

## **ORDINANCE 21-20**

**AN ORDINANCE OF FILLMORE CITY, UTAH, ENACTING FILLMORE CITY MUNICIPAL ORDINANCE SECTION 3-14-1 et seq. REGARDING SHORT-TERM RENTAL BUSINESS LICENSING AND AMENDING FILLMORE CITY MUNICIPAL ORDINANCE SECTIONS 10-2-1, 10-6-2, 10-7A-2, 10-7B-2, 10-8A-2, 10-8B-2, AND 10-10-2 TO INCLUDE SHORT TERM RENTALS AS ALLOWED USES IN AGRICULTURE, RURAL RESIDENTIAL, RESIDENTIAL 2, GENERAL COMMERCIAL, HIGHWAY COMMERCIAL, AND OFFICE RESIDENTIAL ZONING DISTRICTS, AND AMENDING FILLMORE CITY MUNICIPAL ORDINANCE SECTIONS 10-6-6, 10-7A-6, 10-7B-6, 10-8A-6, 10-B-6, AND 10-10-6 TO INCLUDE CERTAIN PARKING RESTRICTIONS AND REQUIREMENTS FOR SHORT-TERM RENTALS.**

### **RECITALS**

A. Fillmore City has previously adopted land use ordinances, pursuant to law, which are set forth in Title 10, Land Use Regulations, of the Fillmore City Municipal Code.

B. Fillmore City was requested to consider the use of Short-Term Rental as an allowed use under its Land Use Regulations.

C. On November 30, 2021, the Planning Commission conducted a public hearing on the proposed amendments, after publishing notice as required by law, and there allowed the opportunity for public comments related to the proposed ordinance amendments.

D. The Planning Commission has recommended the City Council amend its Land Use Regulations to include: Short-Term Rental as an allowed use in the following zones: Agriculture, Rural Residential, Residential 2, General Commercial, Highway Commercial, and Office Residential Zoning Districts; with an approved business license and its accompanying requirements to operate a Short-Term Rental; and certain parking restrictions and requirements in the aforementioned zones to accommodate Short-Term Rentals.

E. On December 21, 2021, the City Council conducted a public hearing on the proposed amendments, after publishing notice as required by law, and there allowed the opportunity for public comments related to the proposed ordinance amendments.

F. The City Council has now considered the matter and has found the changes to be in the best interest of Fillmore City and its residents by promoting the health, safety and general welfare of the City and has determined to adopt the Planning Commission's recommendation.

G. Further, the Utah State Legislatures has granted general welfare power to the City Council, which enables the City to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City.

H. Pursuant to Utah Code Ann. § 10-1-203, a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FILLMORE:**

**SECTION 1.** Adoption of Recitals. The Recitals set forth above are hereby adopted and incorporated into this ordinance by reference.

**SECTION 2.** Amendment of Title 10, Chapter 2 of the Fillmore City Municipal Code, “Short Term Rental”. Title 10, Chapter 2 of the Fillmore City Municipal Code is hereby amended to include “Short Term Rental” as a definition:

**10-2-1: DEFINITIONS**

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**SHORT TERM RENTAL:** The use of property located in the following zoning districts: Agriculture, Rural Residential, Residential 2, General Commercial, Highway Commercial, and Office Residential; by a person or entity; for occupancy, rent or lease; for the purpose of receiving compensation, money, rent, or other bargained consideration; for less than thirty (30) consecutive days. Any rental that is leased out consecutively to the same tenant thirty (30) days or more will not constitute a residential Short-Term Rental. Short-Term Rentals do not include other lodging facilities, such as bed and breakfast facilities.

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**SECTION 2.** Amendment of Title 10, Chapter 6, Section 2, Use Table. Title 10, Chapter 6, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

**10-6-2: USE TABLE:**

If a use is not specifically designated then it is prohibited.

