

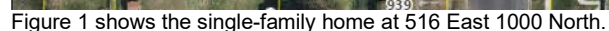


<i>Project Name:</i>	Howland Short Term Rental
<i>Proponent/Owner:</i>	Mark and Katie Howland
<i>Project Address:</i>	516 East 1000 North
<i>Request:</i>	Conditional Use Permit
<i>Current Zoning:</i>	Traditional Neighborhood Residential (NR-6)
<i>Date of Hearing:</i>	September 22, 2022
<i>Type of Action:</i>	Quasi-Judicial
<i>Submitted By:</i>	Tanya Rice, Planner II

Staff recommends that the Planning Commission **Conditionally Approve** a Conditional Use Permit for Project #22-053 Howland Short Term Rental, for the property located at 516 East 1000 North, TIN #05-030-0015.

<i>North:</i>	(NR-6) Residential Uses	<i>East:</i>	(NR-6) Residential Uses
<i>South:</i>	(NR-6) Residential Uses	<i>West:</i>	(NR-6) Residential Uses

The applicant is requesting a Conditional Use Permit (CUP) for a new short-term rental (STR) in the basement of their single-family home located at 516 East 1000 North. The proposed STR has its own separate entrance, kitchen, living area, bathroom, and two bedrooms. The submitted site plan shows four (4) off-street parking stalls in the driveway and garage of the home. The NR-6 zoned parcel is approximately 0.16 acres in size and located in the Adams Neighborhood.



### **Short Term Rentals**

The purpose of the Section 17.37.130 is to regulate short term rentals to ensure compatibility within residential neighborhoods and that they won't unreasonably reduce long-term housing opportunities. The general requirements are:

- Occupied less than 30 continuous days.
- Business license required.
- CUP required.
- Meet minimum neighborhood density by being located at least 500' from another STR.
- The number of STR's citywide is limited to 3 STR's per every 1,000 of total population.

The specific operational standards for STR's are as follows:

- Maximum occupancy is two (occupants) per bedroom plus two additional occupants.
- Parking shall be located on-site at one space per bedroom with a minimum of two parking spaces per STR required.
- Parking shall be located outside of the front 25' setback and on a paved 9'x18' surface.
- Current residential appearance or character cannot change because of the STR.
- No more than one STR per residential structure (multi-family structures).
- STR's are subject to City's nuisance ordinances. Repeated failure to comply will result in loss of CUP and Business License.
- STR's shall comply with all current applicable building, fire, health, safety, maintenance codes.
- Signage is limited to two square feet and only located on the building wall.



Figure 2 shows the front of the single-family home. The entrance to the STR can be seen on the right (west side) of the home.

### **Conditional Use Permit**

The CUP process provides a system for discretionary consideration for applications that are not typically associated with the zoning district or considered conditional. CUP approvals should preserve and enhance neighborhood character and provide conditions to mitigate any potential impacts. Land Development Code (LDC) §17.37.130 requires a CUP for STRs in all residential zones. Section 17.42.050 in the LDC governs the approval criteria for Conditional Uses.

#### **§17.42.050 Planning Commission Action**

*The Commission may approve or conditionally approve a conditional use permit only upon substantiating the following findings:*



- A. *The maximum established density has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.*
- B. *The proposed use conforms to the requirements of Title 17 of the Logan Municipal Code and is listed as a conditional use in the Use Table.*
- C. *The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.*
- D. *The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.*
- E. *The proposed use is compatible with neighborhood uses and character while preserving and enhancing the character of the neighborhood.*
- F. *Access to adjoining streets is designed to be constructed in conformance with City standards and specifications. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.*
- G. *The proposed use provides adequate off-street parking in conformance with this Title.*
- H. *The project provides open space and landscaping in conformance with this Title.*

When approving a CUP, the Planning Commission must substantiate the above lists of criteria for the specific application. CUP approvals include substantiating the “preservation and enhancement of neighborhood character” and “compatibility and interference with use and enjoyment of neighboring properties”. These discretionary issues need to be reviewed to ensure a proposed STR is compatible within the neighborhood.



Figure 3 shows the site plan

### ***Neighborhood Compatibility***

The proposed location of Howard short term rental is central in the Adams Neighborhood. All adjacent properties are zoned NR-6. The residential structures in the area are a mix of single-family homes and grandfathered multifamily structures. The proposal does not alter the exterior of the home. The four (4) off-street parking stalls required for this STR are in the garage, driveway and along the east side of the house which is not out of character in this area.

