



MURRAY
CITY COUNCIL

Committee of the Whole Meeting November 19, 2024



Murray City Municipal Council Committee of the Whole Meeting Notice November 19, 2024

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a Committee of the Whole meeting beginning at 3:45 p.m. on Tuesday, November 19, 2024 in the Poplar Meeting Room #151 located at Murray City Hall, 10 East 4800 South, Murray, Utah.

The public may view the Committee of the Whole Meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>.

Meeting Agenda

3:45 p.m. **Committee of the Whole** – Poplar Meeting Room #151
Pam Cotter conducting.

Approval of Minutes
None scheduled.

Discussion Items

1. Presentation of the independent audit for Fiscal Year 2023-2024. Brenda Moore and Robert Wood presenting (45 minutes).
2. Wasatch Front Waste and Recycling District update. Pam Roberts presenting. (10 minutes)
3. Discuss an ordinance amending Sections 12.28.030 and 12.28.040 of the Murray City Municipal Code related to golf course fees. Kim Sorensen presenting. (15 minutes)
4. Discuss an ordinance enacting Section 17.76.190 of the Murray City Municipal Code relating to residential short-term rentals and amending Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses. Zachary Smallwood presenting. (30 minutes)

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Poplar Meeting Room will be able to hear all discussions.

On Friday, November 15, 2024, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Hall, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.

Jennifer Kennedy

Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



Discussion Items



Discussion Item #1



MURRAY


Finance & Administration

Completion and Receipt of Independent Audit FY2023-2024

Council Action Request

Committee of the Whole & City Council

Meeting Date: November 19, 2024

Department Director Brenda Moore Phone # 801-264-2513 Presenters Brenda Moore Required Time for Presentation 45 Is This Time Sensitive Yes Mayor's Approval  Date October 10, 2024	Purpose of Proposal Acknowledging completion and receipt of the independent audit for fiscal year 2023-2024. Action Requested Discussion in committee of the whole and consideration of a resolution in council meeting. Attachments Resolution Budget Impact Description of this Item A PDF of the completed audit will be sent as soon as it is finalized. Printed materials will be available the day of the meeting. The resolution is an acknowledgment that the audit is complete, you have received it, and telling the Recorder to publish notice of that fact.
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RESOLUTION R24-

A RESOLUTION TO ACKNOWLEDGE COMPLETION AND RECEIPT OF THE INDEPENDENT AUDIT FOR FISCAL YEAR 2023-2024 AND DIRECT THAT NOTICE BE PUBLISHED PURSUANT TO SECTION 10-6-152 OF THE UTAH CODE.

WHEREAS, sections 10-6-151, 51-2a-201 and 51-2a-202 of the Utah Code require the City to have, at least annually, an independent audit of its accounts by a certified public accountant; and

WHEREAS, pursuant to section 10-6-152 of the Utah Code, within ten (10) days following receipt of the independent audit, the City is required to publish notice advising the public that the audit is complete and available for inspection; and

WHEREAS, the City retained HBME, LLC, a certified public accountants, to do an independent audit of the City's accounts for fiscal year 2023-2024; and

WHEREAS, HBME has completed the independent audit of the City's accounts for fiscal year 2023-2024; and

WHEREAS, HBME has presented the independent audit to the Mayor and Murray City Municipal Council; and

WHEREAS, the Murray City Municipal Council wants to acknowledge receipt of the completed audit and order that notice be published pursuant to section 10-6-152 of the Utah Code.

NOW, THEREFORE BE IT RESOLVED by the Murray City Municipal Council as follows:

It hereby acknowledges that the independent audit of the City's accounts for fiscal year 2023-2024 has been completed by HBME and submitted to the Murray City Municipal Council. As required by section 10-6-152 of the Utah Code, the City Recorder is directed to publish notice, advising the public that the independent audit is complete and available for inspection.

PASSED AND APPROVED this day of 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder



MURRAY
CITY COUNCIL

Discussion Item #2



MURRAY


Mayor's Office

Wasatch Front Waste and Recycling District Update

Council Action Request

Committee of the Whole

Meeting Date: November 19, 2024

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Pam Roberts, WFWRD	Purpose of Proposal Provide information Action Requested Informational only Attachments None Budget Impact N/A Description of this Item Pam Roberts, General Manager, Wasatch Front Waste and Recycling District, will provide an update and information. Pam will also discuss the 2025 fiscal year budget and fee increases.
Required Time for Presentation 10 Minutes Is This Time Sensitive No Mayor's Approval  Date November 5, 2024	



Wasatch Front Waste and Recycling District

Report for Murray City Council Meeting
November 19, 2024



MURRAY



Our Vision: A sustainable organization that provides for the welfare of our communities.

Our Mission: To provide sustainable quality integrated waste and recycling collection services for the health and safety of our community...because not everything fits in the can.

HB 107 and WFWRD's Approach to Help Our Cites & Towns Meet Reporting Requirements

WFWRD's staff has created an additional page called '***District Stats***' on our website under the '***About***' tab that is designed specifically for reporting collection tonnages by commodity <https://live-wasatch.pantheonsite.io/node/155>

The screenshot shows the homepage of the Wasatch Front Waste & Recycling District. The header includes the logo and navigation links: 'Do We Service You/Service Day', 'Rent-A-Trailer', 'Services & Requests', 'Additional Subscription Services', 'How to Recycle', 'About', and 'Holiday Schedule'. The 'About' dropdown menu is open, showing links to 'The Team', 'FAQs', 'News', 'Our Board of Trustees', 'WFWRD Policy Manual', 'Records Management', 'Utah State Code Information', 'Fees & Logistics', 'Join Our Team', and 'District Statistics'. The main content area features a large background image of a mountain range and a cityscape, with the text 'Welcome to Wasatch Front Waste & Recycling District' and a mission statement: 'The mission of Wasatch Front Waste and Recycling District is to provide sustainable, quality integrated waste and recycling collection services for the health and safety of our community... because not everything fits in the can.'

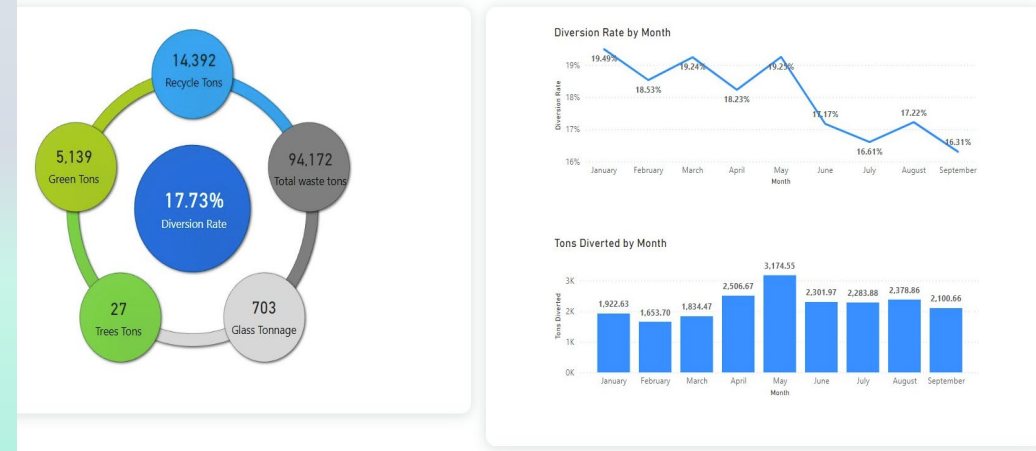
Summary of Services

(2024 Through Q3)



Environmental Stewardship

(2024 Through Q3)



January-October 2024 Tonnages and Diversion Rate for Murray



- ✓ The 2,831 homes in Murray of the approximately 86,173 homes in the District boundaries.
- ✓ Residents of Murray diverted 32% of waste collected away from the landfill, which is higher than the District-wide estimated 18% diversion rate. The District goal is 18%.
- ✓ Average disposal fee for Murray City curbside garbage = \$37 per ton. (SLV Transfer Station)
- ✓ Average processing fee for recycling curbside = \$38 per ton. (\$18.00 per ton less than 2023)
- ✓ Processing for green curbside = \$17.00 per ton.

Customer Satisfaction & Seasonal Container Reservation Program (SCRP) Stats

- The 2024 SCRCP season marks the fifth year of this approach to the program. With this model, we service between 9-11% of the homes in our cities and towns
- Annual SCRCP services run mid-April through September:
 - We started in Millcreek this year and moved clockwise through the District
 - We ended the season by serving the City of Taylorsville
- For the past three years our board has been reviewing ideas posed by residents on how to expand this service to more residents.
- One idea that is being considered:
 - Limit repeat reservations year-after-year, which would mean:
 - Those who received a container in 2024, would not be eligible in 2025 **unless** the current year's waitlist was exhausted (essentially a 2nd waitlist)
 - Anyone on the waitlist in 2024, would have "first dibs" in 2025 on the regular reservation list.
- The 2025 Season will begin mid-April in Murray & Holladay and again, will move clockwise throughout the District.

Murray Specific SCRCP Stats

- Murray service dates were combined with Holladay City and ran from Wednesday, May 22nd through May 30th.
- We collected 336 total tons of bulky waste from the 246 requested reservations. Very few requested were left on the wait list.
- Charges from the SL Valley Transfer Station equate to \$37.00 per ton = \$9,102 in disposal fees.

Then →



Now →



District Updates and 2025 Budget Discussions

Starting in June, our Board began discussions about the need to increase fees for services in 2025 to manage rising costs. The main cost drivers account for close to \$6,000,000 of increased costs, which equates to close to \$6.00 per month per home. These categories and costs are as follows with the 2025 tentative budget:

	2020	2021	2022	2023	2024 Budget + Projections	2025 Budget	Increase Costs In 5 yrs
Wages & Overtime	\$ 4,909,969	\$ 5,226,486	\$ 5,720,120	\$ 6,466,754	\$ 7,348,300	\$ 8,063,500	\$ 3,153,531
Maintenance	\$ 3,448,266	\$ 3,377,225	\$ 3,554,944	\$ 4,014,809	\$ 4,836,734	\$ 5,078,600	\$ 1,630,334
Dumping Fees	\$ 4,309,102	\$ 4,217,045	\$ 4,137,259	\$ 4,371,035	\$ 4,589,586	\$ 4,650,916	\$ 341,814
Recycling	\$ 1,058,749	\$ 330,584	\$ 692,481	\$ 1,283,250	\$ 1,476,000	\$ 1,045,000	\$ (13,749)
Fuel (CNG)	\$ 995,544	\$ 1,125,122	\$ 1,213,415	\$ 1,374,935	\$ 1,593,700	\$ 1,641,500	\$ 645,956
Truck Purchase Price	\$ 322,500	\$ 332,200	\$ 350,277	\$ 415,217	\$ 425,000	\$ 436,695	\$ 114,195
Totals	\$ 15,046,151	\$ 14,610,683	\$ 15,670,518	\$ 17,928,022	\$ 20,269,320	\$ 20,916,211	\$ 5,872,080

Considerations: Being a direct service provider, wages are the highest increase year over year due to the rapidly rising salary markets especially for CDL drivers. Our board has been supportive of needed adjustments, and they approved pay for work experience model in 2021 and 2022 for all front-line employees and then approved the model for the rest of WFWRD employees for the 2023 budget. This pay system moves employees, or new hires into the salary range based upon their work-related experience and related education, which has helped with recruitment and retention. .

Fee Increase History: The last fee increase was implemented in 2023 after five years since the last fee increase in 2018. The following is the fee increase history:

- 2023: \$2.50 per home/month increase to \$19.50 per mo./\$58.50 per qtr./\$234 annual.
- 2018: \$2.25 per month, to \$17.00 per mo./\$51 per qtr./\$204 annual.
- 2014: \$2.00 per month, from \$12.75 to \$14.75.
- 2011: \$1.75 per month, from \$11.00 per month.

Hind-sight being 2020, we know that five years was too long to wait for an increase, and we didn't raise fees high enough to sustain cash balances for longer than two years.

Staff and the Board of Trustees received advice and recommendations from Zions Bank for financial advisory services on expenditure projections, fee structures, billing frequency, revenues and options for leasing heavy equipment. Incurring debt would be new for WFWRD, and our board elected not to proceed at this time.

The Board held a special meeting on October 21, 2024, at 9:00 a.m. to review fee increase scenarios for 2025. On Monday, October 28th, the Board tentatively adopted the tentative 2025 budget as outlined on the following page.

2025 Tentative Budget Service Levels and Fee Summary

Our goals: Meet the service demands and sustain service levels that we are mandated to provide, and our residents count on for a base fee of \$26.00 per month/\$78.00 per quarter/\$312.00 annual. Fee increase of \$6.50 per month from \$19.50 per month. Residential services:

- Weekly curbside garbage and recycling collections.
- Seasonal Container Reservation Program (SCRP) with the goal of 60 container deliveries per day. (Mid-April through September)
- Seasonal Services: Central leaf bag collections and curbside Christmas tree collections.
- Can repair and replacement.
- Landfill Vouchers for residential truck, car, or trailer loads.
- Six sites for central glass collections.
- Community education and relations.

Additional Services:

- Provide the 18-yard trailer rentals for bulk waste at \$240.00 and green waste at \$80.00. Increased from \$190.00 for bulk and \$55.00 for green.
- Add the option for a 14-yard roll-off container rental at \$175.00 for bulky waste.
- Increase subscription green \$1.50 per month, moving from \$10.50 per month to \$12.00 per month.

Next Steps:

- Monday, November 18th at 6:00 p.m. Public Hearing to allow public comment on the Tentative 2025 budget.
- 2025 Budget Adoption on either Monday, November 18th after public comments or Monday, December 16th at 9:00 a.m.
- All Board Meetings are held at the WFWRD offices located at 604 West 6960 South in Midvale. The main floor of the Salt Lake County Public Works Administration Building.





Cash Balances Resulting from Fee Increases

This illustration includes the 2025 fee increase and incremental increases in 2026 and 2027 based on the advice from Zions financial advisory services. Staff and the Board of Trustees will evaluate revenues and expenditures to determine the need for future increases.

	FEE INCREASE - \$6.50 in 2025, \$1.50 in 2026, \$1.50 in 2027					NO FEE INCREASE				
	2025	2026	2027	2028	2029	2025	2026	2027	2028	2029
	\$26.00/month	\$27.50/month	\$29.00/month							
Beginning Cash & Investments	\$ 6,179,028	\$ 3,710,038	\$ 4,834,384	\$ 6,568,364	\$ 7,682,966	\$ 6,179,028	\$ (1,300,612)	\$ (8,052,622)	\$ (15,791,573)	\$ (24,588,512)
Total Revenues	\$ 30,643,870	\$ 33,639,729	\$ 35,313,175	\$ 35,879,289	\$ 36,056,988	\$ 25,633,220	\$ 25,763,373	\$ 25,840,243	\$ 25,967,747	\$ 26,095,889
Total Operational Expenses Including Personnel	\$ 30,086,504	\$ 31,093,248	\$ 31,941,454	\$ 32,815,107	\$ 33,714,969	\$ 30,086,504	\$ 31,093,248	\$ 31,941,454	\$ 32,815,107	\$ 33,714,969
Less Non-Cash Depreciation	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700	\$ 2,543,700
Adjusted Operating Expenses	\$ 27,542,804	\$ 28,549,548	\$ 29,397,754	\$ 30,271,407	\$ 31,171,269	\$ 27,542,804	\$ 28,549,548	\$ 29,397,754	\$ 30,271,407	\$ 31,171,269
Planned truck purchases	\$ 5,570,056	\$ 3,965,835	\$ 4,181,440	\$ 4,493,280	\$ 5,032,564	\$ 5,570,056	\$ 3,965,835	\$ 4,181,440	\$ 4,493,280	\$ 5,032,564
Total Expenditures	\$ 33,112,860	\$ 32,515,383	\$ 33,579,194	\$ 34,764,687	\$ 36,203,833	\$ 33,112,860	\$ 32,515,383	\$ 33,579,194	\$ 34,764,687	\$ 36,203,833
Total Revenues	\$ 30,643,870	\$ 33,639,729	\$ 35,313,175	\$ 35,879,289	\$ 36,056,988	\$ 25,633,220	\$ 25,763,373	\$ 25,840,243	\$ 25,967,747	\$ 26,095,889
Revenues Less Expenses	\$ (2,468,990)	\$ 1,124,346	\$ 1,733,981	\$ 1,114,602	\$ (146,845)	\$ (7,479,640)	\$ (6,752,010)	\$ (7,738,951)	\$ (8,796,940)	\$ (10,107,945)
Cash Balances Year-End	\$ 3,710,038	\$ 4,834,384	\$ 6,568,364	\$ 7,682,966	\$ 7,536,121	\$ (1,300,612)	\$ (8,052,622)	\$ (15,791,573)	\$ (24,588,512)	\$ (34,696,457)
Cash as Percent of Total Expenditures	11%	15%	20%	22%	21%	-4%	-25%	-47%	-71%	-96%
Days Cash on Hand	49	62	82	93	88	(17)	(103)	(196)	(296)	(406)

Thank You. Any Questions?





Discussion Item #3



MURRAY


Department Parks and Recreation

Murray Parkway fee increase

Council Action Request

Committee of the Whole

Meeting Date: November 12, 2024

Department Director Kim Sorensen Phone # 801-264-2619 Presenters Kim Sorensen Required Time for Presentation 15 Minutes Is This Time Sensitive No Mayor's Approval  Date September 20, 2024	Purpose of Proposal Discuss ordinance to raise golf fees Action Requested Increase golf fees to keep up with market Attachments Ordinance Budget Impact Increase in revenue Description of this Item Increase golf fees by approximately 11%. Regular 9 hole increases \$2 to \$20, regular 18 hole increase \$4 to \$40. Add shotgun tournament fee of \$15.00. Any additional space needed is available on second page.
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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 12.28.030 AND 12.28.040 OF THE
MURRAY CITY MUNICIPAL CODE RELATED TO GOLF COURSE FEES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend sections 12.28.030 and 12.28.040 of the Murray City Municipal Code to amend the Golf Course fees.