**TABLE 10-6-2**

**USES**

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, occupied			X	
Accessory structure, unoccupied	X			
Agriculture	X			
Agriculture industry			X	X
Animal hospital			X	X
Athletic club		X		X
Bed and breakfast	X			X

Business, commercial, less intensive	X			X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			
Civic club	X			
Dwelling, single-family	X			
Farm animals/livestock	X			
Fence, corner lot		X		
Fence, electric		X		
Fence, razor		X		
Fence, wildlife/large animal		X		
Gated communities			X	
Group home:				
Assisted living facility			X	X
Disabled			X	X
Elderly			X	X
Heavy/farm equipment sales			X	X
Home occupation		X		X
Household pets	X			
Intermittent commercial use		X		X
Kennel			X	X
Lumber sales-storage	X			X
Manufactured home	X			
Master planned development			X	
Modular home	X			
Nursery	X			X
Outdoor rec-park-play	X			X
Preschool		X		X
Public rights-of-way	X			
Public utility stations-except sewer		X		
Recreational vehicle park			X	X
School, public	X			
Schools, private, quasi-public	X			X
Short-Term Rental	X			X
Small engine repair			X	X
Stables, private	X			
Stables, public	X			X
Subdivisions (compliance with chapter 18 of this title)	X			

**SECTION 3.** Amendment of Title 10, Chapter 6, Section 6, Parking. Title 10, Chapter 6, Section 6, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

#### 10-6-6: PARKING:

Parking standards in chapter 14 of this title also apply to the following on site parking requirements:

TABLE 10-6-6

#### PARKING

Uses	Parking Requirement
Uses	Parking Requirement
Accessory structure, occupied	1 space in addition to requirements for primary structure
Animal hospital	3 spaces per 1,000 square feet gross floor area
Business, commercial less intensive	3 spaces per 1,000 square feet
Childcare facility/center	1 space per on duty employee and 1 per 6 children
Dwelling, single-family	2.5 spaces per dwelling unit (minimum 162 square feet per space)
Group home	The greater of: 1 space per 2 bedrooms, plus 1 space per employee per shift; or 2 per 3 employees per shift
Master planned development	As determined by the Planning Commission, based on the proposed uses and the potential for shared parking
Public and quasi-public institution, church and school; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 square feet
Short-Term Rental	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 4.** Amendment of Title 10, Chapter 7A, Section 2, Use Table. Title 10, Chapter 7A, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

#### 10-7A-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-7A-2

#### USES

Type	Allowed	Administrative	Conditional	Business
Type	Allowed	Administrative	Conditional	Business
Accessory structure, occupied				
Accessory structure, unoccupied	X			
Agriculture	X			
Childcare for business:				
Center		X		X
Facility		X		X

Church	X			
Civic club			X	
Dwelling, single-family	X			
Dwelling, two-family			X	
Farm animals/livestock	X			
Fence, electric		X		
Fence, wildlife/large animal		X		
Gated communities			X	
Group home:				
Assisted living facility			X	X
Disabled			X	X
Elderly			X	X
Home occupation		X		X
Household pets	X			
Intermittent commercial use		X		X
Manufactured home	X			
Master planned development			X	
Modular home	X			
Outdoor rec-park-play	X			X
Preschool		X		X
Public rights-of-way	X			
Public services			X	
Public utility stations-except sewer		X		
School, public	X			
Schools, private, quasi-public	X			X
Short-Term Rental	X			X
Small engine repair		X		X
Stable, private	X			
Subdivisions (compliance with chapter 18 of this title)	X			

**SECTION 5.** Amendment of Title 10, Chapter 7A, Section 6, Parking. Title 10, Chapter 7A, Section 6, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

**10-7A-6: PARKING:**

Parking standards in chapter 14 of this title also apply to the following on site parking requirements:

**TABLE 10-7A-6**

**PARKING**

Uses	Parking Requirement
Uses	Parking Requirement
Accessory structure, occupied	1 space in addition to requirements for primary structure
Childcare facility/center	1 space per on duty employee and 1 per 6 children

Dwelling, single-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)
Dwelling, two-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)
Group home	The greater of: 1 space per 2 bedrooms, plus 1 space per employee per shift; or 2 per 3 employees per shift
Master planned development	As determined by the Planning Commission, based on the proposed uses and the potential for shared parking
Public and quasi-public institution, church and school; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 sq. ft.
Short-Term Rentals	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 6.** Amendment of Title 10, Chapter 7B, Section 2, Use Table. Title 10, Chapter 7B, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

