

## Attachment A: Chapter 3

### **3815.08: Outdoor Storage of Recreational Vehicles, Boats and Utility Trailers**

- A. **Occupancy:** Occupancy of utility trailers and boats is prohibited, except for boats when launched on a body of water where boating is permitted. Occupancy of recreational vehicles is prohibited except when:
1. The vehicle is located in an approved recreational vehicle park.
  2. The vehicle is located in the A-1 Zoning District and is being used as a caretaker unit in compliance with the requirements of Section 3809.04.
  3. The vehicle is located in an M-1 Zoning District and is being used as living quarters by a caretaker for an active mining operation in compliance with the requirements of Section 3809.04 et seq.
  4. The vehicle is located on a single-family or duplex lot and is owned and occupied by guests of persons residing on the property provided the recreational vehicle is parked for no more than 30 consecutive days. This provision is only applicable to properties without a short-term vacation rental license; occupancy of recreational vehicles is prohibited on properties with an STR license.

### **3821: Short-term Vacation Rentals**

A short-term vacation rental property, for the purpose of this Section, is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this Code.

#### **3821.01: Purpose and Applicability**

- A. The purpose and intent of this section of the Code, together with the Short Term Rental (STR) Ordinance (Resolution 21-XX) is to establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
- B. These regulations are also intended to ensure that short-term vacation rentals are operated in a manner that is compatible with the surrounding neighborhood and protects the overall community character.
- C. The regulations set forth in this Code section shall apply to short-term vacation rental property only, as defined herein. This Code section shall not apply to the furnishing of lodging services in hotels, motels, lodges or bed and breakfast establishments, timeshares / fractional ownership units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to properties with long-term leases.
- D. This Code section shall not supersede any private covenants or deed restrictions prohibiting short-term vacation rental property.
- E. In addition to the requirements set forth herein, short-term vacation rentals shall abide by all other applicable sections in this Code, the STR Ordinance, and other applicable Summit County laws, rules, and regulations.

#### **3821.03: Zoning Districts Where Permitted**

- A. Figure 3-2 identifies where short-term vacation rentals may be allowed in various County zoning districts. Short-term vacation rentals are also allowed in the antiquated residential zoning districts remaining in effect listed in Section 3305.01, unless specifically prohibited in that zoning district.
- B. PUDs: A short-term vacation rental may be permitted in specific PUDs that allow residential uses, without necessitating a PUD modification, provided such use complies with the licensing requirements of the STR Ordinance and Section 3821 et seq. A PUD may be amended to provide for standards and criteria that differ from those of the STR Ordinance and Section 3821 et seq. provided the purpose and intent of the STR Ordinance and Section 3821 continues to be met. Short-term vacation rentals shall not be permitted in a PUD which specifically prohibits such use.
- C. Short-term vacation rentals of deed restricted affordable workforce housing or employee housing properties is prohibited unless specifically authorized by the deed restriction for the property.

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### **3821.04: License and Review**

- A. License Required: A license issued by the Local Licensing Authority is required for each short-term vacation rental property in unincorporated Summit County. A person seeking to obtain a license shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Resolution 20-XX setting forth the licensing requirements for short-term vacation rentals.
- B. Review Process for STR License: Short-term vacation rental applications will be reviewed through the Class 1 administrative review process. If the Planning Department finds that the application complies with the STR Ordinance, Section 3821 of the Code, other applicable Summit County laws, rules, and regulations, the Planning Department shall issue a short-term vacation rental license. The license shall be issued in the name of the owner and shall not be transferable. All short-term vacation rental properties shall receive a license prior to advertising or operation.
- C. Additional Review Process for STRs Requiring a CUP: For any short-term vacation rental which proposes an occupancy of 20 or more persons, or outdoor parking of more than 6 vehicles, the application shall be reviewed as a Class 2 conditional use permit as further described in Section 3821.05.

### **3821.05: Criteria for Review for Conditional Use Permit**

- A. A Class 2 administrative conditional use permit application shall be required for any proposed short-term vacation rental which proposes an occupancy of 20 or more people or outdoor parking of 6 or more vehicles.
- B. There may be instances in which unique characteristics of a property would allow for site standards such as occupancy and parking in excess of what is prescribed by the STR Ordinance. In those instances, a property owner may apply for a Class 2 conditional use permit to request differing occupancy and/or parking standards.
- C. The conditional use permit application shall be reviewed in the context of the property and neighborhood to consider whether the types of uses in the neighborhood, the home size, lot size and distance to neighboring properties can potentially enable these properties to accommodate higher occupancies and/or additional cars parked on site. Applications shall be referred to referral agencies such as the water and sanitation districts (or State Engineer and Environmental Health Department for units on well and septic), fire department, building department, etc., in order to evaluate whether the unit is able to adequately accommodate the proposed occupancy and vehicle parking, given the capacity of the existing services and infrastructure and the potential impacts to the adjacent residents. Criteria for review of the application shall include the following:
  - 1. The proposed use and occupancy of the STR property meets the applicable building and fire code requirements for maximum occupancy of the structure, and protects the public health, safety and welfare.
  - 2. The existing services and infrastructure (e.g., water supply, sewage disposal capacity, access, on-site parking spaces) can support the proposed use and occupancy of the property, or the applicant has obligated himself/herself to provide the necessary services and infrastructure in sufficient time to serve the proposed use.
  - 3. The proposed operation of the STR will ensure preservation of the residential character of the neighborhood where it is located. The amount of traffic and noise from lodging guests will not result in significant adverse impacts to the adjacent neighborhood.
  - 4. There is adequate separation and buffering of the STR use from adjacent residences and public rights-of-way to mitigate potential impacts on the surrounding neighborhood, including traffic, additional parking and noise. Standards for demonstrating adequate separation and buffering include but are not limited to: orientation of the STR unit on the property away from nearby residential structures; linear separation from other residential structures; separation from other structures by an intervening right-of-way; topographic features such as rock formations or grade differences; and mature vegetation or fencing.
- D. Public Noticing for a Class 2 conditional use permit shall consist of a public notice sign posted at the property, in accordance with Section 12000.10.