Section 2. Amendment to sections 12.28.030 and 12.28.040 of the Murray City Municipal Code. Sections 12.28.030 and 12.28.040 of the Murray City Municipal Code shall be amended to read as follows:

12.28.030: GREEN FEES:

The green fees shall be as follows:

User Type	9 Holes	18 Holes
10 round punch card	\$180.00	n/a
Juniors	\$13.00	\$26.00
Murray High School and Cottonwood High School golf teams	\$11.00	\$22.00
Other high school golf teams	\$13.00	\$26.00
Regular	\$20.00	\$40.00
Seniors (age 60 or older)	\$17.00	\$34.00
Shotgun Tournament Fee		\$15.00 per player

All rates above include applicable Sales and Use Tax and are available during times as determined in writing by the Parks and Recreation Director, the Mayor, and the Director of Finance and Administration. (Ord. 22-09: Ord. 20-31: Ord. 19-05)

12.28.040: GOLF COURSE OPERATION; RENTALS:

Rental fees shall be as follows:

Rental Types	9 Holes	18 Holes
Golf clubs	\$9.00	\$18.00
Pull cart	\$4.00	\$8.00
Range ball tokens	\$5.00	
Riding carts (per person)	\$10.00	\$20.00
Trail fee for private carts used for medical reasons	\$10.00	\$20.00

All rates above include applicable Sales and Use Tax and are available during times as determined in writing by the Parks and Recreation Director, the Mayor, and the Director of Finance and Administration. (Ord. 22-09: Ord. 20-31: Ord. 19-05)

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 19th day of November, 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2024.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2024.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2024.

Brooke Smith, City Recorder

PERCENTAGE DIFFERENCE

*Senior is 60 and over *Junior is 17 and under														
COURSE	9-WD	9-WD/cart	9 SRWD	9 SRWD w/cart	18 WD	18 WD w/cart	18 SRWD	18 SRWD w/cart	9-WE	9-WE w/cart	18 WE	18 WE w/cart	9 cart	18 cart
River Oaks - 568-4653 9300 S. Riverside Dr.														
2024 Pricing	\$22.00	\$32.00	\$18.00	\$28.00	\$40.00	\$60.00	\$33.00	\$53.00	\$22.00	\$32.00	\$40.00	\$60.00	\$10.00	\$20.00
Mountain View														
2024 Pricing	\$18.00	\$28.00	\$15.00	\$25.00	\$34.00	\$54.00	\$27.00	\$47.00	\$18.00	\$28.00	\$34.00	\$54.00	Done	\$10.00 \$20.00
Riverbend														
2024 Pricing	\$20.00	\$30.00	\$17.00	\$27.00	\$40.00	\$60.00	\$32.00	\$52.00	\$20.00	\$30.00	\$40.00	\$60.00	Done	\$10.00 \$20.00
Old Mill														
2024 Pricing	\$22.00	\$32.00	\$17.00	\$27.00	\$42.00	\$62.00	\$32.00	\$52.00	\$22.00	\$32.00	\$42.00	\$62.00	Done	\$10.00 \$20.00 Ask Schramm about Riverbend WE Rates
South Mountain														
2024 Pricing	n/a	\$30.00	n/a	\$26.00	n/a	\$60.00	n/a	\$50.00	n/a	\$30.00	n/a	\$60.00	Done	
Murray Parkway														
2024 Pricing	\$18.00	\$28.00	\$15.00	\$25.00	\$36.00	\$56.00	\$30.00	\$50.00	\$18.00	\$28.00	\$36.00	\$56.00	Done	\$10.00 \$20.00
Glenmoor														
2024 Pricing	\$24.13	\$34.86	\$24.13	\$34.86	\$48.26	\$69.71	\$48.26	\$69.71	\$24.13	\$34.86	\$53.62	\$75.07	\$10.00	\$20.00
Meadow Brook														
2024 Pricing	\$18.00	\$27.00	\$16.00	\$26.00	\$35.00	\$55.00	\$31.00	\$51.00	\$19.00	\$29.00	\$37.00	\$57.00	Done	\$10.00 \$20.00
Bonneville														
2024 Pricing	\$22.00	\$32.00	\$19.00	\$29.00	\$44.00	\$64.00	\$38.00	\$58.00	\$22.00	\$32.00	\$44.00	\$64.00	Done	\$10.00 \$20.00
Glendale														
2024 Pricing	\$19.00	\$29.00	\$16.00	\$26.00	\$38.00	\$58.00	\$32.00	\$50.00	\$20.00	\$30.00	\$40.00	\$60.00	Done	\$10.00 \$20.00
Mountain Dell														
2024 Pricing	\$25.00	\$35.00	\$19.00	\$29.00	\$44.00	\$64.00	\$38.00	\$58.00	\$25.00	\$35.00	\$44.00	\$64.00	Done	\$10.00 \$18.00
Average cost with River Oaks	\$20.81	\$30.71	\$17.61	\$27.53	\$40.13	\$60.25	\$34.13	\$53.70	\$21.01	\$30.99	\$41.06	\$61.10		
Average Cost - Not Inc RO	\$20.68	\$30.59	\$17.57	\$27.49	\$40.14	\$60.27	\$34.25	\$53.77	\$20.90	\$30.89	\$41.18	\$61.21		
Murray Parkway	\$20.00	\$30.00	\$17.00	\$27.00	\$40.00	\$60.00	\$34.00	\$54.00	\$20.00	\$30.00	\$40.00	\$60.00	\$10.00	\$20.00
% Difference Over/Under	-3.3%	-1.9%	-3.2%	-1.8%	-0.3%	-0.4%	-0.7%	0.4%	-4.3%	-2.9%	-2.9%	-2.0%		
Avg of top 4 competors	\$20.50	\$30.50	\$16.75	\$26.75	39.00	\$59.00	\$31.00	\$51.00	\$20.50	\$30.50	\$39.00	59.00		
	\$0.50	\$0.50	-\$0.25	-\$0.25	-\$1.00	-\$1.00	-\$3.00	-\$3.00	\$0.50	\$0.50	-\$1.00	-\$1.00		



Discussion Item #4



Short Term Rental Ordinance

Committee of the Whole

Meeting Date: November 19, 2024

<p>Department Director</p> <p>Phil Markham</p> <p>Phone #</p> <p>801-270-2427</p> <p>Presenters</p> <p>Zachary Smallwood</p>	<p>Purpose of Proposal</p> <p>Review proposed regulations regarding Short Term Rentals</p> <p>Action Requested</p> <p>Land Use Ordinance Text Amendment</p> <p>Attachments</p> <p>Slides</p> <p>Budget Impact</p> <p>None Anticipated</p>
<p>Required Time for Presentation</p> <p>30 Minutes</p> <p>Is This Time Sensitive</p> <p>No</p> <p>Mayor's Approval</p>	<p>Description of this Item</p> <p>The City Council implemented a Temporary Land Use Ordinance regarding short term rentals in July of 2024.</p> <p>The Council has given staff direction on where they would like to have short term rentals allowed and staff is prepared with a draft ordinance to regulate short term rentals in the City.</p> <p>The Planning Commission held a public hearing on October 17th, 2024 and voted 4-3 to forward a recommendation of approval to the City Council.</p>
<p>Date</p> <p>January 31, 2018</p>	

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 3rd day of December, 2024, at the hour of 6:30 p.m., in the City Council Chambers of the Murray City Hall, 10 East 4800 South, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to text amendments to enact Section 17.76.190 of the Murray City Municipal Code relating to residential short-term rentals and to amend Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses.

The purpose of this hearing is to receive public comment concerning the proposed text amendments as described above.

DATED this _____ day of _____, 2024.

MURRAY CITY CORPORATION

Brooke Smith
City Recorder

DATE OF POSTING: November 22, 2024

LOCATIONS OF POSTINGS – AT LEAST 10 CALENDAR DAYS BEFORE THE PUBLIC HEARING:

1. Utah Public Notice Website
2. Murray City Website
3. Posted at Murray City Hall
4. Mailed to Affected Entities

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 17.76.190 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO RESIDENTIAL SHORT-TERM RENTALS AND AMENDING SECTIONS 17.76.020 AND 17.84.060 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE DETERMINATION OF PERMITTED AND CONDITIONAL USES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is enact Section 17.16.190 of the Murray City Municipal Code relating to residential short-term rentals, and to amend Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses.

Section 2. Enactment of Section 17.76.190 of the Murray City Municipal Code. Section 17.16.190 of the Murray City Municipal Code relating to residential short-term rentals shall be enacted to read as follows:

17.76.190: RESIDENTIAL SHORT-TERM RENTALS (STR):

A. Purpose. This section is established to provide regulations for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of residents and preserving the residential character of neighborhoods. Allowing STRs, is intended to provide economic relief to existing property owners who might otherwise be forced to leave a neighborhood, thus promoting, and preserving stable and affordable housing in the city. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the City.

B. Definitions. The following words and phrases when used in this section 17.76.190 shall be construed as defined in this subsection B:

1. DEDICATED VACATION RENTAL: Renting an entire dwelling as a short-term rental where there are no owner occupants.
2. HOST: Any natural person who is an owner of the dwelling unit and uses the dwelling unit as their primary residence and offers a dwelling unit for use as a short-term rental.
3. HOSTED SHARING: Renting for a period of less than thirty (30) consecutive days, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay.

4. **LIVES ON-SITE:** Maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which they are an owner of the dwelling unit and uses that dwelling unit as their primary residence.

5. **OWNER.** Any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

6. **PRIMARY RESIDENCE.** The usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, Utah state identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.

7. **RENTER:** A single person or group of people who provides compensation, in any form, in exchange for occupancy of a dwelling unit, under one lease or rental agreement.

8. **SHORT-TERM RENTAL (STR):** Any dwelling unit that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) consecutive days.

9. **STR LAND USE PERMIT:** An administrative permit issued to the property owner seeking to use their property as an STR after Community and Economic Development staff have determined that the owner's property qualifies under the requirements of this chapter.

10. **UNHOSTED SHARING:** Renting an entire dwelling unit where the owner occupants of a residence vacate the unit while it is rented to short-term guests.