10-7B-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-7B-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, occupied			X	
Accessory structure, unoccupied	X			
Agriculture	X			
Apartment house			X	X
Athletic club			X	X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			
Civic club			X	
Condominium			X	
Dwelling, single	X			
Dwelling, two-family			X	
Dwelling, three-family			X	X
Dwelling, four-family			X	X
Dwelling, twin home	X			
Farm animals/livestock	X			

Fence, electric		X		
Fence, wildlife/large animal		X		
Gated communities			X	
Group home:				
Assisted living facility			X	X
Disabled				X
Elderly			X	X
Home occupation		X		X
Household pets	X			
Intermittent commercial use		X		
Master planned development		X		X
Modular home	X			
Outdoor rec-park-play	X			
Preschool	X			X
Public rights-of-way			X	
Public services		X		X
School, public	X			
Schools, private, quasi-public	X			X
Short-Term Rental	X			X
Stable, private	X			
Subdivisions (compliance with chapter 18 of this title)	X			
Telecommunications facility <35' in height			X	X

**SECTION 7.** Amendment of Title 10, Chapter 7B, Section 6, Parking. Title 10, Chapter 7B, Section 6, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

**10-7B-6: PARKING:**

Parking standards in chapter 14, "Parking Standards", of this title, also apply to the following on site parking requirements:

**TABLE 10-7B-6**

**PARKING**

Uses	Parking Requirement
Uses	Parking Requirement
Accessory structure, occupied	1 space in addition to requirements for primary structure
Apartment house	1.5 spaces per unit
Childcare facility/center	1 space per on duty employee and 1 per 6 children
Condominium	875 sq. ft. for each unit
Dwelling, single-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)
Dwelling, two-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)

Dwelling, three-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)
Dwelling, four-family	2.5 spaces per dwelling unit (minimum 167 sq. ft. per space)
Group home	The greater of: 1 space per 2 bedrooms, plus 1 space per employee per shift; or 2 per 3 employees per shift
Master planned development	As determined by the Planning Commission, based on the proposed uses and the potential for shared parking
Public and quasi-public institution, church and school; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 sq. ft.
Short-Term Rental	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 8.** Amendment of Title 10, Chapter 8A, Section 2, Use Table. Title 10, Chapter 8A, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

10-8A-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-8A-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Apartment hotel			X	X
Apartment house			X	X
Athletic club	X			X
Auto self-service station	X			X
Auto service station	X			X
Auto truck, RV sales and rental	X			X
Automotive body/paint repair establishment			X	X
Automotive repair establishment	X			X
Banking - financial services	X			X
Bar, tavern, lounge			X	X
Bed and breakfast	X			X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			

Cinema, indoor	X			X
Civic club	X			
Convenience goods-sales	X			X
Cultural, civic services	X			X
Dry cleaning establishment			X	X
Dwelling, single-family			X	
Farm animals/livestock	X			
Fence, electric		X		
Fence, razor		X		
Fence, wildlife/large animal		X		
Fireworks sales/stands		X		X
General merchandise sales and service	X			X
Healthcare center	X			X
Heavy/farm equipment sales			X	X
Home occupation		X		X
Hospital	X			X
Hotel	X			X
Household pets	X			
Intermittent commercial use		X		X
Laundromat	X			X
Laundry establishment	X			X
Light industry			X	X
Liquor store	X			X
Lumber sales/storage			X	X
Manufactured home			X	
Master planned development			X	
Mental health center			X	X
Military surplus store			X	X
Modular home			X	
Mortuary	X			X
Motel	X			X
Nursery	X			X
Office, business, government	X			
Office, professional	X			X
Outdoor rec-park-play	X			X
Pawnshops	X			X
Personal services	X			X
Pet grooming	X			X
Preschools		X		X
Public rights-of-way	X			
Public services	X			
Public utility stations-except sewer		X		
Recreational vehicle park			X	X
Repair services, small appliance	X			X
Restaurant-cafe	X			X

Restaurant-fast food	X		X
School, public	X		
Schools, private, quasi-public	X		X
Shopping center-community		X	X
Short-Term Rental	X		X
Skating-roller board park		X	X
Small engine repair		X	X
Stable-private	X		
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X		
Surplus, secondhand store	X		X
Swap meets		X	X
Telecommunications facility <35' in height		X	X
Temporary outdoor use		X	X
Theater, concert hall	X		X
Warehouse storage units-commercial only		X	X
Welding machine shop		X	X

**SECTION 9.** Amendment of Title 10, Chapter 8A, Section 6, Parking. Title 10, Chapter 8A, Section 6, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

**10-8A-6: PARKING:**

Parking standards in chapter 14, "Parking Standards", of this title, also apply to the following on site parking requirements. Lighting standards are required for lots that require more than twenty five (25) spaces and are outlined in chapter 14, "Parking Standards", of this title.