### ***Parking***

The LDC requires all parking for the STR to be located off-street and on the same property as the STR. The location of all parking areas shall comply with the parking and setback requirements of the LDC, and the parking areas used for the STR cannot be used by the single-family residence. No parking stall can be located within the 25' front setback (20' on the secondary frontage of a corner lot). Parking stalls are required to be paved with either concrete, asphalt, or similar approved hardened surfaces. Parking spaces shall be provided at one (1) space per bedroom with a minimum of two (2) parking stalls for the STR. Each parking stall shall be at least 9'x18' as per LDC §17.31.090 E. Minimum driveway width accessing parking stalls is set at 12 feet as per LDC 17.29.060.

A minimum of two (2) parking stalls are required for the STR and two (2) are required for the residence. The application includes a site plan that shows four (4) parking stalls on the property. One (1) of the stalls is in the garage, two (2) in the driveway outside of the front setback, and one (1) along the east side of the house. The driveway is 20 feet wide by 44 feet long with a portion along the east property line needing to be paved. The driveway is located along 1000 North with all parking stalls being proposed outside of the setback areas (25 feet front and 2 feet side) and sized at 9'x18'. As conditioned, with the completion of driveway pavement, the parking stalls comply with the standards in the LDC.



Figure 4 shows the Parking Plan

### ***Proximity Restrictions***

The LDC requires the proximity of a STR to be located at least 500 feet from another STR as measured along the street frontage between front property corners. The proposed STR is not located within 500 feet of another permitted STR. The citywide allowance of 3 STR's per every



1,000 of total population has not been surpassed. As proposed, this application complies with the minimum proximity regulations in the LDC.

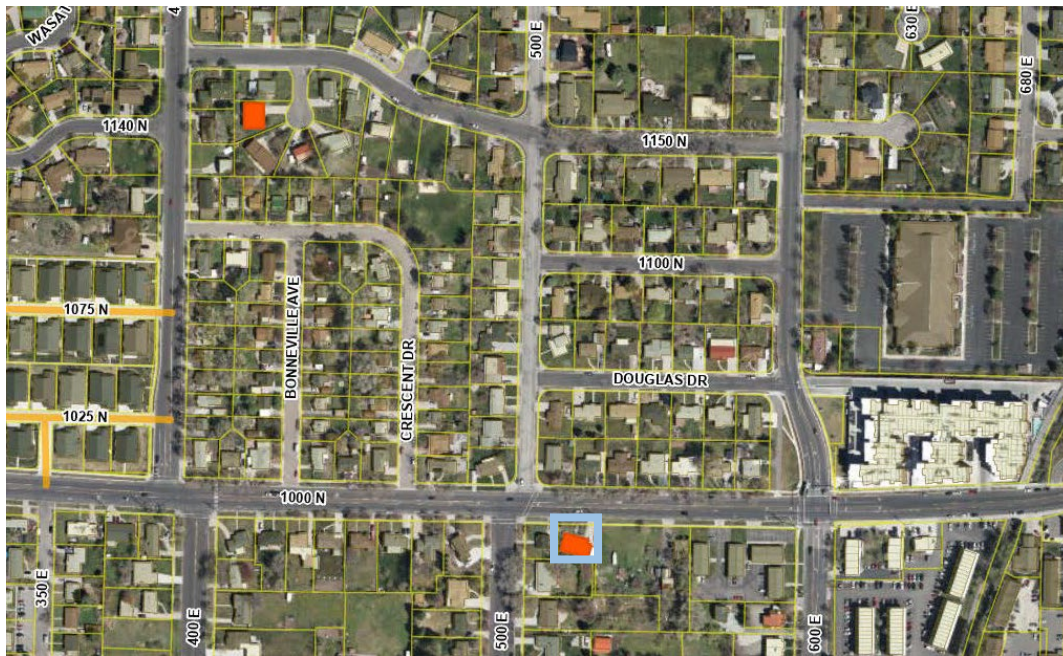


Figure 5 shows the proximity of over 500 feet from another STR

### **Occupancy Limits**

Occupancy limits in residential zones in Logan City is three (3) unrelated individuals or one family per dwelling unit. In STRs, the LDC permits a maximum of two (2) occupants per bedroom plus two (2) additional occupants. An STR may not be rented to the same individual, group or party for more than two consecutive rental contracts in a 6-month period or have multiple rental contracts by separate individuals, groups or parties for the same night or nights.