C. Dedicated Vacation Rentals and Unhosted Sharing Arrangements Prohibited.

1. All dedicated vacation rentals and unhosted sharing arrangements are prohibited within the jurisdiction of the City.

2. Short term rentals which existed prior to the January 1, 2025 must register with the city and obtain a business license.

3. Registration of Dedicated Vacation Rentals and Unhosted Sharing Arrangements.

- a. The Community and Economic Development Director, or designee, shall establish a process for registration and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.
- b. The director shall verify the qualification of a dedicated vacation rental or unhosted sharing arrangement for registration.
- c. An adversely affected party may appeal the director's registration or denial as provided in chapter 17.16.
- d. Failure to register is a violation of this section and subject to chapter 17.172.190(G).

D. Applicability.

- 1. A hosted residential short-term rental is allowed in the R-1-6, R-1-8, R-1-10, R-1-12, and in the R-N-B zoning district after obtaining both a residential short-term rental land use permit and a business license. A residential short-term rental is prohibited in all other zoning districts.
- 2. The following are exempt and shall not be subject to the provisions of this section:
 - a. A residential lease of thirty (30) or more consecutive days.
 - b. RV parks, bed and breakfasts (inns and homestays), campgrounds, hotels, and motels, as described and regulated in Title 17.

E. Standards and Requirements. A residential short-term rental may be allowed within any existing legal conforming residential dwelling by obtaining an STR land use permit from the Community and Economic Development Department, wherein the applicant demonstrates compliance with requirements found in Title 17 and all of the following standards and requirements:

- 1. Application: A completed application form, provided by the City, and payment of all fees.
- 2. Property Information:
 - a. A detailed written description of the proposed use.
 - b. A basic site plan of the property including locations of accessory structures, setbacks, parking, and entrances to the dwelling and STR.

- c. A floorplan drawing of the dwelling that identifies the portions of the dwelling to be used for the STR.

- d. Only one designated STR or STR area is allowed per dwelling.

- e. No person or persons may be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle or other structure.

3. Parking Plan: A detailed drawing of an off-street parking plan must be provided to ensure that all occupants of the primary dwelling and STR can be accommodated on-site at all times.

- a. Parking may not include any on-street parking, and shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit.

- b. Any proposed parking improvements shall also be included in the off-street parking plan and must be completed prior to issuance of a business license.

- c. All elements of the parking plan must comply with all other requirements of this section.

- d. The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half (1/2) space per bedroom or sleeping area and in no case shall the parking be less than one (1) space.

4. Owner Occupancy: The owner shall reside in the dwelling in which an STR is desired and the dwelling must be the owner's primary residence. Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership and use of the home as their primary residence for no less than twelve (12) consecutive months.

- a. The owner shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner.

- i. Fee title owner may be an individual or trustor of a family trust that possesses fifty percent (50%) or more ownership of the proposed STR.

- ii. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

b. To establish that the property is the owner's primary residence, the owner shall:

i. Present a government issued identification document listing the address of the property as the address of the owner; and

ii. A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner.

5. Occupancy During Rental Period: The owner shall comply with the following occupancy restrictions:

a. The property shall not be rented to more than one party at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple parties at the same time.

b. Hosted sharing is allowed three hundred sixty-five (365) days a year.

c. The property shall only be rented for a minimum duration of one day and a maximum of thirty (30) days.

6. No Conflict with Private Restrictions: The property owner shall sign an affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

7. Urgent Response: The owner, shall be available to immediately respond twenty-four (24) hours a day, three hundred sixty-five (365) days a year in person and by telephone.

a. The owner shall be able to physically respond within one hour of an inquiry or request by the City.

b. If the owner is unreachable after three (3) attempted contacts by Murray City within one hour, a citation may be issued.

c. If the owner is not able to respond within an hour a citation may be issued.

8. Property Maintenance Requirements. All STRs shall adhere to all City ordinances relating to the maintenance and management of property.

9. Inspections. Prior to the initial letting of a short-term rental and prior to the permit renewal, the owner shall arrange for an inspection annually by the City to confirm that occupancy standards and requirements herein are satisfied. All short-term rental units shall be subject to inspection and approval by the City to

verify registration, application, permit, operating and/or occupancy standards and requirements or if there is reason to believe that any provision of this chapter is being violated.

10. Noise and Nuisance Control: The owner shall ensure that the guests adhere to the noise control in section 8.16 of the Murray City Code, as amended.

- a. Guests and/or their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- b. Guests shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- c. Guests or persons shall not disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting;
- d. Guests and/or their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- e. Guests shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol.

11. Owner must be and remain current in payment to the State for transient room taxes, or sales taxes related to the STR.

12. Duration of Permit and Renewal.

- a. A land use permit issued under this section shall remain in effect for a period of one (1) year from the date it was issued.
- b. The owner may request the renewal of the permit upon applying for such renewal to the Community and Economic Development Department and the payment of the renewal fee.
- c. The Community and Economic Development Department Director, or designee shall have the authority to impose additional reasonable conditions on any renewal in the event of any prior violation of the conditions of the license or the provisions of this chapter to address any such past violations.

F. Conditions for Denial of Permit.

1. The applicant failed to conform to permit conditions of the previous year.
2. Renters at the property were issued more than two noise ordinance violations during the previous permit period
3. Any other reasonable and rational factors or combination of factors (e.g. small lot, inadequate street parking, etc) that would cause a clearly detrimental impact on the neighborhood.
4. If an application is denied, the applicant may correct any deficient conditions and reapply. Whenever an application or a renewal application is denied, the Community and Economic Development Department will provide the applicant with a written list of deficient conditions, including a list of sustained unresolved legitimate complaints in the case of a denied renewal application.
5. If the property has any existing violations of a City ordinance or State law no permit shall be issued until such violations are corrected.

G. Violations and Penalties.

1. Failure to comply with this section, 17.76.190 shall constitute a violation for which the City may issue a citation for a class C misdemeanor and impose penalties. Each day that a violation occurs or continues is a separate violation.
2. Operation of a property in the city for short-term rental purposes without an STR Land Use Permit or a business license shall be a violation of this code for which the City may issue a citation.
3. It shall be a violation for any person to operate an STR in violation of any federal, state or local law, rule or regulation.
4. A STR permit that has been granted may be suspended or revoked for failure to maintain compliance with the standards and requirements of paragraph E, for any violation of the provisions of this section, title 17, or for any of the reasons as contained in section 5.04.070.
5. Any appeal of a decision to deny, suspend or revoke a STR permit shall be heard in accordance with those procedures established by chapter 17.16.
6. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

H. Suspension or Revocation. The City may issue a notice suspending or revoking a permit granted under this section if the owner of the permit or renter has:

1. Violated or is not in compliance with this section 17.96.190;
2. Committed an assault, any act of domestic violence, a drug offense or any felony on the short-term rental premise;
3. Refused to allow any inspection of the premises of the STR authorized by Title 5 or by any other statute or ordinance;
4. Given materially false or misleading information in obtaining the permit;
5. Knowingly operated the STR during the period when the permittee's permit was suspended or revoked;
6. Become delinquent in payment to the State for transient room taxes, or sales taxes related to the STR.
7. Suspension or revocation shall take effect within ten (10) days of the issuance of notice unless an appeal is filed as provided by this title.
8. The fact that a conviction is being appealed shall have no effect on the revocation of the permit or license.

I. Revocation Process:

1. Upon receiving a first complaint from any person alleging any violation of this section, the City shall call or email, and send a letter or notification to the property owner explaining the nature of the complaint and requiring immediate correction.
2. A second complaint will result in the City sending second letter or notification to the property owner explaining the complaint and warning that the STR permit may be in jeopardy of being revoked.
3. A third complaint will result in written notification from the City to the property owner requiring their attendance at a meeting with a member of the CED staff to show cause why the STR permit should not be revoked. The show-cause hearing shall be held even if the owner fails to appear.
4. Following a show-cause hearing and short of revoking the STR permit, the CED Director may add any conditions or make any other adjustments to the permit deemed reasonably necessary.
5. Following a show-cause hearing, the CED Director, or designee may revoke an STR permit issued under this section if it finds that:

- a. The permittee failed to comply repeatedly with any condition set forth in this chapter or the STR permit;
- b. The permittee engaged in a pattern of unlawful activity; or
- c. The permittee violated State law or local ordinances.

6. In cases of severe initial misconduct affecting the health or safety of any individual or the community, the first complaint may be treated as a third complaint.

J. Effect of Revocation. When any permit issued pursuant to this section is revoked, the revocation shall continue for one (1) year from the date of revocation. The permittee shall not be issued an STR permit for one (1) year from the date of such revocation. In the event that a permit is revoked a second time within five (5) years, the permittee shall not be issued an STR permit for five (5) years from the date of the second revocation.

K. Injunction. An entity or individual who operates or causes to be operated a short-term rental without a valid permit or business license or who operates or causes to operate an STR in violation of the provisions of this section 17.76.190 is subject to a suit for injunction in addition to the civil and criminal violations provided in this title 17, title 5, and any other remedy available at law or in equity.

L. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the Justice Court.

....

Section 3. Amendment of Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code. Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses shall be amended to read as follows:

17.76.020: ESTABLISHMENT OF USES NOT SPECIFIED:

When a use is not specifically contained in the list of "permitted" or "conditional" uses, the use is determined to be prohibited. ~~but~~ if a use is of the same character and intensity as such "permitted" or "conditional" uses so listed, the community development director may allow the establishment of that use subject to determination of the following criteria:

- A. The establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
- B. The use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.