**TABLE 10-8A-6**

**PARKING**

Uses	Parking Requirement
Apartment house	1.5 spaces per unit
Auto truck, RV sales and rental	3 spaces per 1,000 square feet
Automotive repair establishment	1 space per service bay, plus 3 stalls per 1,000 square feet for office and retail sales
Banking-financial services	2 spaces per 1,000 square feet
Childcare facility/center	1 space per on duty employee and 1 per 6 children
Dwelling, single-family	2.5 spaces per dwelling unit (minimum 167 square feet per space)
Healthcare center	5 spaces per 1,000 square feet
Hospital	1.80 parking spaces per hospital bed
Hotel, motel	1 parking space for each 2 separate rooms, plus 1 space for each dwelling unit

Laundry, dry cleaning	3 spaces per 1,000 square feet
Master planned development	As determined by the Planning Commission, based on the proposed uses and the potential for shared parking
Mortuary	1 space per 4 seats in parlor, plus 1 space per 2 employees, plus 1 space per vehicle used in connection with the business
Nursery	2 spaces per 1,000 square feet
Office, business, government	3 spaces per 1,000 square feet
Office, professional	2 spaces per 1,000 square feet
Public and quasi-public institution, church; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 square feet
Restaurant, cafe	6 spaces per 1,000 square feet gross floor area
Restaurant, fast food	6 spaces per 1,000 square feet gross floor area
Retail sales establishment	3 spaces per 1,000 square feet
School, public	1 parking space for each 3 faculty members and other full time employees, plus 1 parking space for each 10 students if students enrolled are of driving age
Schools, private, quasi-public	1 parking space for each 3 faculty members and other full time employees, plus 1 parking space for each 10 students if students enrolled are of driving age
Shopping center-community	2 spaces per 1,000 square feet of gross floor area
Theater, concert hall	1 space per 4 seats
Warehouse storage units-commercial only	2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet, plus 1/2 space per 2,000 square feet for the remaining space
Short-Term Rental	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 10.** Amendment of Title 10, Chapter 8B, Section 2, Use Table. Title 10, Chapter 8B, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

10-8B-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-8B-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Agricultural industry			X	X
Apartment hotel			X	X
Apartment house			X	X
Athletic club	X			X
Auto self-service station	X			X

Auto service station	X		X
Auto truck, RV sales and rental	X		X
Automotive body/paint repair establishment		X	X
Automotive repair establishment	X		X
Banking - financial services	X		X
Bar, tavern, lounge		X	X
Bed and breakfast	X		X
Church	X		
Cinema, indoor	X		X
Civic club	X		
Convenience goods-sales	X		X
Dry cleaning establishment		X	X
Farm animals/livestock		X	
Fence, electric		X	
Fence, razor		X	
Fence, wildlife/large animal		X	
Fireworks sales/stands		X	X
General merchandise sales and service		X	X
Healthcare center	X		X
Heavy/farm equipment sales		X	X
Hospital	X		X
Hotel	X		X
Household pets	X		
Intermittent commercial use		X	X
Laundromat	X		X
Laundry establishment	X		X
Light industry		X	X
Lumber sales/storage		X	X
Master planned development		X	
Mental health center	X		X
Military surplus store		X	X
Mortuary	X		X
Motel	X		X
Nursery	X		X
Office, business, government	X		
Office, professional	X		X
Pawnshops	X		X
Personal services	X		X
Pet grooming	X		X
Public rights-of-way	X		
Public services	X		
Public utility stations-except sewer		X	
Recreational vehicle park		X	X
Repair services, small appliances	X		X

