



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 01, 2024 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, May 01, 2024 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Recommendation of Approval to Amend Title 10.02.070 Site Plan Required, Ordinance-O-2024-18.
2. Recommendation of Approval to Amend Title 10.14.020 Short Term Vacation Rental Rules and Regulations, Ordinance-O-2024-19.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the 17th day of April, 2024.

Dated this 17th day of April, 2024

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**APPLE VALLEY
ORDINANCE O-2024-18**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.02.070 Site Plan Required” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.070 Site Plan Required

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

1. Scale used.
2. Direction of north point.
3. Lot lines, adjacent streets or rights of way, easements, etc.
4. Location of all existing structures on the property, including driveway entrances, utility poles, etc.
5. Location of the proposed construction and improvements, including setbacks, location and dimensions of signs, location of garbage receptacles, fences, retaining walls, all easements, on-site detention and retention storage facilities, etc.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations.
7. Any necessary explanatory notes.
8. The distance to the nearest fire hydrant. It should be measured to the farthest point of the structure following the typical line of travel- down the driveway, along exterior of house following sidewalk, etc.
9. Name, address and telephone number of building contractor and owner.
10. If applicable: the location of all wells.
11. All other information that may be required as may be determined by the building inspector.
12. Directions, notes, and abbreviations, as well as project data and a vicinity map.
13. Property lines: Property lines are called out around the exterior of the lot.
14. Setbacks: These are the spaces between a building and its property line.
15. Existing and proposed conditions: Fence lines, utility and power lines need to be shown on your site map. These will also illustrate whether inspectors need to be called in during the construction process.
16. Construction limits: This will show the parts of the property where the construction is happening and show the areas near the site where you'll be taking up space for equipment parking and storage.

17. Parking: A site plan will always show parking dimensions, including parking spaces, areas for turning around, and especially in urban and high-traffic areas, the flow of traffic.
18. Surrounding streets and street signs: Along with the flow of traffic, a site plan will show you how your property functions within the streets and avenues that surround it, or if it is at the end of a quiet cul-de-sac. You'll also be able to see these features in a separate "vicinity map."
19. Driveways: A good site plan usually shows the exact dimensions of driveways and curbs.
20. Fire Hydrants: Town codes govern the distance your property must be from fire hydrants, and a new construction site plan will also include these when they are submitted for approval to the town.
21. Easements: Site plans will always include easements, which is a feature of your property that is shared by someone else for a specific purpose. Examples include a pathway through your property to utility lines.
22. Landscaped areas: A good site plan will include not only the measurement, but also the type of landscape feature (such as a deciduous tree, or a desert landscape) and retaining walls.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member _____	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-19**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.14.020 Rules And Regulations” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.14.020 Rules And Regulations

- A. Short Term Vacation Rental Business License Required: No dwelling in a residential zone shall be occupied or used as a short term vacation rental, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this Section.
- B. Conditions for Issuance of a Short Term Vacation Vacation Rental Business License : In addition to any other requirement of this Section, a short term vacation rental business license shall be approved by the Town Clerk if:
1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy, or a building permit has been issued for the construction of a single family dwelling unit. If a certificate of occupancy has not yet been issued, the business must be operational within six (6) months of the issuance of the business license. If the business is not operating within this time period, the short term vacation rental business license may be revoked to enable another business to license a Short Term Vacation Rental in the area. For purposes of this section, “operational” is defined as accepting reservations and being available at least two weeks per month, including the next full month. Portions of a single family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling.
 2. The owner of a single family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Town of Apple Valley limits. For purposes of this paragraph, “owner” means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling,

3. The property line of another dwelling licensed as a short term vacation rental is not located within 300' (three hundred feet), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. No more than 10% of the homes in any subdivision phase or designated area to be defined by the Town, may be licensed as a short term vacation rental.
 4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section. This person shall be a permanent resident of the Town and be ready and willing to receive phone calls at any hour to promptly deal with complaints, violations, or any other safety or nuisance issues.
 5. The contact information of the responsible individual will be given to all property owners/residents within a 300 ft. radius of the short term vacation rental property in question, so they will be able to make direct contact with the responsible individual in the case of a complaint, violation, or any other safety or nuisance issue.
 6. The application includes a valid [sales and use tax license from the Utah State Tax Commission](#) ~~number~~ for remittance of transient lodging taxes.
- C. Parking Regulations: The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:
1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
 2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
 3. All guest parking shall be contained on the site.
 4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
 5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.
- D. Maintenance Standards: Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:
1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
 2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
 3. Each sleeping room must meet current International Residential Code for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.
- E. Prevention of Noise, Nuisance or Trespass: The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
 2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
 3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
 4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
 5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
- F. Required Posting: The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:
1. a copy of the short term vacation rental business license
 2. the name, address, and phone number of the owner or property manager
 3. the location of all fire extinguishers
 4. a list of all rules applicable for vacation rentals
 5. the maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
- G. Miscellaneous Rules and Regulations: The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:
1. Prohibits the operation of a short-term rental unless the municipality issues a permit to operate the short-term rental and the State Tax Commission issues a sales and use tax license.
 2. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.
 3. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be 4 people per rental for one bedroom, 2 additional people allowed per bedroom not to exceed ten (10) persons at any one time total in the home. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Apple Valley Fire Department, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
 4. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a town approved location on the exterior of the property an approved sign containing the name and 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12" X 18" and

shall be the only sign other than an address permitted on a short term vacation rental property. All neighbors surrounding the property in question shall be furnished the same contact information.

5. The owner or property manager shall provide information on current occupants to police, emergency, or town personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
6. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The Town of Apple Valley finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.
7. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license issuance and renewal each year. There shall be a fee charged for such inspection, to be set by the Town Council. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the Town.
8. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes and all other applicable sales and use taxes to the Utah State Tax Commission.

H. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the Town of Apple Valley who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000, imprisonment for up to 6 months, or any combination thereof for each such violation.
2. Any owner of any dwelling in a residential zone within the Town of Apple Valley, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than \$~~1000~~⁷⁵⁰ for each such violation.
3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
4. Violation of any provision of this section regulating short term vacation rentals

shall constitute a separate offense for each day said violation occurs or continues.

- 5. In the event of three (3) or more violations of this ordinance committed by an owner or guest, or any combination of the two, within any 12 month period, the town council may proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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Council Member _____	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley