

Midway City Council  
15 January 2019  
Regular Meeting

Ordinance 2019-03 /  
Transient Lodging as a  
Permitted Use



## CITY COUNCIL STAFF REPORT

**DATE OF MEETING:** January 15, 2019

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment of Title 7.06.050 (A)  
Transient Lodging Unit Rental

### **ITEM: 15**

Public hearing for a proposed amendment to Title 7.06.050 (A) of the Municipal Code. This proposed amendment would allow transient rental units in the Commercial zones (C-2 and C-3) be reviewed as a permitted use instead of as a conditional use. Transient rental units in any other zone, except the RZ, would still be processed as a conditional use.

### **BACKGROUND:**

The proposed code text amendment, if adopted as proposed, would allow transient rental units to be reviewed as permitted uses in the Commercial Zones instead of as a conditional use. All transient rental units in any of the other residential zones would continue to be reviewed as conditional uses. Currently, transient rental units are allowed as a permitted use in the Resort Zone (RZ).

Current Code Text found in 7.06.050 is the following:

A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City, and only pursuant to the terms of this Chapter. Transient lodging unit rental in the Resort Zone (RZ) within the transient rental overlay district is a permitted use. Transient lodging unit rental in any other zone within the transient rental overlay district is a conditional use.

Proposed language is as follows (text in black is existing language and text in red is proposed language):

A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City, and only pursuant to the terms of this Chapter. Transient lodging unit rental in the C-2, C-3 and Resort Zone (RZ) within the transient rental overlay district is a permitted use. Transient lodging unit rental in any other zone within the transient rental overlay district is a conditional use.

#### **ANALYSIS:**

This proposed amendment allows transient rental units in commercial zones (C-2 and C-3) to be processed as a permitted use. Any unit in these zones will still need to comply with all the requirements and inspections of the code regarding rental units but they would not be subject to a public hearing process. The reasoning behind this is based partly on the fact that in the Resort and Commercial zones the dominant uses are businesses and most of those businesses are permitted uses (currently units in the RZ are processed as a permitted use). Commercial uses are the expected uses for those zones. A transient rental unit is a commercial use that needs to comply with a detailed code in order for that unit to be approved. On the other hand, a transient rental unit in a residential zone is a conditionally approved use but is surrounded by noncommercial uses and has the potential to be disruptive to the neighbors. It is not necessarily a use that is expected in those areas though it is potentially allowed. It is important that the neighbors in those areas have a chance to voice their concerns and know who to call in case of disturbances. Another reason for this change is to reduce the amount of time and effort that are required to process transient rental unit applications. Currently two public meetings are required for applications in the commercial zones. Hours of preparation are required to process the applications that staff feels could be processed much quicker without the public hearing process and all the requirements would still be met.

This item was noticed on the State's website, the City's website, in four public locations in town, and in the Wasatch Wave for two weeks.

#### **POSSIBLE FINDINGS:**

- The amendment will be limited to only the C-2 & C-3 zones.
- All rental units would still need to comply with the established criteria.
- All units would still need to be located in the Transient Rental Overlay District.
- Transient rental units in the C-2, C-3 zones would be a permitted use.
- Transient rental units in any other zones but the aforementioned zones would continue to be conditional uses.

**ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council feels that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Denial. This action can be taken if the City Council feels that the proposed language is not an acceptable amendment to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



## ORDINANCE 2019-03

### **AN ORDINANCE AMENDING SECTION 7.06 OF THE MIDWAY CITY LAND USE CODE REGARDING TRANSIENT HOUSING UNIT RENTALS IN CERTAIN ZONES WITHIN THE CITY, AND RELATED MATTERS.**

**WHEREAS**, the Midway City has adopted a Land Use Code which includes restrictions on transient housing unit rentals and which zones allow for such use; and

**WHEREAS**, it is the desire of the City Council to allow transient rental units to be a permitted use in additional zones within the City; and

**WHEREAS**, the proposed Code amendment contained herein has been reviewed and recommended by the City Staff and the City Planning Commission; and

**WHEREAS**, notice regarding this proposed ordinance has given as provided by law; and

**WHEREAS**, the City Council accepts the recommendation of the Midway City Planning Commission, and agrees that it is in the best interest of the citizens of Midway that the Midway City Code be amended as contained herein:

**NOW THEREFORE**, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

**BE IT ORDAINED**, by the City Council of Midway City, Wasatch County, State of Utah:

Section 7.06.050(A) of the Midway City Code is hereby amended, and shall hereafter read as follows:

*A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City, and only pursuant to the terms of this Chapter. Transient lodging unit rental in the C-2, C-3 and Resort Zone (RZ) within the transient rental overlay district is a permitted use. Transient lodging unit rental in any other zone within the transient rental overlay district is a conditional use.*

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