The proposed STR is for two (2) bedrooms in the home. The total occupancy for the STR at any given time is six (6) individuals.

### **Operational Standards**

In addition to site specific requirements reviewed above, the LDC §17.37.130 and Logan Municipal Code provides general standards to ensure smooth and safe operations of STRs. Some of these include business licensing, building requirements and inspection, mitigation of potential nuisances (regarding noise, garbage, and pets) and neighborhood noticing. Following approval of the CUP, applicants proceed as specified in the City's business licensing process to ensure these requirements are met.

### **SUMMARY**

The proposed STR maintains neighborhood compatibility because of the minimal exterior alterations to the home and it complies with LDC proximity standards. Parking stall counts and sizes are provided outside of setbacks in a functional and visually low-impact manner. As conditioned with full compliance to LDC standards and subsequent licensing and building inspection requirements, the proposed STR meets the requirements of Logan City codes and specifications.

## AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

• Water/Cross Connection	• Business Licensing
--------------------------	----------------------

## PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comments had been received.

## PUBLIC NOTIFICATION

Public notices were mailed to all property owners within 300 feet of the project site on 09/05/22. Legal notices were published in the Herald Journal on 09/10/22 and the Utah Public Meeting website on 09/12/22.

## RECOMMENDED CONDITIONS OF APPROVAL

1. All standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Community Development Department.
2. This Conditional Use Permit authorizes a two (2) bedroom short term rental occupying the basement of the single-family home.
3. This Conditional Use Permit authorizes two (2) people per bedroom with two (2) additional individuals for a maximum of six (6) occupants in the STR.
4. Occupancy for the single-family home portion of the structure shall comply with LDC regulations.
5. A minimum of two (2) parking stalls are required for the STR and two (2) are required for the residence. The four (4) total stalls shall be located off-street, outside the front yard setback, meet minimum LDC dimensions (9x18) per stall and paved with an approved hard surface. Parking shall be reviewed and approved prior to the issuance of a business license.
6. Parking of recreational vehicles, trailers, boats, ATVs or similar vehicles associated with the STR shall be legally parked on-site and are not permitted to be parked on-street.
7. Rental contracts for the STR shall be for 30 days or less.
8. Rental contracts shall not be offered to the same individual, group, or party for more than two consecutive rental contracts in a six (6) month period. The owner shall maintain rental records available for review and inspection by Logan City.
9. Quiet times shall comply with the City noise ordinance of 10 pm to 8am.
10. A Logan City building/fire inspection is required which may result in building remodeling and building permits prior to the issuance of a business license.
11. A Logan City business license is required before a rental contract can be issued.
12. The STR shall comply with local and state Building, Health, Fire, Safety, Maintenance and Nuisance Codes prior to operating.
13. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
14. No signs are approved with this Conditional Use Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
15. No fences are approved with this Conditional Use Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.

## RECOMMENDED FINDINGS FOR APPROVAL

1. The proposed project conforms to the requirements of the Land Development Code and is listed as a conditional use in the Use Table.
2. This STR meets the City's STR density and location parameters as specified in Chapter 17.37.130.
3. As conditioned the use is compatible with the surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

4. The streets providing access and other infrastructure to the subject property have adequate capacities and level of service for the conditional use.
5. The Planning Commission has substantiated the findings for a Conditional Use Permit in Chapter 17.42.050.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

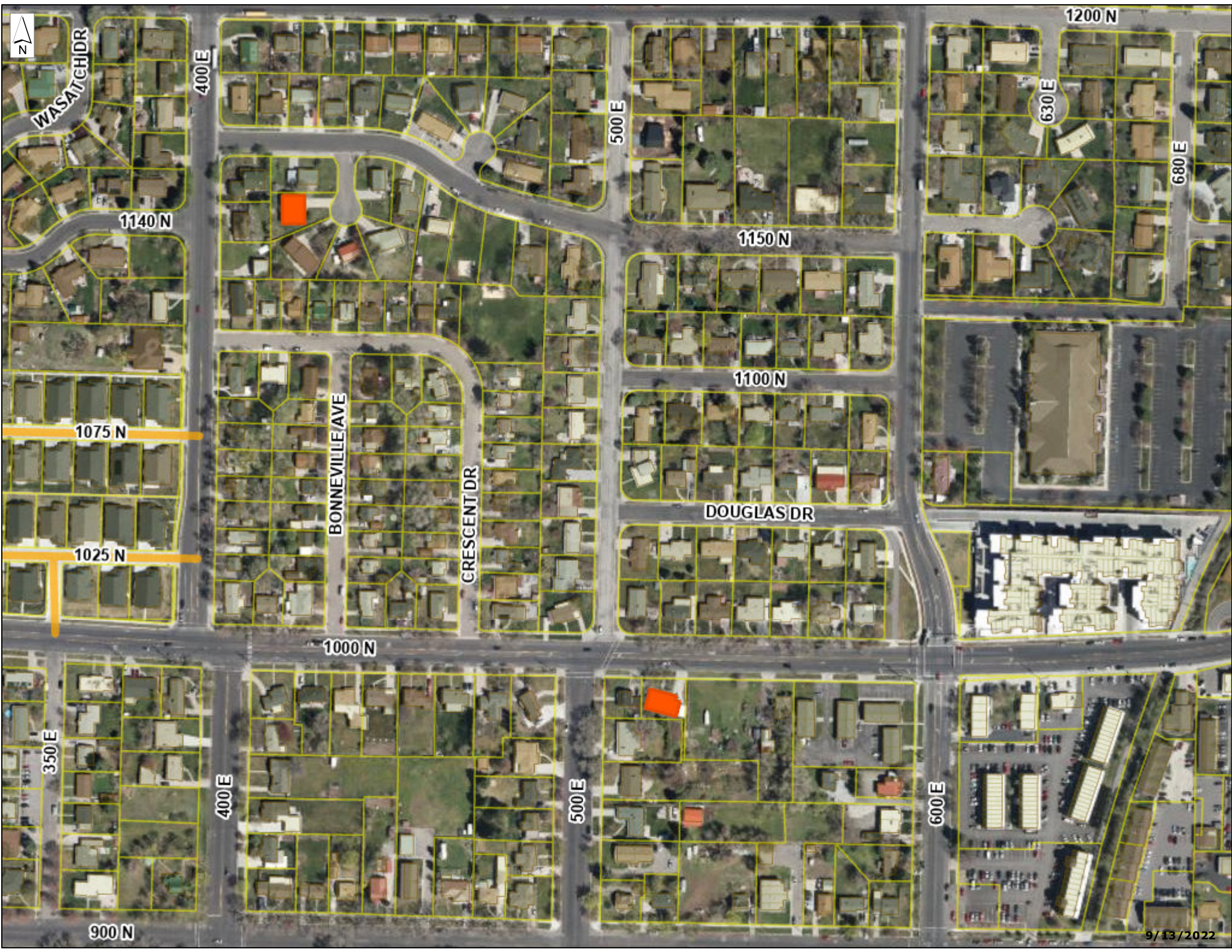


# APPLICATION FOR PROJECT REVIEW

For Staff Only					
<input type="checkbox"/> Planning Commission		<input type="checkbox"/> Land Use Appeal Board		<input type="checkbox"/> Administrative Review	
Date Received	Planner	Zone/Neighborhood	Scheduled Meeting Date	Application Number	
8/12/22		NR-Ce/Adams	Sept. 22	PC 22-054	
Type of Application (Check all that apply):					
<input type="checkbox"/> Design Review		<input type="checkbox"/> Conditional Use		<input type="checkbox"/> Subdivision	
<input type="checkbox"/> Code Amendment		<input type="checkbox"/> Appeal		<input type="checkbox"/> Administrative Design Review	
		<input type="checkbox"/> Zone Change		<input type="checkbox"/> Other	
PROJECT NAME					
PROJECT ADDRESS				COUNTY PLAT TAX ID #	
516 E 1000 N Logan UT 84321				65-030-0015	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER				PHONE #	
				385-297-1398 or 435-840-8403	
MAILING ADDRESS		CITY	STATE	ZIP	
516 E 1000 N		Logan	UT	84321	
EMAIL ADDRESS					
howland.km@gmail.com					
PROPERTY OWNER OF RECORD				PHONE #	
Mark and Katie Howland					
MAILING ADDRESS		CITY	STATE	ZIP	
516 E 1000 N <del>Logan</del>		Logan	UT	84321	
EMAIL ADDRESS					
howland.km@gmail.com or howland. <sup>ma</sup> <del>km</del> @gmail.com					
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed)				Total Lot Size (acres)	
In our basement, it <del>was</del> refinished with a full kitchen/living space, bathroom & 2 bedrooms (all done by previous owners.) We would like to turn this space into a short rental through AirBNB & VRBO platforms. term				Size of Proposed New Building (square feet)	
				1280 sq. ft.	
				Number of Proposed New Units/Lots	
				1	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.				Signature of Property Owner's Authorized Project Representative	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.				Signature of Property Owner	

**APPLICATION MUST BE ACCURATE AND COMPLETE**  
**NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -**













1000 North

Front Yard

Length: 25.2 Feet

Length: 25.5 Feet

STR Entrance

Home  
Entrance

Basement: Short term rental  
Main Floor: Owner occupied

516

Parking

Parking

990

974

9/13/2022

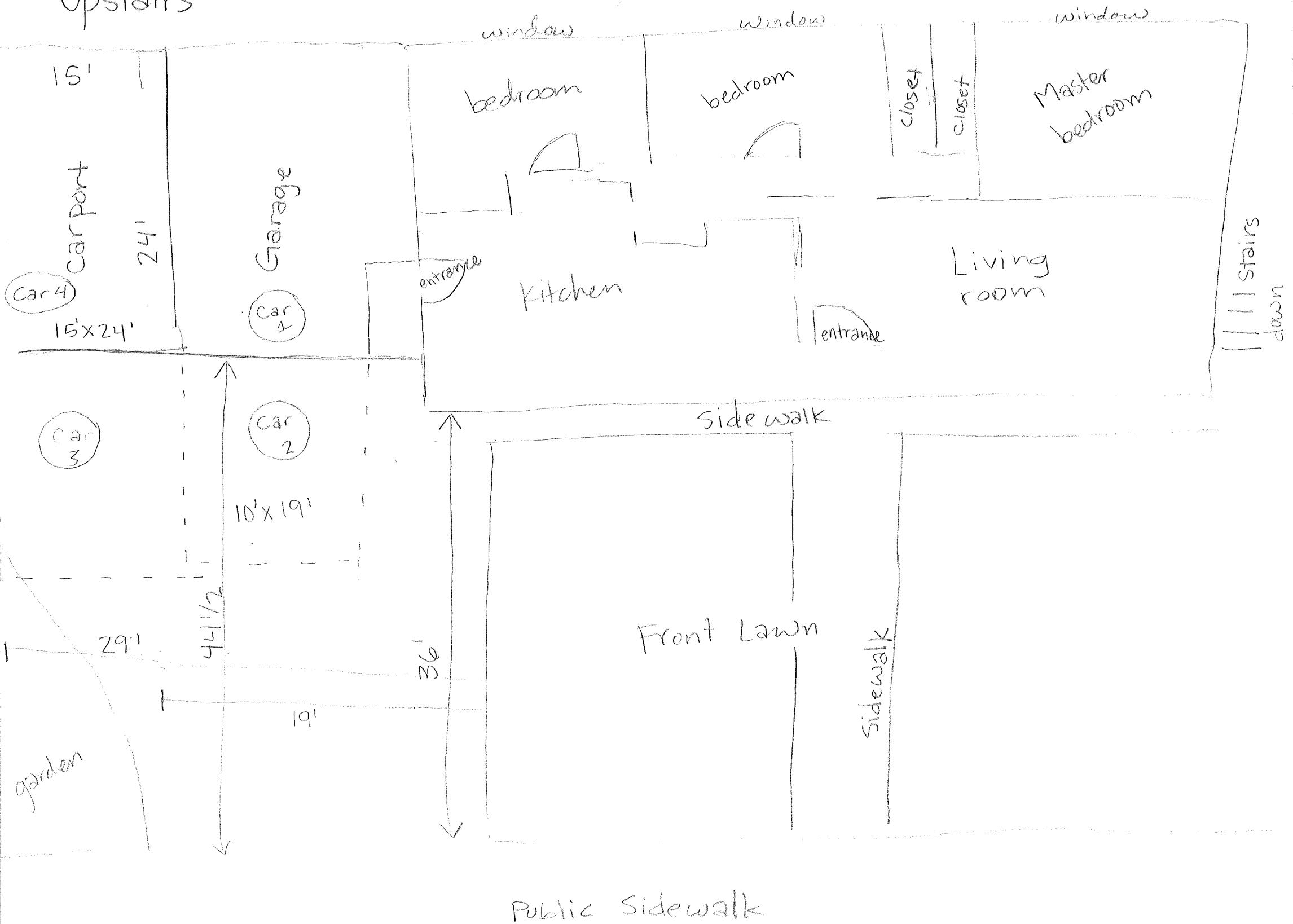




7/15/2022



Upstairs



# Basement Short term Rental