Restaurant-cafe	X		X
Restaurant-fast food	X		X
School, public	X		
Schools, private, quasi-public	X		X
Shopping center-community		X	X
Short-Term Rental	X		X
Skating-roller board park		X	X
Small engine repair	X		X
Storage containers			
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X	X	
Surplus, secondhand store	X		X
Swap meets		X	X
Telecommunications facility <35' in height		X	X
Temporary outdoor use		X	X
Theater, concert hall	X		X
Warehouse storage units-commercial only		X	X

**SECTION 11.** Amendment of Title 11, Chapter 8B, Section 6, Parking. Title 10, Chapter 8B, Section 6, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

10-8B-6: PARKING:

Parking standards in chapter 14, "Parking Standards", of this title, also apply to the following on site parking requirements. Lighting standards are required for lots that require more than twenty five (25) spaces and are outlined in chapter 14, "Parking Standards", of this title.

TABLE 10-8B-6

PARKING

Uses	Parking Requirement
Uses	Parking Requirement
Apartment house	1.5 spaces per unit
Auto truck, RV sales and rental	3 spaces per 1,000 square feet
Automotive repair establishment	1 space per service bay, plus 3 stalls per 1,000 square feet for office and retail areas
Banking-financial services	2 spaces per 1,000 square feet
Healthcare center	5 spaces per 1,000 square feet
Hospital	1.80 parking spaces per hospital bed
Hotel	1 parking space for each 2 separate rooms, plus 1 space for each dwelling unit
Industry, light	2 spaces per 1,000 square feet
Master planned development	As determined by the Planning Commission based on the proposed uses and the potential for shared parking

Mortuary	1 space per 4 seats in parlor, plus 1 space per 2 employees, plus 1 space per vehicle used in connection with the business
Nursery	2 spaces per 1,000 square feet
Office, business, government	3 spaces per 1,000 square feet
Office, professional	2 spaces per 1,000 square feet
Public and quasi-public institution, church and school; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 square feet
Restaurant, cafe	6 spaces per 1,000 square feet gross floor area
Restaurant, fast food	6 spaces per 1,000 square feet gross floor area
Retail sales establishment	3 spaces per 1,000 square feet
School, public	1 parking space for each 3 faculty members and other full time employees, plus 1 parking space for each 10 students if students enrolled are of driving age
Schools, private, quasi-public	1 parking space for each 3 faculty members and other full time employees, plus 1 parking space for each 10 students if students enrolled are of driving age
Shopping center-community	2 spaces per 1,000 square feet of gross floor area
Shopping center-regional	2 spaces per 1,000 square feet of gross floor area
Warehouse storage units-commercial only	2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet, plus 1/2 space per 2,000 square feet for the remaining space
Short-Term Rentals	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 12.** Amendment of Title 10, Chapter 10, Section 2, Use Table. Title 10, Chapter 10, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

10-10-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-10-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Agriculture	X			
Apartment house			X	X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			

Civic club	X			X
Dwelling, single-family	X			
Dwelling, two-family	X			
Farm animals/livestock	X			
Fence, electric		X		
Fence, wildlife/large animal		X		
General merchandise sales and service			X	X
Group home:				
Assisted living facility			X	X
Disabled			X	X
Elderly			X	X
Healthcare center	X			X
Home occupation		X		X
Hospital	X			X
Household pets	X			
Intermittent commercial use		X		X
Manufactured home	X			
Mental health center			X	X
Modular home	X			
Office, business, government	X			
Office, professional	X			X
Outdoor rec-park-play	X			X
Personal services	X			X
Preschools		X		X
Public rights-of-way	X			
Public services			X	
Repair services, small appliances	X			X
Schools, private	X			X
Schools, public	X			
Short-Term Rental	X			X
Stable, private	X			
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X			
Temporary outdoor use		X		X

**SECTION 13.** Amendment of Title 10, Chapter 10, Section 6, Parking. Title 10, Chapter 10, Section 2, of the Fillmore City Municipal Code is hereby amended to read in its entirety:

**10-10-6: PARKING:**

Parking standards in chapter 14, "Parking Standards", of this title, also apply to the following on site parking requirements:

TABLE 10-10-6

PARKING

Uses	Parking Requirement
Apartment house	3 spaces per 1,000 square feet
Childcare facility/center	1 space per on duty employee and 1 per 6 children
Dwelling, single-family	2.5 spaces per dwelling unit (minimum 167 square feet per space)
Dwelling, two-family	2.5 spaces per dwelling unit (minimum 167 square feet per space)
Group home	The greater of: 1 space per 2 bedrooms, plus 1 space per employee per shift; or 2 per 3 employees per shift
Healthcare center	5 spaces per 1,000 square feet
Office, business, government	3 spaces per 1,000 square feet
Office, professional	2 spaces per 1,000 square feet
Public and quasi-public institution, church and school; public utility; Municipal facility	The greater of: 1 space per 5 seats; or 2 spaces per 3 employees; or 1 space per 1,000 square feet
Retail sales establishment	3 spaces per 1,000 square feet
Short-Term Rental	2.5 spaces per dwelling unit (minimum 167 square feet per space). The parking of RVs and Travel Trailers is prohibited.

**SECTION 14.** Enactment of Title 3, Chapter 14, Short-Term Rentals. Title 3, Chapter 14 is hereby adopted and enacted to read in its entirety:

3-14-1: TITLE

This chapter shall be known and may be referred to as the SHORT-TERM RENTAL BUSINESS LICENSING ORDINANCE.

3-14-2: PURPOSE

Residential Short-Term Rentals are to be compatible with and not adversely impact surrounding residential uses. As an example, the use of a Short-Term Rental as an event center is not compatible with surrounding residential uses.

3-14-3: DEFINITION

**SHORT-TERM RENTAL:** The use of property located in the following zoning districts: Agriculture, Rural Residential, Residential 2, General Commercial, Highway Commercial, and Office Residential; by a person or entity; for occupancy, rent or lease; for the purpose of receiving compensation, money, rent, or other bargained consideration; for less than thirty (30) consecutive days. Any rental that is leased out consecutively to the same tenant thirty (30) days or more will not constitute a residential Short-Term Rental. Short-Term Rentals do not include other lodging facilities, such as bed and breakfast facilities.

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### 3-14-4: BUSINESS LICENSE REQUIRED

It is unlawful for any person to keep, conduct, operate, or maintain a Short-Term Rental within the City without a Residential Short-Term Rental Business License. A person who owns multiple Short-Term Rentals is not required to obtain more than one business license for the operation and maintenance of those rentals, but is required to update the license to reflect any changes in operation of business.

### 3-14-5: BUSINESS LICENSE APPLICATION AND PROCEDURE:

- a. License Application. An application for a Residential Short-Term Rental Business License shall conform to all applicable requirements of Sections 3-1-1 *et seq.* In order to qualify for a residential Short-Term Rental license, an application must meet all requirements outlined in Section 3-1-2 which shall include but not be limited to the following:
  - a. The name under which the business is to be conducted and the name of the applicant;
  - b. The address of each building containing a residential Short-Term Rental;
  - c. The nature of the business;
  - d. Proof of liability insurance for the residential Short-Term Rental;
  - e. Proof of adequate parking as required by each zone;
  - f. Lodging sales tax identification number and the signature of the owner of the Short-Term Rental certifying that the owner of the Short-Term Rental shall collect and remit on a timely basis transient lodging taxes;
  - g. The number of bedrooms in each residential Short-Term Rental;
  - h. A submitted diagram identifying the number of available parking stalls;
  - i. A designation of a local property representative, with their name, address and telephone number, who shall be available for the purpose of:
    - i. Responding within twenty-four (24) hours to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental;
    - ii. Taking remedial action to resolve such complaints; and
  - j. A certification from the owner applicant that:
    - i. The property owner or a local property representative will be available twenty-four (24) hours per day, seven days per week, for the purpose of responding within twenty-four (24) hours to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental and that remedial action will be taken to resolve such complaints;
    - ii. The property contains an adequate amount of off-street parking;
    - iii. The use and occupancy of the residential Short-Term Rental conforms to applicable local, state, and federal laws including all applicable building codes and safety standards;
    - iv. The applicant understands that a renter may not use a Short-Term Rental for a purpose not incidental to a normal residential use. At no time may the tenants of a Short-Term Rental violate state and municipal law concerning nuisances, noise, and/or disturbing the peace;