- C. The use will not be detrimental to the public health, safety, or welfare.
- D. The use shall not adversely affect the character of that district in which it is proposed to be established.
- E. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as uses in that district.
- F. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that district. (Ord. 07-30 § 2)

....

17.84.060: USES NOT DESIGNATED:

A. Uses that are not listed in a zoning district's list of permitted or conditional uses is determined to be prohibited.

B. Any A use that is similar to another use but is not specifically designated shall be considered in accordance with section 17.76.020 of this title. (Ord. 07-30 § 2)

....

Section 4. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this _____ day of _____, 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION:

DATED this ____ day of _____, 2024.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the ____ day of _____, 2024.

Brooke Smith, City Recorder

Land Use Ordinance Text Amendment - Project # 24-100 - Sections 17.76.020 & 17.84.060 and enacting 17.76.190 - Amending language regarding Permitted and Conditional Uses and enacting regulations regarding short-term rentals

Zachary Smallwood presented the request from staff to amend sections 17.76.020 & 17.84.06, related to permitted and conditional uses and the creation of section 17.76.190 residential short-term rentals in the Murray City Land Use Ordinance. Mr. Smallwood said that the City Council instituted a temporary land use regulation, also known as a moratorium on short-term rentals because of a loophole found in the above referenced sections of the land use ordinance, which expires in January, 2025, per Utah State Statute. Staff is asking the Planning Commission for a recommendation to forward to the City Council. He said that if the Planning Commission does not move forward with a recommendation, they will need to provide a date that the item will be heard again. He provided a definition of a short-term rental, being a dwelling or portion thereof available for accommodations/lodging for compensation provided for a period of less than thirty days. He indicated that the proposed ordinance defines three types of short-term rentals, which include hosted, unhosted and dedicated vacation rental. These proposed regulations disallow unhosted and dedicated vacation rentals. He outlined the parking requirements in the proposed regulations.

Mr. Smallwood and the commissioners discussed the parking requirements. The commissioners wanted to understand how the required number of parking spaces is determined. Mr. Smallwood said that owners are only allowed to rent to one party, but the number of spaces is determined by the number of bedrooms.

Chair Patterson asked if staff has looked at other cities short-term rental requirements. Mr. Smallwood said that many cities don't regulate them. The premise is that since there's no ordinance, there's no enforcement. He said that he modeled the ordinance after best practices and finding what staff could do of other cities.

Some commissioners felt that the proposed ordinance was too restrictive for residents and onerous for staff to enforce. Mr. Smallwood said this is a baseline starting point. The City Council will have staff provide a status report in one year. Changes may be made at that time.

Commissioner Hristou asked who will be enforcing the new regulations. Mr. Smallwood said the responsibility falls on the Community and Economic Development Department. He said they've already purchased tracking software and anticipate the need for budget opening to pay for additional staff.

Chair Patterson asked how many short-term rentals have staff identified. Mr. Smallwood said about 150 were in operation as of September 2024. He said this information was provided in a demo of the newly purchased software. He pointed out that there are about 150 in existence and will be grandfathered in and will not have to comply with the new regulations, this is the determination from legal counsel.

Commissioner Milkavich pointed out that there are two sides to the argument of short-term rentals. There are pros and cons. She wanted to make sure they are addressing the negative aspects, especially for neighborhoods. Chair Patterson said she feels they certainly should be regulated to mitigate the negative aspects, but she does feel the currently proposed regulations are too punitive. Although she agrees there should be regulation, she doesn't feel there needs to be an ordinance right now. Mr. Smallwood said that the city needs to start somewhere and improve upon the initial regulations.

The commissioners and Mr. Smallwood discussed the approach of making the code stricter to start with. Some commissioners felt it shouldn't be as strict at first. They felt it should only get stricter over time, as

needed. Mr. Hacker pointed out that if they start out with loose regulations, it's too difficult to reign it in. Mr. Smallwood said that it's also the way the City Council wants to start.

Mr. Smallwood discussed the aspect of code enforcement of short-term rentals. He mentioned the penalties of operating without a permit, which could lead to a class C misdemeanor.

The commissioners and Mr. Smallwood discussed how the fine structure would work and if the fines would begin when the business activity began or when the activity was discovered. Mr. Richardson clarified that the fines could start from the date that prosecutor could prove the start of the short-term rentals.

Mr. Smallwood briefly described the process for operating a short-term rental. The process will involve staff-level approval, where the applicant will need to submit a site plan, floor plan, parking plan, proof of owner occupancy, proof of non-conflict with HOA's and a business license. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

Chair Patterson opened the agenda item for public comment. Seeing none, the public comment period was closed.

Commissioner Pehrson expressed that the proposed code is overly complicated and that applicants should not have to submit so much documentation as part of the application process. He said it adds an unnecessary burden on the applicant and on the city to manage and enforce that process.

Commissioner Henrie said he doesn't see why an unhosted sharing is an issue. He also agrees that it will be overregulated and restrictive. He feels the code should start out being less strict and then only become stricter as needed. Mr. Smallwood said the issue is that, when a stricter code is imposed, everything prior to that is grandfathered in and allowed to continue. Commissioner Henrie said that he feels that's an acceptable way to handle it and argued that residents should be allowed to do what they want with their property, so long as it isn't a nuisance or isn't violating laws. Commissioner Milkavich said that the ordinance is trying to address potential nuisances. They discussed the aspects of the code that address issues with unhosted properties.

Commissioner Hristou asked Mr. Richardson about the challenges that other cities have seen. Mr. Richardson said there's not a large amount of case law or history to draw from, since short term rentals are relatively new. He said the issue revolves around balancing private property rights with public interest.

Commissioner Pehrson said what he feels is too restrictive is that the rental needs to be hosted. He clarified that he doesn't want to make the code weaker, but he doesn't want it to be burdensome on staff to enforce.

Mr. Smallwood said he anticipates that the code will ease up in the future, because it is quite onerous. There are many unknown factors at this point. He doesn't disagree this is a lot for staff to manage but knows it will improve over time. He said he can report back to them in a year to revisit how the process is going. He feels it will be easier to know what to change once they have the year's data to work with. He also pointed out that they need to push forward what's proposed and clean up later, because they are up against a tight deadline.

The commissioners discussed the best way to modify the proposal to meet the deadline. They want to avoid having the City Council deny the proposal.

Commissioner Milkavich said it will be chaotic if they don't have a code in place by January. They must decide what they can live with for now to be able to move forward. They discussed striking "unhosted," but Mr. Smallwood told them that the council feels very strongly about that aspect and will not allow for unhosted rentals.

Commissioner Pehrson suggested removing requirement (9) from the ordinance because it's already required as part of the business licensing process. Commissioner Pehrson also suggested omitting (2)(e). Mr. Smallwood said he would be concerned about the impact of getting rid of it altogether.

Commissioner Hristou said that he agrees they should make the code as simple as possible. He is just concerned with cutting items without fully understanding the downstream affect.

Commissioner Pehrson asked Mr. Smallwood to share with the City Council the conversations the commissioners had regarding the restrictiveness of the proposed code.

Some of the commissioners shared their concerns that it feels like they must forward a recommendation without any amendments because they feel that the City Council does not want to take those amendments into consideration. They just feel obligated to forward the recommendation as a form of going through the motions.

Commissioner Henrie made a motion to strike the sentence "allowing short-term rentals is intended to provide economic relief to existing property owners who might otherwise be forced to leave a neighborhood, thus promoting preserving stable and affordable housing in the city." He feels that it's irrelevant.

The motion failed for a second.

Commissioner Hristou made a motion to recommend approval to the city council for the request to amend the Murray City Land Use ordinance, amending sections 17.76.020 & 17.84.060 and enacting 17.76.190 regarding residential short-term rentals, as presented in the staff report.

Seconded by Commissioner Milkavich. Roll call vote:

<u>N</u>	Patterson
<u>N</u>	Hacker
<u>A</u>	Milkavich
<u>A</u>	Pehrson
<u>A</u>	Richards
<u>N</u>	Henrie
<u>A</u>	Hristou

Motion passes: 4-3



AGENDA ITEM # 10 Residential Short Term Rentals

ITEM TYPE:	Text Amendment		
ADDRESS:	City Wide	MEETING DATE:	October 17, 2024
APPLICANT:	Planning Division Staff	STAFF:	Zachary Smallwood, Planning Division Manager
PARCEL ID:	Not Applicable	PROJECT NUMBER:	24-100
PROPOSED AMENDMENT	Amending Sections 17.76.020 & 17.84.060 & Enacting 17.76.190		
REQUEST:	The Murray City Planning Division proposes amending Sections 17.76.020 & 17.84.060 related to Permitted and Conditional Uses and the creation of Section 17.76.190, Residential Short Term Rentals, in the Murray City Land Use Ordinance.		

I. BACKGROUND & STAFF REVIEW

Background

Murray City Planning Division staff previously worked on a Residential Short Term Rental Ordinance in 2021 which was reviewed by the Planning Commission and tabled by the City Council. Since then, business licensing has received a number of requests to apply for a short term residential business license.

One applicant challenged the City's provisions of permitted and conditional uses resulting in the city granting the request for a business license for a short-term rental. The City Attorney presented a Temporary Land Use Regulation (aka moratorium) on all short-term rentals in the City to the City Council in July of 2024. The City Attorney's Office and Planning Staff have been working on drafting new language with the City Council to adequately regulate STRs in the City.

The following subsections review aspects of the code that are being proposed. A full draft of the ordinance is also provided as an attachment to this report for the Planning Commission to review.

