage collection dates shall be provided to the occupants of the residential-vacation short-term rental.
- c. The owner is responsible to ensure that garbage or other material does not overflow the carts or accumulate outside of the carts.

[8]7. Animals: If allowed by the owner, the number of household pets is limited to the number allowed for a ~~single family home~~ single-family dwelling. Pets must be boarded inside the residence and may not be allowed outside unless accompanied by an adult.

[9]8. Signage: Signage is limited to the same standards applicable to a home occupation, as contained in section 18-5-1, "Appendix A; Signs", of this Code.

[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.~~ 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 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]~~

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. 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.

[44]10. Guest Log Required: 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.

[42]11. Good Neighbor Brochure: All short-term rental applicants shall make readily available the "Ogden City Good Neighbor" brochure within the rental and a website link showing where to find the brochure online. The "Ogden City Good Neighbor" brochure includes a summary of local regulations regarding parking, noise, occupancy, and defining a "good neighbor."

~~[J. Permit Requirement: A residential vacation rental permit may not be issued for a dwelling in a single family residential zone unless the dwelling is owner-occupied.]~~

~~[K]J. **Advertisements:** An owner of property or the owner's agent who advertises or rents a residential vacation short-term rental shall include the following information in every advertisement and in each rental contract:~~

- ~~1. The person's Ogden City [~~residential vacation~~] short-term rental [~~permit~~] license number;~~

2. The number of sleeping rooms available for rental as allowed in the [permit] license;
3. The ceiling height of any basement sleeping room if the ceiling is between six feet eight inches (6'8") and seven feet (7');
4. The maximum number of people allowed to occupy the ~~[residential vacation]~~ short-term rental as contained in the [permit] license;
5. Whether pets are allowed and the conditions associated with pets;~~and~~
6. The number of legal off-street parking spaces recognized by the [permit] license as allowed for use by the ~~[residential vacation]~~ short-term rental;
7. Notice that guests are prohibited from parking on the public streets within two (2) blocks of the short-term rental; and
8. Notice that only registered guests may occupy the short-term rental and all non-registered visitors are prohibited.

~~[L]~~**K. [Unlawful Advertising:]** It is unlawful for an owner of property or the owner's agent to advertise, represent orally or in writing, or sign a rental contract for a ~~[residential vacation]~~ short-term rental that:

1. Authorizes more people to occupy the ~~[residential vacation]~~ short-term rental than is allowed in the [permit] license;
2. Allows the use of any portion of property outside of the ~~[residential vacation]~~ short-term rental for sleeping purposes by pitching tents or otherwise;
3. Authorizes or provides for more parking spaces, including on- street parking, than are authorized in the [permit] license.
4. 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 short-term rental on a short-term rental website.

[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; 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 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.

~~[N. Denial Or Approval Of Application: After review by the Building Services and Fire Divisions, the Planning Division shall approve or deny an application for a residential vacation rental based on compliance with these regulations and payment of the fee established in section 4-6-1 of this Code.~~

~~O. Time Period; Renewal: A residential vacation rental permit is valid for one (1) year from the date of the approval and must be renewed annually. Change of property ownership does not void the residential vacation rental permit if the new owner obtains an updated permit within the earlier of ninety (90) days after acquiring title to the property or upon expiration of the existing permit.~~

~~P. Filing Period: There is an initial filing period, ending at five o'clock (5:00) P.M. on January 20, 2017, for individuals who desire to obtain a non-owner occupied residential vacation rental permit to submit a permit application. If more than one (1) application is submitted for a particular linear block on or before the deadline, the Planning Division shall hold a drawing between the applicants for the available permit. An individual who is successful in a drawing shall complete any requirements to obtain a permit within three (3) months. If all requirements are not met, the next person in the drawing will be recognized as eligible for the permit subject to the same terms as the first successful applicant.]~~

**SECTION 10.** Subsection amended. Subsection 15-13-39.C of the Ogden

Municipal Code is amended to read as follows:

- C. **[Occupancy:]** The property owner, which includes titleholders, must occupy either the primary or accessory dwelling as the property owner's permanent and principal residence in order to qualify for an ADU.
1. As long as the owner occupies the main dwelling or the ADU then the other unit is allowed to be rented under this ADU provision.
  2. The owner is permitted to have a separate seasonal residence but during the time away from the permanent residence the owner is not allowed to rent out the vacant permanent residence unit. For the purposes of this subsection "seasonal residence" shall mean living in another location up to four (4) months in one (1) calendar year.
  3. The property owner shall conform to the definition of "family" as described in chapter 2 of this title.



4. The nonowner occupied unit is limited to no more than two (2) related or unrelated adults, with or without minor children of the two (2) adults.
5. Neither the single-family dwelling nor the ADU may be used or licensed as a ~~[residential-vacation]~~ short-term rental.

**SECTION 11.** Section amended. Section 15-15-2 of the Ogden Municipal Code is amended to read as follows:

**15-15-2: [Permitted Uses:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements), except within the Mount Ogden planning community where accessory dwelling units are not allowed between Harrison Boulevard and Polk Avenue from 26th Street to the north side of 35th Street and between Polk Avenue and the eastern City limits from 26th Street to the north boundary line of lots on 36th Street

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision, in accordance with chapter 9 of this title.

Cottage lots in the area between Van Buren Avenue and Harrison Boulevard, 25<sup>th</sup> Street and 30<sup>th</sup> Street, excluding sites on the local historic register and sites in the Eccles Historic District (see section 15-13-42 of this title for requirements).

Daycare centers, provided the facility is located on the same site as an educational institution.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facilities for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation rental]~~ Short-term rental, owner-occupied (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

**SECTION 12. Section amended.** Section 15-16-2 of the Ogden Municipal Code

is amended to read as follows:

**15-16-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision, in accordance with chapter 9 of this title.

Daycare centers, provided the facility is located on the same site as an educational institution.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Licensed family child care (see section 15-13-12 of this title for special requirements).

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards as contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation]~~ Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 13. Section amended.** Section 15-17-2 of the Ogden Municipal Code

is amended to read as follows:

**15-17-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation]~~ Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 14. Section amended.** Section 15-18-2 of the Ogden Municipal Code

is amended to read as follows:

**15-18-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Adult daycare.

Agriculture.

Bed and breakfast inn, subject to the following standards:

- A. Two (2) parking spaces shall be provided for the host family, plus one space for each guestroom;
- B. Proprietor or owner must occupy the property;
- C. Meals may only be served to overnight guests; and

- D. Signs are limited to nameplate signs not exceeding two (2) square feet in residential zones. In addition, a freestanding identification sign not to exceed four (4) square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,
- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Cottage lots on the west side of Harrison Boulevard between 24th Street and 25th Street (see section 15-13-42 of this title for requirements).

Daycare center.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Protective housing facility lodging up to fifteen (15) individuals, excluding support staff.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation]~~ Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 15. Section amended.** Section 15-19-2 of the Ogden Municipal Code

is amended to read as follows:

**15-19-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Adult daycare.

Agriculture.

Bed and breakfast inn, subject to the following standards:

- A. Two (2) parking spaces shall be provided for the host family, plus one space for each guestroom;
- B. Proprietor or owner must occupy the property;
- C. Meals may only be served to overnight guests;

- D. Signs are limited to nameplate signs not exceeding two (2) square feet in residential zones. In addition, a freestanding identification sign not to exceed four (4) square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,
- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Daycare center.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with forty nine (49) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with forty nine (49) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Private park, playground, recreation area, but not including privately owned commercial amusement businesses.

Protective housing facility lodging up to fifteen (15) individuals, excluding support staff.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation rental (see section 15-13-38 of this title for requirements).]~~

Retirement home.

Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Student housing, limited to property at 3801 Harrison Boulevard and subject to the following standards:

- A. The building or group dwelling shall have a minimum of ten (10) student housing dwelling units per building.
- B. A minimum of fifty percent (50%) of all new building exterior surface shall be covered in brick.
- C. Required parking shall be a minimum of 0.7 stalls per bedroom with a maximum of one stall per bedroom.
- D. A bedroom shared by two (2) persons shall not be smaller than one hundred thirty (130) square feet.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 16.** Section amended. Section 15-35-2 of the Ogden Municipal Code is amended to read as follows:

**15-35-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).



Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision, in accordance with chapter 9 of this title.

Cottage lots in the area between 23rd Street and 27th Street, and lots fronting Harrison Boulevard (see section 15-13-42 of this title for requirements).

Educational institution.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public parks, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential-vacation]~~ Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 17. Section amended.** Section 15-36-2 of the Ogden Municipal Code

is amended to read as follows:

**15-36-2: [PERMITTED USES:]**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Agriculture.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,
- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

~~[Residential vacation rental (see section 15-13-38 of this title for requirements).]~~

Retirement home.

Short-term rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

**SECTION 18. Subsection amended.** Subsection 15-39-8.C of the Ogden

Municipal Code is amended to read as follows:

**C. [Uses allowed in the Capitol Square MU Zone between 24th Street and 25th Street, and Quincy Avenue and Monroe Avenue:]**

1. Dining and Recreation:
  - a. Restaurants and cafes, excluding cabarets.
  - b. Indoor cultural, entertainment and recreation uses and businesses.
2. Institutional
  - a. Church, synagogue or similar permanent building used for regular religious worship.
  - b. Educational institution.
  - c. Library or museum.
  - d. Studio for professional work, teaching, performance or exhibitions of fine arts.
3. Professional or business offices.
4. Residential of the following types:
  - a. Attached row homes/townhomes.
  - b. Dwelling units above non-residential space.
  - c. Home occupations.
  - d. Multiple-family dwellings.
  - e. Residential facilities for elderly persons.
  - f. Residential facility for persons with a disability.
  - g. [~~Residential vacation~~] Short-term rental.
5. Retail of the following types:

- a. Bakery, candy, or specialty food manufacturer limited to goods produced on premises.
  - b. Indoor retail sales.
  - c. Live-work space.
6. Services:
- a. Banks or other financial institutions.
  - b. Daycare center.
  - c. Hairdresser, barber, manicurist, tanning salon.

**SECTION 19. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: \_\_\_\_\_

MAYOR'S ACTION:  Approved  Vetoed

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

POSTING DATE: \_\_\_\_\_

