

ORDINANCE NO. 94- 06

AN ORDINANCE ADOPTING SECTION 18.08.035 RELATING TO THE DEFINITION OF A BED AND BREAKFAST HOME; ADOPTING SECTION 18.108.035 RELATING TO STATUTORY REQUIREMENTS FOR BED AND BREAKFAST HOMES AND BOARDING HOMES, LODGING HOUSES, AND ROOMING HOUSES; AMENDING SECTION 18.56.020 RELATING TO PERMITTED USES IN THE R-2 RESIDENTIAL ZONE; AMENDING SECTION 18.108.010 RELATING TO CONDITIONAL USES.

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH, THAT THE FOLLOWING SECTION 18.08.035 OF THE HEBER CITY MUNICIPAL CODE BE ADOPTED:

18.08.035 Bed and Breakfast Home.

Bed and Breakfast Home means an owner occupied single-family dwelling that contains not less than two and no more than eight guest rooms where lodging, with or without meals, is provided for compensation with stays not to exceed 29 days. If meals are served, they shall be prepared, served and placed upon the table family style, without service or ordering of individual portions from a menu.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH, THAT SECTION 18.56.020 OF HEBER CITY MUNICIPAL CODE BE AMENDED BY ADDING A SUBSECTION D OF SECTION 18.56.020 TO READ AS FOLLOWS:

18.56.020 Permitted Uses.

D. Bed and Breakfast Homes when approved by the Planning Commission as set forth in this chapter.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH, THAT SECTION 18.108.010 OF HEBER CITY MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:

18.108.010 Generally.

The uses set out in this chapter shall be permitted only after approval as set forth in this chapter.

Any other appropriate or more stringent conditions deemed necessary, for conditional uses approved under this section, which are for protecting the health, safety, and general welfare of the public or for maintaining the residential characteristic of residential zones may be required by the approving body.

Conditional use approvals given under this chapter shall be for one year from the original permit date. At the end of the one-year period, renewal shall be granted indefinitely by the approving body if all conditions and requirements at the time of approval remain in compliance. Nothing in this code shall be construed as

to limit the approving body's ability to revoke or suspend uses granted under this chapter for non-compliance with the provisions of this or other applicable codes.

Conditional use approvals are not transferable from person to person or from property to property.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH, THAT THE FOLLOWING SECTION 18.108.035 OF THE HEBER CITY MUNICIPAL CODE BE ADOPTED:

18.108.035 Requirements for Bed and Breakfast Homes and Boarding Houses, Lodging Houses, and Rooming Houses.

A. The Planning Commission may grant a conditional use permit for a Bed and Breakfast Home, Boarding House, Lodging House or Rooming House (hereafter referred to as "facility" when requirements are the same for all types) if and only if in compliance with the following conditions:

1. In the R-2 Zone, Bed and Breakfast Homes shall not exceed two guest rooms. In the R-3 Zone, Bed and Breakfast Homes, Lodging Houses, and Rooming Houses shall not exceed eight guest rooms.

2. The facility must meet all building, zoning, fire, health and other applicable ordinances prior to any approval being given as confirmed by inspections performed and reports submitted to the Planning Commission by the appropriate governing agencies.

3. The facility must be and remain the primary residence of the owner. If approved by the Planning Commission, employees may be hired in conjunction with the facility; however, in the case of Bed and Breakfast Homes, the employees shall not be allowed to reside at the residence. A letter attesting that the owner(s) will occupy the said facility, except for bona fide temporary absences, shall be submitted to the Planning Commission.

4. The facility shall not unduly increase traffic in the immediate neighborhood. Parking shall be off the street, hard surfaced, and provided at a rate of one space per guest room plus two spaces for the residing owner(s). Off-street parking shall not be in any required setback area unless it can be shown by the applicant that parking in a specific setback area will not adversely affect surrounding property owners or cause any unsafe condition whatsoever.

5. The applicant(s) must provide plot building plans to the building, zoning, fire, and health departments and the Planning Commission at a scale of 1/4 inch per foot

or larger showing the facility, parking, and landscaping. Plans shall be approved by all the above-mentioned departments and the Planning Commission.

6. The facility and parcel shall be shown to be of sufficient size to be in scale with the number of people using the facility. The parcel shall meet the minimum area requirements of the zone. Parcels for Bed and Breakfast Homes shall be required to meet the area requirements for a two-family dwelling. Parcels for Boarding Houses, Lodging Houses or Rooming Houses shall meet the area requirements as set forth for "other main buildings" in the R-3 Zone.

7. The facility and parcel shall meet all applicable zoning requirements of the zone in which it exists. Where any conflicts between this chapter and any other provisions of this code, state codes, or other applicable codes arise, the more restrictive shall govern.

8. Signs shall be limited to one non-lighted sign not larger in area than 226 square inches.

9. Construction and alterations of facilities shall not alter the residential character of residential zones and of the dwelling.

10. All facilities must collect and pay any applicable transient room tax, sales tax, and city business license fees.

11. No more than two persons may occupy any guest room within an approved facility.

DATE OF EFFECT.

This ordinance shall take effect and be in force from and after its adoption and publication.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this 7TH day of APRIL, 1999, by the following vote:

	AYE	NAY
Councilman Keith D. Jacobsen	<u>X</u>	_____
Councilman Terry Wm. Lange	<u>X</u>	_____
Councilman Robert Giles	<u>X</u>	_____
Councilman Bob Morris	<u>X</u>	_____
Councilman Harris Parcell	_____	_____

ABSENT

APPROVED:

Scott W. Wright

Mayor Scott W. Wright

ATTEST:

Mark X. Andersen

RECORDER

(SEAL)

DATE OF FIRST PUBLISHING: APRIL 20, 1994