Proposed Code

The Murray City Planning Division began with the previously presented STR code that was presented in 2021. Crafting changes based on feedback from the City Council staff believes that the proposed code will successfully implement a framework to appropriately allow and regulate short-term rentals (STRs) in the city.

Definitions:

It is necessary to define the three main types of short-term rentals.

1. Hosted Sharing: means renting out a portion of the dwelling out while the homeowner resides on property at the same time.
2. Unhosted Sharing: means renting out a portion or the entire dwelling while the homeowner is NOT residing on property, but still uses the property as their primary residence.
3. Dedicated Vacation Rental: means that the homeowner does not reside on the property and rents out the dwelling.

During research it was clear that Murray's citizens wanted to make sure that any short-term rental had accountability by the property owner. To respond to that concern, Planning Division Staff recommends that unhosted sharing and dedicated vacation rentals as defined above be prohibited within the city.

Where Allowed:

Planning Division staff recommends that short-term rentals be allowed in single-family residential districts. These are listed in the proposed ordinance and listed below. This allows citizens additional opportunity to more fully enjoy the use of their property. Murray City staff would review a land use permit (see the "permitting" section that follows) in order to verify whether an applicant would be able to meet all the requirements allowing STRs.

Recommended Zoning Districts	
R-1-6, Single Family	R-1-8, Single Family
R-1-10, Single Family	R-1-12, Single Family
R-N-B, Residential Neighborhood Business	

Permitting:

Proposed Section 17.76.190(E) states that "E. Standards and Requirements. A residential short-term rental may be allowed within any existing legal conforming residential dwelling by obtaining an STR land use permit from the Community and Economic Development Department, wherein the applicant demonstrates compliance with requirements found in Title 17 and all of the following standards and requirements..." Planning Division staff

recommends that the STR Land Use Permit be an administrative permit, approved at the staff level. This would allow residents to apply and be approved relatively quickly if requirements can be met as opposed to going through a Conditional Use Permit process with the associated delays of required noticing and a public meetings.

Standards and Requirements:

Any request to operate an STR will require an application on a form that is provided by the city. The application will cover what is needed in order to get approved for an STR permit. Requirements will include a site plan showing the layout of the property including setbacks and entrances to the dwelling and/or STR. The site plan is also where the proposed parking will be shown.

Parking will be required at one-half (1/2) space per bedroom that will be used as a short-term rental and in no case shall this be less than one (1) additional space. This is in addition to the two (2) spaces that are required for most dwellings. As an example, a property owner that intends to use one (1) bedroom out of a total four (4) bedrooms in their home for an STR would be required to demonstrate the availability of at least three (3) off-street parking spaces.

Floorplans will be required for to show the areas to be used as an STR. Only one designated area for STRs will be allowed. This language means that a property owner could not rent out multiple bedrooms to multiple groups. Planning Division staff finds this to be the most reasonable and fair approach; a property owner is allowed an STR, but the residential character of the area is less impacted with only one group in a dwelling at any time, and the use of the STR will have less of an impact to neighboring property owners.

The property owner will be required to provide proof of occupancy of the proposed STR. They must be a fee title owner, or part of a family trust that owns a minimum of fifty percent of the dwelling. Additionally, the property will need to document that the property is their primary residence by providing a government issued ID and by signing an affidavit affirming that they reside on the property a minimum of 183 days per calendar year.

If the property owner is part of an HOA, they will need to sign an affidavit that certifies that the property owner will not be violating any CC&Rs prohibiting short-term rentals. As part of the application process the applicant will need to provide contact information for someone that will be available 24/7/365 in case of any potential violations.

All STRs are required to follow city ordinances relating to property maintenance, noise, and nuisances. If the guests do not follow these rules the property owner may be subject to a violation and/or the guest may be evicted.

Violations and Penalties:

It is vital that there be consequences for not following the ordinance regarding short-term rentals. Planning Division staff worked with the City Attorney's office to craft a violations and penalty section that is firm and effective, yet fair.

A property owner found operating a short term rental without approval by the city or is in violation of the standards in their permit, the city may issue a citation for a class C misdemeanor and impose penalties. The property owner would need to cease all operations of the short-term rental and if able go through the permitting process to allow a short-term rental or come back into compliance. If the property owner does not cease operations or continues out of compliance, every additional day in operation would constitute a separate violation.

Within these sections is a process for revocation. Anyone operating an STR that receives a complaint will be required to remedy the complaint if after three complaints then a show-cause hearing will be scheduled. The CED Director may revoke an STR permit after this hearing. This will result in a revocation for one (1) year. If an operator has had their permit revoked twice in a five year period the revocation shall be for five years from the second offense.

Additional Land Use Code Cleanup

As part of this text amendment, staff has included changes to Sections 17.76.020 and 17.84.060 regarding Permitted and Conditional Uses to clarify that indeed, when a use is not listed as permitted or conditional it is prohibited in the City. This does allow for some flexibility in that if there is a use that is similar to another it may be considered on its own merits and has been in place for a number of years.

Summary

The proposed code is intended to help people in two distinct ways. The first by allowing for homeowners to supplement their income by providing an opportunity for them to rent out a portion of the dwelling in which they reside. Allowing short-term rentals has the potential to provide economic relief for a homeowner who may not be able to afford their home otherwise, thus stabilizing the neighborhood from turnover of new residents. Requiring that the property owner reside on the property alleviates one of the main concerns of STRs: that the property will become a party house, or that the property will fall into disrepair by absentee landlords.

The second, which is more complex is to allow these short term rentals with as little impact to the neighborhood as possible. The nature of short-term rentals will create small impacts to the immediate neighbors and the Planning Division has worked diligently to make sure that the requirements to obtain a permit and the penalties for not having or violating the conditions of a permit will reduce those impacts. Planning Division staff believes this proposal will provide the greatest good, for the greatest number of the residents of Murray City.

II. CITY DEPARTMENT REVIEW

The proposed ordinance was made available for review by City Staff from various departments on October 1, 2024. Reviewing departments did not provide any comments.

III. PUBLIC COMMENTS

Notice of the public hearing for the requested text amendment was sent to affected entities and posted on the State's public notice website. No comments have been received as of the writing of the Staff Report.

IV. FINDINGS

1. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element of the 2017 Murray City General Plan to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community". Hosts of short-term rentals are often encouraged to market their property, by reinvesting in their homes they help the imageability of the neighborhood.
2. The proposed changes support objective 3 of the Neighborhoods & Housing Element of the 2017 Murray City General Plan to "encourage housing options for a variety of age, family size and financial levels". The proposed changes allow residents that own a home and that may be struggling to pay their mortgage an opportunity to rent out a portion or all of their home for less than thirty days.
3. Objective 1 of the Moderate Income Housing Element advises the city to "ensure housing affordability targets are achievable using a range of strategies". Staff finds that the proposed code furthers this objective by making it easier for a homeowner to stay in their home by renting out a portion of their dwelling.

V. STAFF RECOMMENDATION

Based on the background, staff review, and the findings in this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the request to amend the Murray City Land Use Ordinance amending Sections 17.76.020 and 17.84.060 and enacting Section 17.76.190, Residential Short Term Rentals, as presented in the Staff Report.**



****UPDATED****

NOTICE OF PUBLIC HEARING

October 17th, 2024, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 10 East 4800 South, Murray, UT to receive public comment on the following application:

Amendments to Chapter 17.76 Supplemental Development Standards. This is a request by Murray City Planning Staff to create section 17.76.190 related to Residential Short-Term Rentals. The Planning Commission will review recommended language to regulate hosted short-term rentals and disallowing unhosted or vacation rentals.

Additional amendments to Sections 17.76 & 17.84 to clarify when a use is not listed as permitted or conditional it is not allowed.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

If you have questions or comments concerning any of these items, please contact the Murray City Planning Division at 801-270-2430, or e-mail planning@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

17.76.190: RESIDENTIAL SHORT-TERM RENTALS (STR):

A. Purpose. This section is established to provide regulations for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of residents and preserving the residential character of neighborhoods. Allowing STRs, is intended to provide economic relief to existing property owners who might otherwise be forced to leave a neighborhood, thus promoting, and preserving stable and affordable housing in the city. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the City.

B. Definitions. The following words and phrases when used in this section 17.76.190 shall be construed as defined in this subsection B:

1. DEDICATED VACATION RENTAL: Renting an entire dwelling as a short term rental where there are no owner occupants.
2. HOST: Any natural person who is an owner of the dwelling unit and uses the dwelling unit as their primary residence and offers a dwelling unit for use as a short term rental.
3. HOSTED SHARING: Renting for a period of less than 30 consecutive days, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay.
4. LIVES ON-SITE: Maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which they are an owner of the dwelling unit and uses that dwelling unit as their primary residence.
5. OWNER. Any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.
6. PRIMARY RESIDENCE. The usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, Utah state identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.
7. RENTER: a single person or group of people who provides compensation, in any form, in exchange for occupancy of a dwelling unit, under one lease or rental agreement.
8. SHORT-TERM RENTAL (STR): Any dwelling unit that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.
9. STR LAND USE PERMIT: An administrative permit issued to the property owner seeking to use their property as an STR after Community and

Economic Development staff have determined that the owner's property qualifies under the requirements of this chapter.

10. UNHOSTED SHARING: Renting an entire dwelling unit where the owner occupants of a residence vacate the unit while it is rented to short-term guests.

C. Dedicated Vacation Rentals and Unhosted Sharing Arrangements Prohibited.

1. All dedicated vacation rentals and unhosted sharing arrangements are prohibited within the jurisdiction of the City.
2. Short term rentals which existed prior to the January 1, 2025 must register with the city and obtain a business license.
3. Registration of Dedicated Vacation Rentals and Unhosted Sharing Arrangements.
 - a. The Community and Economic Development Director, or designee, shall establish a process for registration and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.
 - b. The director shall verify the qualification of a dedicated vacation rental or unhosted sharing arrangement for registration.
 - c. An adversely affected party may appeal the director's registration or denial as provided in chapter 17.16.
 - d. Failure to register is a violation of this section and subject to chapter 17.172.190(G).

D. Applicability.

1. A hosted residential short-term rental is allowed in the R-1-6, R-1-8, R-1-10, R-1-12, and in the R-N-B zoning district after obtaining both a residential short-term rental land use permit and a business license. A residential short-term rental is prohibited in all other zoning districts.
2. The following are exempt and shall not be subject to the provisions of this section:
 - a. A residential lease of thirty (30) or more consecutive days.
 - b. RV parks, bed and breakfasts (inns and homestays), campgrounds, hotels, and motels, as described and regulated in Title 17.

E. Standards and Requirements. A residential short-term rental may be allowed within any existing legal conforming residential dwelling by obtaining an STR land use permit from the Community and Economic Development Department, wherein the applicant demonstrates compliance with requirements found in Title 17 and all of the following standards and requirements:

1. Application: A completed application form, provided by the City, and payment of all fees.
2. Property Information:
 - a. A detailed written description of the proposed use.
 - b. A basic site plan of the property including locations of accessory structures, setbacks, parking, and entrances to the dwelling and STR
 - c. A floorplan drawing of the dwelling that identifies the portions of the dwelling to be used for the STR.

- d. Only one designated STR or STR area is allowed per dwelling.
 - e. No person or persons may be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle or other structure.
- 3. Parking Plan: A detailed drawing of an off-street parking plan must be provided to ensure that all occupants of the primary dwelling and STR can be accommodated on-site at all times.
 - a. Parking may not include any on-street parking, and shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit.
 - b. Any proposed parking improvements shall also be included in the off-street parking plan and must be completed prior to issuance of a business license.
 - c. All elements of the parking plan must comply with all other requirements of this section.
 - d. The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half (1/2) space per bedroom or sleeping area and in no case shall the parking be less than one (1) space.
- 4. Owner Occupancy: The owner shall reside in the dwelling in which an STR is desired and the dwelling must be the owner's primary residence. Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership and use of the home as their primary residence for no less than twelve (12) consecutive months.
 - a. The owner shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner.
 - i. Fee title owner may be an individual or trustor of a family trust that possesses fifty percent (50%) or more ownership of the proposed STR.
 - ii. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.
 - b. To establish that the property is the owner's primary residence, the owner shall:
 - i. Present a government issued identification document listing the address of the property as the address of the owner; and
 - ii. A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner.
- 5. Occupancy During Rental Period: The owner shall comply with the following occupancy restrictions:
 - a. The property shall not be rented to more than one party at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple parties at the same time.

- b. Hosted sharing is allowed 365 days a year.
 - c. The property shall only be rented for a minimum duration of one day and a maximum of thirty (30) days.
- 6. No Conflict with Private Restrictions: The property owner shall sign an affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.
- 7. Urgent Response: The owner, shall be available to immediately respond twenty-four (24) hours a day, three hundred sixty-five (365) days a year in person and by telephone.
 - a. The owner shall be able to physically respond within one hour of an inquiry or request by the City.
 - b. If the owner is unreachable after three (3) attempted contacts by Murray City within one hour, a citation may be issued.
 - c. If the owner is not able to respond within an hour a citation may be issued.
- 8. Property Maintenance Requirements. All STRs shall adhere to all City ordinances relating to the maintenance and management of property.
- 9. Inspections. Prior to the initial letting of a short-term rental and prior to the permit renewal, the owner shall arrange for an inspection annually by the City to confirm that occupancy standards and requirements herein are satisfied. All short-term rental units shall be subject to inspection and approval by the City to verify registration, application, permit, operating and/or occupancy standards and requirements or if there is reason to believe that any provision of this chapter is being violated.
- 10. Noise and Nuisance Control: The owner shall ensure that the guests adhere to the noise control in section 8.16 of the Murray City Code, as amended.
 - a. Guests and/or their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
 - b. Guests shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
 - c. Guests or persons shall not disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting;
 - d. Guests and/or their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
 - e. Guests shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol.
- 11. Owner must be and remain current in payment to the State for transient room taxes, or sales taxes related to the STR.
- 12. Duration of Permit and Renewal.

- a. A land use permit issued under this section shall remain in effect for a period of one (1) year from the date it was issued.
- b. The owner may request the renewal of the permit upon applying for such renewal to the Community and Economic Development Department and the payment of the renewal fee.
- c. The Community and Economic Development Department Director, or designee shall have the authority to impose additional reasonable conditions on any renewal in the event of any prior violation of the conditions of the license or the provisions of this chapter to address any such past violations.

F. Conditions for Denial of Permit.

- 1. The applicant failed to conform to permit conditions of the previous year.
- 2. Renters at the property were issued more than two noise ordinance violations during the previous permit period
- 3. Any other reasonable and rational factors or combination of factors (e.g. small lot, inadequate street parking, etc) that would cause a clearly detrimental impact on the neighborhood.
- 4. If an application is denied, the applicant may correct any deficient conditions and reapply. Whenever an application or a renewal application is denied, the Community and Economic Development Department will provide the applicant with a written list of deficient conditions, including a list of sustained unresolved legitimate complaints in the case of a denied renewal application.
- 5. If the property has any existing violations of a City ordinance or State law no permit shall be issued until such violations are corrected.

G. Violations and Penalties.

- 1. Failure to comply with this section, 17.76.190 shall constitute a violation for which the City may issue a citation for a class C misdemeanor and impose penalties. Each day that a violation occurs or continues is a separate violation.
- 2. Operation of a property in the city for short-term rental purposes without an STR Land Use Permit or a business license shall be a violation of this code for which the City may issue a citation.
- 3. It shall be a violation for any person to operate an STR in violation of any federal, state or local law, rule or regulation.
- 4. A STR permit that has been granted may be suspended or revoked for failure to maintain compliance with the standards and requirements of paragraph E, for any violation of the provisions of this section, title 17, or for any of the reasons as contained in section 5.04.070.
- 5. Any appeal of a decision to deny, suspend or revoke a STR permit shall be heard in accordance with those procedures established by chapter 17.16.
- 6. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

- H. Suspension or Revocation. The City may issue a notice suspending or revoking a permit granted under this section if the owner of the permit or renter has:
1. Violated or is not in compliance with this section 17.96.190;
 2. Committed an assault, any act of domestic violence, a drug offense or any felony on the short-term rental premise;
 3. Refused to allow any inspection of the premises of the STR authorized by Title 5 or by any other statute or ordinance;
 4. Given materially false or misleading information in obtaining the permit;
 5. Knowingly operated the STR during the period when the permittee's permit was suspended or revoked;
 6. Become delinquent in payment to the State for transient room taxes, or sales taxes related to the STR.
 7. Suspension or revocation shall take effect within ten (10) days of the issuance of notice unless an appeal is filed as provided by this title.
 8. The fact that a conviction is being appealed shall have no effect on the revocation of the permit or license.
- I. Revocation Process:
1. Upon receiving a first complaint from any person alleging any violation of this section, the City shall call or email, and send a letter or notification to the property owner explaining the nature of the complaint and requiring immediate correction.
 2. A second complaint will result in the City sending second letter or notification to the property owner explaining the complaint and warning that the STR permit may be in jeopardy of being revoked.
 3. A third complaint will result in written notification from the City to the property owner requiring their attendance at a meeting with a member of the CED staff to show cause why the STR permit should not be revoked. The show-cause hearing shall be held even if the owner fails to appear.
 4. Following a show-cause hearing and short of revoking the STR permit, the CED Director may add any conditions or make any other adjustments to the permit deemed reasonably necessary.
 5. Following a show-cause hearing, the CED Director, or designee may revoke an STR permit issued under this section if it finds that:
 - a. The permittee failed to comply repeatedly with any condition set forth in this chapter or the STR permit;
 - b. The permittee engaged in a pattern of unlawful activity; or
 - c. The permittee violated State law or local ordinances.
 6. In cases of severe initial misconduct affecting the health or safety of any individual or the community, the first complaint may be treated as a third complaint.
- J. Effect of Revocation. When any permit issued pursuant to this section is revoked, the revocation shall continue for one (1) year from the date of revocation. The permittee shall not be issued an STR permit for one (1) year from the date of such revocation. In the event that a permit is revoked a second time within five (5) years, the permittee shall not be issued an STR permit for five (5) years from the date of the second revocation.

- K. Injunction, An entity or individual who operates or causes to be operated a short-term rental without a valid permit or business license or who operates or causes to operate an STR in violation of the provisions of this section 17.76.190 is subject to a suit for injunction in addition to the civil and criminal violations provided in this title 17, title 5, and any other remedy available at law or in equity.
- L. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the Justice Court.

DRAFT

17.76.020: ESTABLISHMENT OF USES NOT SPECIFIED:

When a use is not specifically contained in the list of "permitted" or "conditional" uses, but is of the same character and intensity as such "permitted" or "conditional" uses so listed, the community development director may allow the establishment of that use subject to determination of the following criteria:

- A. The establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
- B. The use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
- C. The use will not be detrimental to the public health, safety, or welfare.
- D. The use shall not adversely affect the character of that district in which it is proposed to be established.
- E. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as uses in that district.
- F. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that district. (Ord. 07-30 § 2)

17.84.060: USES NOT DESIGNATED:

Any use not designated shall be considered in accordance with section 17.76.020 of this title. (Ord. 07-30 § 2)

17.76.020: ESTABLISHMENT OF USES NOT SPECIFIED:

When a use is not specifically contained in the list of "permitted" or "conditional" uses, the use is determined to be prohibited. If a use~~but~~ is of the same character and intensity as such "permitted" or "conditional" uses so listed, the community development director may allow the establishment of that use subject to determination of the following criteria:

- A. The establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
- B. The use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
- C. The use will not be detrimental to the public health, safety, or welfare.
- D. The use shall not adversely affect the character of that district in which it is proposed to be established.
- E. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as uses in that district.
- F. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that district. (Ord. 07-30 § 2)

17.84.060: USES NOT DESIGNATED:

A. Uses that are not listed in a zoning districts list of permitted or conditional uses is determined to prohibited.

~~A.B.A~~ Any use that is similar to another use but is not specifically designated shall be considered in accordance with section 17.76.020 of this title. (Ord. 07-30 § 2)

17.76.020: ESTABLISHMENT OF USES NOT SPECIFIED:

When a use is not specifically contained in the list of "permitted" or "conditional" uses, the use is determined to be prohibited. If a use is of the same character and intensity as such "permitted" or "conditional" uses so listed, the community development director may allow the establishment of that use subject to determination of the following criteria:

- A. The establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
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- F. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that district. (Ord. 07-30 § 2)

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- A. Uses that are not listed in a zoning districts list of permitted or conditional uses is determined to prohibited.
- B. A use that is similar to another use but is not specifically designated shall be considered in accordance with section 17.76.020 of this title. (Ord. 07-30 § 2)

MURRAY CITY COUNCIL



Short Term Rentals

Land Use Text Amendment



Why Are We Here?

The City Council instituted a temporary land use regulation (moratorium) on short-term rentals because of a loophole found in the Land Use Ordinance.

The City Council held a workshop on 8/26 to work on a policy direction.

The draft ordinance was presented to the Council on 9/17/2024.

The moratorium expires in January of 2025.

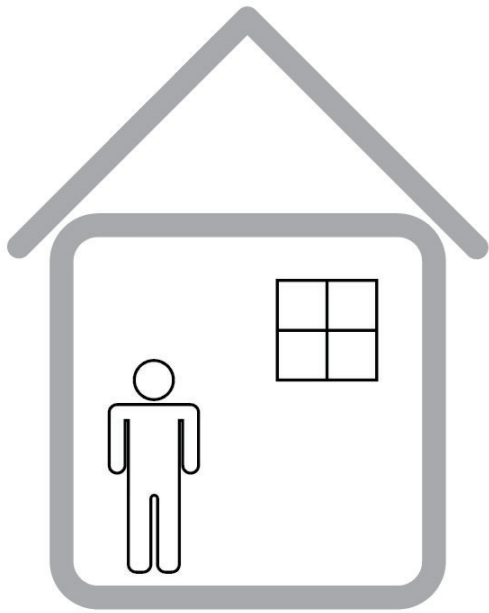


Recap: Short Term Rentals

What is a Short-Term Rental?

Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

3 types of short-term rentals



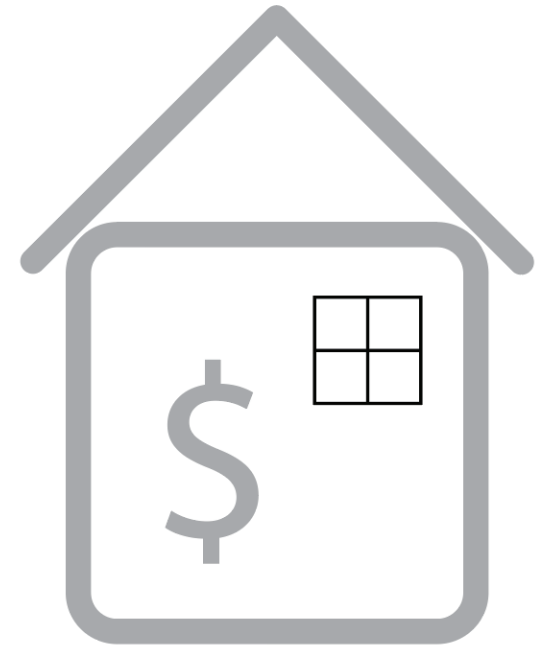
Hosted Sharing

Means the owner is present during a guests stay



Unhosted Sharing

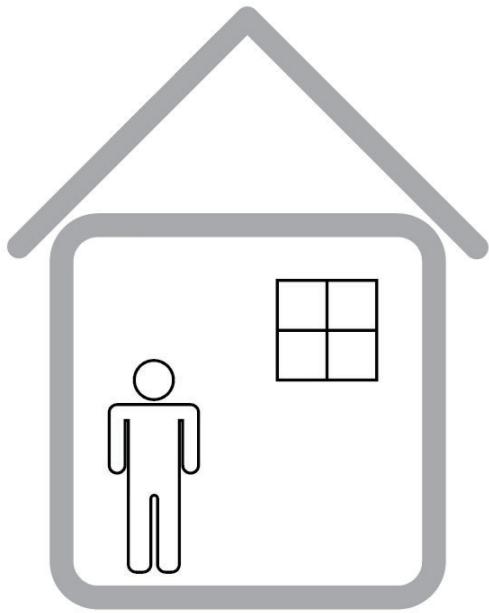
Means the owner leaves the home during a guests stay



Dedicated Vacation Rental

Means the owner does not live on property

3 types of short-term rentals



Hosted Sharing

Means the owner is present during a guests stay



Unhosted Sharing

Means the owner leaves the home during a guests stay

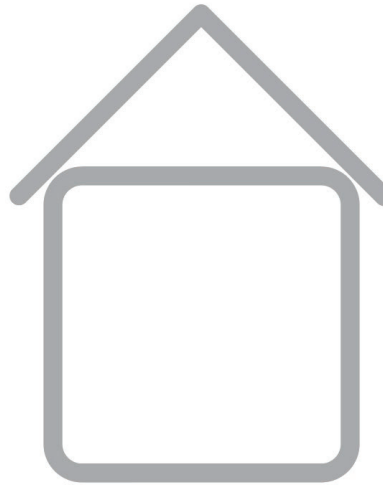


Dedicated Vacation Rental

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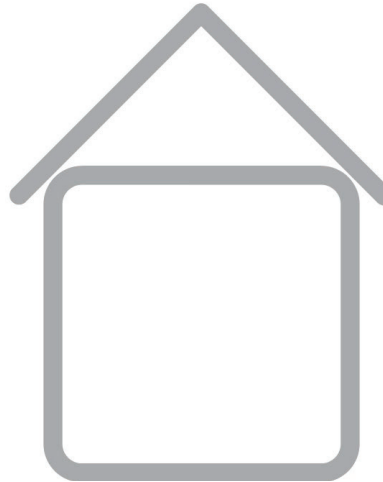
Parking Requirements

In addition to the two (2) off-street spaces required by zoning ordinance, an additional ½ space per bedroom or sleeping area would be required with a minimum of one (1) extra space.



2-bedroom hosted sharing unit. (renting 1 room)

Code	Spaces Req'd
17.72.070	2
Proposed STR	1 (.5 but minimum applies)
Total	3



4-bedroom unhosted sharing unit. (renting 4 rooms)

Code	Spaces Req'd
17.72.070	2
Proposed STR	2
Total	4

Enforcement

Each day of operations constitutes a separate offense

1. Class C misdemeanor

1. Fines between \$110 - \$1,000

2. Potential revocation of Land Use Permit.

1. First revocation prohibits STRs for one year.

2. Second violation within 5 year period results in prohibiting the operation of an STR for 5 years as of the date of the second violation.

Process To Operate An STR

1. Staff Level Approval
2. Application
 1. Site Plan
 2. Floorplan
3. Parking Plan
4. Proof of Owner Occupancy
5. Proof of non-conflict with HOAs
6. Business License



Findings

1. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element of the 2017 Murray City General Plan to “stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community”. Hosts of short-term rentals are often encouraged to market their property, by reinvesting in their homes they help the imageability of the neighborhood.
2. The proposed changes support objective 3 of the Neighborhoods & Housing Element of the 2017 Murray City General Plan to “encourage housing options for a variety of age, family size and financial levels”. The proposed changes allow residents that own a home and that may be struggling to pay their mortgage an opportunity to rent out a portion or all of their home for less than thirty days.
3. Objective 1 of the Moderate Income Housing Element advises the city to “ensure housing affordability targets are achievable using a range of strategies”. Staff finds that the proposed code furthers this objective by making it easier for a homeowner to stay in their home by renting out a portion of their dwelling.
4. The Planning Commission held a public hearing on October 17, 2024 and voted 4-3 to forward a positive recommendation.



Staff Recommendation

Staff and the Planning Commission recommend the City Council **APPROVE** the request to amend the Murray City Land Use Ordinance amending Sections 17.76.020 and 17.84.060 and enacting Section 17.76.190, Residential Short Term Rentals, as presented in the Staff Report.



THANK YOU!





MURRAY
CITY COUNCIL

Adjournment