- v. The applicant understands that the applicant is assuming responsibility for all guests' activities; and that violations may result in fines to owner and/or guests; and/or license denial, suspension, or revocation;
  - vi. The applicant will use best efforts to ensure that the occupants and/or guests of the residential Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provision of City ordinance or state law, including but not limited to noise, disorderly conduct, the illegal consumption of alcohol, or the use of illegal drugs;
  - vii. There is no HOA and/or CC&Rs that restrict the owner from using the residence as a Short-Term Rental;
  - viii. Each bedroom and corridor leading to a bedroom contain a smoke detector; and
  - ix. Each floor contains a working carbon monoxide detector.
- b. License Procedure. Notice by the applicant shall be given to all owners of record of property zoned residential or used for a residential purpose within a 300-foot radius from the boundary of the proposed residential Short-Term Rental. Said notice shall be sent by mail or hand-delivered to the property owners in accordance with the most current records in the office of the Millard County Recorder. Proof of mailing and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City. Such notice shall include the local property representative's contact information.
- c. Inspection. Prior to licensure, the City shall conduct an onsite inspection to verify information in application.
- d. Safety. The City acknowledges that the State of Utah restricts the City from requiring the alteration of existing residences to meet current building code and safety standards; however, the City strongly recommends that each room contain adequate ingress and egress, and that each floor contains a minimum 2A:10BC fire extinguisher. The City requires that:
  - a. each bedroom and corridor leading to a bedroom contains a smoke detector; and
  - b. that each floor contains a working carbon monoxide detector.

#### 13-14-5: LICENSE FEE:

Fees for a Short-Term Rental Business License shall be imposed as described in Section 3-1-5.

#### 13-14-6: RESTRICTIONS:

- a. Restrictions on Use.
  - i. A renter may not use a Short-Term Rental for a purpose not incidental to a normal residential use. At no time may the tenants of a Short-Term Rental violate state and municipal law concerning nuisances, noise, and/or disturbing the peace.
  - ii. Maximum occupancy of a residential Short-Term Rental shall be no more than two (2) guests per bedroom plus four (4) guests per home.
- b. Signage. No outdoor advertising signs related to the rental dwelling shall be allowed on the site.

#### 13-14-7: EFFECT OF LICENSE ISSUANCE:

Issuance of a Residential Short-Term Rental Business License shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

- i. legalizing an illegally created dwelling unit, use, or other circumstances, or
- ii. recognizing a nonconforming use, structure, or other nonconformity.

#### 13-14-8: LICENSE DENIAL, SUSPENSION, OR REVOCATION:

The City may deny, suspend, or revoke a Residential Short-Term Rental Business License for any of the following reasons:

- i. The licensee does not meet the qualifications for a license as provided under this Chapter.
- ii. For nonpayment of all required fees for the Residential Short-Term Rental Business License, including late fees and inspections, when applicable.
- iii. The licensee gave false or incomplete information on the licensee's application.
- iv. The licensee has allowed or intends to allow the licensed premises to be occupied or operated in a manner contrary to the conditions set forth in the license, application, and this Chapter.
- v. Failure to provide the contact information, failure to keep the contact information current, and failure to respond within twenty-four (24) hours to complaints.
- vi. Owner will use best efforts to ensure that the occupants and/or guests of the residential Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provisions of the City's ordinances or State law, including but not limited to noise, disorderly conduct, the illegal consumption of alcohol, or the use of illegal drugs.

**SECTION 15. Repeal of Conflicting Ordinances, Resolutions, or Policies.** To the extent that any ordinances, resolutions, or policies of Fillmore City conflict with the provisions of this Ordinance, such ordinances, resolutions, or policies are hereby amended to be in accordance with the provisions hereof.

**SECTION 16. Savings and Severability Clause.** To the extent that any paragraph, part, section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.

**SECTION 17. Publication.** This Ordinance, or a summary thereof, shall be published on the Utah Public Notice Website pursuant to Utah Code Annotated § 10-3-711.

**SECTION 18. Effective Date.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 4<sup>th</sup> day of January, 2022.

  
Michael D. Holt, Mayor

ATTEST:



K. W. O. T.  
City Recorder

VOTING:

Dennis Alldredge	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	
Curt Hare	<input type="checkbox"/> Yea <input type="checkbox"/> Nay	Abstained
Eric Jenson	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	
Kyle Monroe	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	
Michael Winget	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay	