



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND CONTINUED PUBLIC HEARING

September 21, 2023

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Regular Meeting and Continued Public Hearings electronically for the purposes and at the times as described below on Thursday, September 21, 2023.

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczyk's September 18, 2023 No Anchor Site Determination Letter.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739>
To join by telephone dial: US: +1 408 638 0986 **Meeting ID:** 435 659 4739
YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting and Continued Public Hearings

6:00 PM

I. Call to Order

1. [September 18, 2023 No Anchor Site Letter](#)

II. Roll Call

III. Approval of Meeting Minutes

1. [August 24, 2023 Planning Commission Minutes DRAFT](#)

IV. **Public Hearings**

1. [Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay \(SRO\) Zone which is an overlay zoning designation that would allow short term rentals \(Continued from August 24, 2023\)](#)
2. [Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita \(RC\) \(Continued from August 24, 2023\)](#)

V. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

File Attachments for Item:

1. September 18, 2023 No Anchor Site Letter



September 18, 2023

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Planning Commission Chair of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Resolution 2022-R-17. The facts upon which this determination is based include: The seven-day number of positive cases has been, on average, 187.7 per day since September 13, 2023.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>

To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be considered by the Planning Commission and entered into public record.

This determination will expire in 30 days on October 18, 2023.

BY:



Tony Matyszczyk,
Planning Commission Chair

ATTEST:



Kathleen Hopkins, Deputy Town Clerk



File Attachments for Item:

1. August 24, 2023 Planning Commission Minutes DRAFT

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Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearing (Rescheduled)
August 24, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on August 24, 2023 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:04 PM and referenced the current No Anchor Site letter which was included in the meeting materials. All attendees were present electronically.

II. Roll Call

PRESENT:

Chair Tony Matyszczyk
Commissioner Rachel Cooper
Commissioner Jonathan Gunn
Commissioner Peter Ginsberg (alternate) (joined at 6:06 PM)
Commissioner Joel Pieper (alternate)

EXCUSED:

Commissioner Glynnis Tihansky
Commissioner Donna Turner

STAFF PRESENT:

Polly McLean, Town Attorney
Thomas Eddington, Town Planner
Timm Dixon, Director of Engineering
Alicia Fairbourne, Recorder for Hideout
Kathleen Hopkins, Deputy Recorder for Hideout

OTHERS IN ATTENDANCE: Dawn Faulconer, Nate Brockbank, Walter Plumb, Wally Dodds, Carol Tomas and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. July 20, 2023 Planning Commission Minutes DRAFT

There were no comments on the July 20, 2023 draft minutes.

Motion: Commissioner Gunn made the motion to approve the July 20, 2023 Planning Commission Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Commissioner Gunn, Chair Matyszczyk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Ginsberg, Commissioner Tihansky and Commissioner Turner. The motion carried.

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IV. Public Hearings

1. Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay (SRO) Zone which is an overlay zone that would allow short term rentals (Continued from July 20, 2023)

Town Planner Thomas Eddington stated this matter was continued for discussion purposes only at this meeting and reviewed the updates to the draft ordinance. He noted the new standards for maximum unit size, new terms for required commercial development as part of a short-term rental overlay district, and the maximum percentage of a completion (1/3rd) for a subdivision to be considered for an overlay. He reminded the Planning Commissioners that any Homeowners Association (HOA) restrictions on short-term rentals would continue to supersede this ordinance, which would leave the proposed ordinance applicable to new subdivisions as well as Deer Springs and potentially Lakeview Estates. He also noted the Klaim subdivision had previously been approved for short-term rentals and Deer Springs Phase 1 had been approved with limited short-term rentals as well.

Chair Matyszczuk asked for clarification regarding the commercial development requirements. Mr. Eddington discussed the proposed language which would require 1,000 square feet of commercial development for every 25 residential units. He went on to suggest perhaps 15 residential units might be a better option. Discussion ensued regarding when such commercial development should be built relative to the phasing of the residential units.

Commissioner Jonathan Gunn shared his concerns for homeowners who had already purchased properties with the expectation there were no short-term rentals allowed. Commissioner Rachel Cooper asked if there were any homes that would meet the proposed 2,000 square foot maximum size limit. Mr. Eddington did not know whether there were any units of this size other than the proposed Deer Springs Cottages.

Commissioner Gunn asked if there could be a situation where an existing home could be subdivided into smaller units for rental. Mr. Eddington responded that he thought this would be a violation of the Certificate of Occupancy and not admissible. Commissioner Gunn shared his concerns that any approval of short-term rentals could open the backdoor for existing subdivisions to enact them.

Commissioner Joel Pieper asked if the minimum three day required stay in the draft ordinance was appropriate and consistent with the other subdivisions which were already approved for short-term rentals, and, how this policy would be monitored and enforced. Discussion ensued regarding the pros and cons of a minimum stay policy. Mr. Eddington agreed to look at other municipalities with these requirements to learn more about how such policies were enforced.

Chair Matyszczuk opened the meeting for public comment at 6:29 PM.

Ms. Dawn Faulconer, Shoreline resident, asked if the proposed ordinance excluded existing subdivisions such as Shoreline. Mr. Eddington replied it did, as that subdivision was part of the Master HOA and was more than one-third built out. Ms. Faulconer asked if the HOA would ever consider changing this prohibition as she thought other second homeowners such as herself would be supportive of the flexibility to rent their units. Mr. Eddington stated this would be a matter for the HOA, not the Town, to consider.

Mr. Nate Brockbank, developer of Deer Springs, Lakeview Estates and Deer Waters discussed his original request for the SRO when the concept of Deer Springs Phase 8 Cottages was presented. He reviewed his proposal to forego his share of various sales and resort taxes which would go to the Town

1 instead and noted the independent financial analysis which had been produced and provided to the
2 Town which estimated \$10 million in revenues to the Town over a 10-year period.

3 Mr. Brockbank added he was only looking for approval of the SRO for Deer Springs Cottages and
4 townhomes, and not any single-family homes in Deer Springs or Lakeview Estates; he also noted the
5 request would not include Deer Waters which was part of the Master HOA. He shared his thoughts on
6 the proposed commercial development requirements and concerns with building commercial units
7 before the market was ready to support it. Mr. Brockbank also stated all homeowners purchasing units
8 in Deer Springs were required to sign disclosures regarding the potential for future short-term rentals
9 in their subdivision.

10 In response to questions from Chair Matyszczyk and Commissioner Cooper, Mr. Brockbank stated he
11 was comfortable with the proposed maximum square footage requirement which was consistent with
12 the planned 2,000 square foot Deer Springs Cottages concept, and he hoped to break ground on the
13 Cottages in 2024, subject to amendment of the Master Development Agreement (MDA) to move this
14 project from Phase 8 to Phase 3. He reminded the Planning Commissioners the plan was to retain
15 ownership of the Cottages which would be managed as a rental resort in partnership with the Larry
16 Miller Real Estate group.

17 In response to a question from Commissioner Gunn regarding the proposed maximum unit size, Mr.
18 Brockbank stated he would be able to work with smaller townhome designs for future Deer Springs
19 phases.

20 Commissioner Gunn noted the 2022 community survey had not shown support for short-term rentals
21 in general. Mr. Brockbank suggested the question in the survey might have been too narrow, and the
22 responses may have been different with more detail on exactly what neighborhoods would be included
23 and the economic benefits to the Town.

24 Commissioner Cooper asked if the ordinance could specify which subdivisions would be included in
25 the SRO. Town Attorney Polly McLean said yes, it could. Mr. Brockbank stated he would be
26 comfortable with the ordinance specifically excluding Lakeview Estates. He also noted that traffic
27 should not be negatively impacted as Deer Springs residents would not typically drive through the rest
28 of town given their ability to connect directly to SR-248 or Jordanelle Parkway.

29 Mr. Walter Plumb, partner of Mr. Brockbank, discussed his experiences with short-term rentals in
30 other communities which he had developed, and noted the tax revenues had been a positive for the
31 towns. Commissioner Pieper stated he was not sure what else might be a positive for the town other
32 than tax revenues.

33 Mr. Wally Dodds, Shoreline resident, noted his main question had already been asked by Ms.
34 Faulconer, and stated he was glad the HOA superseded this proposed ordinance as he did not want
35 such rentals in his development.

36 Ms. Carol Tomas, Deer Waters resident, stated she was comfortable with the limitations on size of the
37 units which would avoid 4-5 bedroom homes being rented. She asked if the town would really benefit
38 economically, and she shared her safety concerns for pedestrians and cyclists with increased traffic on
39 steep, winding roads. Ms. McLean provided an overview of the tax revenue sources for the Town,
40 including a 1% transient room tax, the MIDA taxes which Mr. Brockbank proposed re-directing to the
41 Town and property taxes. Ms. McLean noted fees from business licenses for rental landlords would
42 cover the Town's costs to administer the licenses and would not generate excess revenues for the
43 Town. Ms. Tomas stated she was not sure these revenues would be worth the tradeoff.

1 Mr. Brockbank discussed the economic analysis in more detail which included a 70% rental rate
2 assumption which he considered to be comparable to Park City. He also noted he was not requesting
3 any increase in density for Deer Springs, which was approved for 248 ERU's. He suggested renters
4 would not drive more than full time residents.

5 Commissioner Peter Ginsberg stated he believed renters would drive through town.

6 There being no further comments, the Public Hearing regarding the Short-Term Rental Overlay zone
7 was closed at 7:14 PM.

8 Mr. Eddington agreed to incorporate the comments discussed into the next draft of the ordinance.

9
10 ***Motion: Commissioner Ginsberg moved to continue the consideration of a Short-Term Rental***
11 ***Overlay zone to the September 21, 2023 Planning Commission meeting in order to make additional***
12 ***refinements to the draft ordinance. Commissioner Gunn made the second. Voting Yes:***
13 ***Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk and***
14 ***Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Tihansky and***
15 ***Commissioner Turner. The motion carried.***

16
17 **2. Discussion and possible recommendation to Town Council regarding a new zoning**
18 **designation Residential Casita (RC) (Continued from July 20, 2023)**

19 Mr. Eddington stated the Staff Report included in the meeting materials was unchanged since the last
20 meeting. Commissioner Cooper asked if any analysis had been done regarding expected impacts on
21 property values resulting from this type of zoning. Mr. Eddington agreed to research this.

22 Commissioner Cooper asked if there would be an ability to limit the number of units in proposed casita
23 developments. Mr. Eddington replied yes, these details would be part of future MDA's.

24 Chair Matyszczyk opened the meeting for public comment at 7:21 PM. There were no public
25 comments, and the public hearing was closed at 7:22 PM.

26
27 ***Motion: Commissioner Gunn moved to continue the consideration of a Residential Casita zoning***
28 ***designation to the September 21, 2023 Planning Commission meeting. Commissioner Cooper made***
29 ***the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn,***
30 ***Chair Matyszczyk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner***
31 ***Tihansky and Commissioner Turner. The motion carried.***

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VI. Meeting Adjournment

There being no further business, Chair Matyszczuk asked for a motion to adjourn.

Motion: Commissioner Gunn moved to adjourn the meeting. Commissioner Pieper made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczuk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Tihansky and Commissioner Turner. The motion carried.

The meeting adjourned at 7:23 PM.

Kathleen Hopkins
Deputy Recorder for Hideout

DRAFT

File Attachments for Item:

1. Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay (SRO) Zone which is an overlay zoning designation that would allow short term rentals (Continued from August 24, 2023)



Staff Report for Consideration of a Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance

To: Chairman Tony Matyszczyk
Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance

Date: September 21, 2023 Planning Commission Meeting

Prior Submittals and Staff Reports:

October 15, 2022 – Planning Commission
November 10, 2022 – Town Council
January 12, 2023 – Town Council
April 17, 2023 – Planning Commission (initial work-session)
May 24, 2023 – Planning Commission (review)
July 20, 2023 – Planning Commission (review)
August 24, 2023 – Planning Commission (review)

Revisions To Date

Based on feedback from the Planning Commission at the July meeting, staff has incorporated a commercial amenity component into the proposed draft ordinance. The inclusion of this requirement recognizes the goal to address the commercial needs anticipated by visitors that will utilize the short-term rental units.

The commercial requirement was discussed at the Planning Commission meeting in August and revision have been incorporated into the draft language included in the Proposed Draft Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance section of this staff report. The newly proposed language further restricts consideration of the STRACA Overlay Zone to subdivisions or developments that do not have any housing units built with a Certificate of Occupancy (CO). Previously this language allowed consideration of the STRACA Overlay Zone for subdivisions or developments that were less than 1/3rd built out with units having been awarded a Certificate of Occupancy (CO).



Additional options for consideration have also been included in the Recommendation section of this staff report.

Staff recommends the Planning Commission consider a Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance and focus only on the requirements, standards, and conditions of such ordinance. No map or specifically defined area is proposed as part of this Ordinance update since this is an overlay ordinance and no application has been made for a review for designation as a STRACA Overlay Zone. If this is ultimately adopted, then qualifying subdivisions/developments may apply to rezone and have this overlay district applied to their existing underlying zone designation. This would require a public hearing at the Planning Commission and Town Council meetings, exactly the same as a traditional rezone request.

Subdivisions/Developments that Currently Allow Short-term (Nightly) Rental in Hideout

Nightly rentals are not currently allowed per the Hideout Town Code with the exception of two subdivisions which have been allowed to have short term, or nightly rentals, within Hideout:

- KLAIM, which negotiated for the allowance of nightly rentals in their Master Development Agreement which reads as follows:

9.13. **Use of Dwellings as Short-term Rentals.** Owners may rent their Dwellings as Short-term Rentals provided: (a) they do so in compliance with the Governing Documents; and (b) a short-term rental permit is issued by the County, if required. Owners opting to rent their Dwellings as Short-term rentals are required to use the services of a property management company that is (1) licensed in accordance with state law and local ordinances and (2) approved by the Association to manage Short-term Rentals within the Property. The Board of Directors shall establish the procedures, rules, and regulations for any Short-term Rentals, including check-in, access to Dwellings and common amenities and facilities. The Owner shall at all times ensure the Dwelling is rented in compliance with the Governing Documents and any rules and regulations for the Property.

- Deer Springs Phase 1 which had a plat note which the developer relied upon which allowed nightly rentals and therefore it was permitted in Deer Springs Phase 1 and Phase 1 amended. The plat note was ultimately amended as follows:
 1. *The allowance of nightly rentals is only for Phase 1 and Phase 1 amended.*
 2. *Any nightly rentals must be managed by a professional management service with someone who can respond on site within 30 minutes.*
 3. *All nightly rentals require a business license.*

It is worth noting that the Hideout Master HOA Association does not allow nightly rentals (short term rentals) within the association.

The Current Hideout Ordinance Regarding Short-term Rentals



On September 8, 2022, the Town Council adopted the following ordinance for the areas where short term rentals are allowed:

4.02.010 (Definitions)

SHORT TERM RENTAL: "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodation or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use. Also known as a nightly rental.

4.07 REGULATION OF SHORT TERM (NIGHTLY) RENTALS

4.07.01 LICENSE REQUIRED

It is unlawful to conduct or operate a short-term rental without having obtained a business license therefor.

4.07.02 REGULATIONS FOR SHORT TERM RENTAL

Short-term rentals are required to use the services property management company that is licensed in accordance with State and Local Ordinances and can respond on site within 30 minutes.

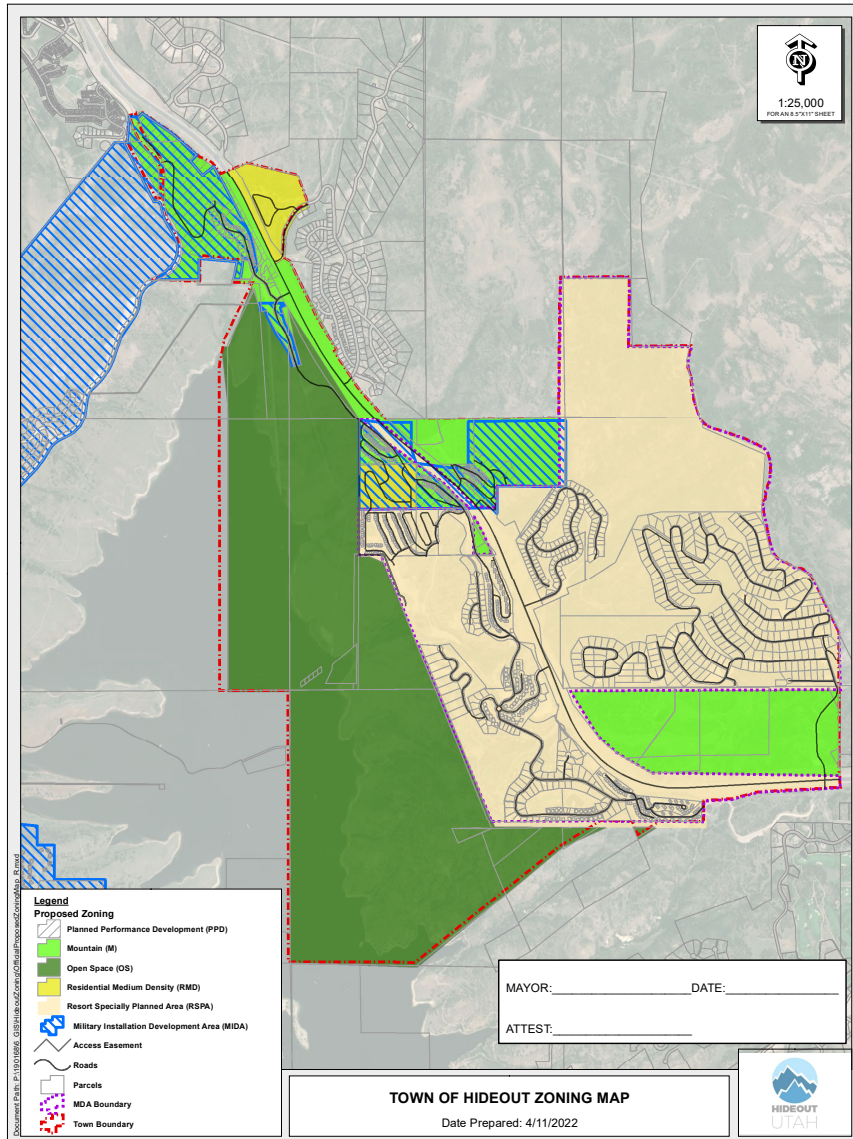
4.07.15 SEPARATE VIOLATIONS

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

Council and Planning Input to Date

At the Council's November 10, 2022 and January 12, 2023 meetings, councilmembers were generally favorable to the concept of a 'trial' nightly rental district within the Town as long as there were criteria in place to ensure any and all negative impacts were mitigated. Councilmembers also felt strongly that nightly rentals did not belong in existing residential neighborhoods.

Hideout Zoning Map
(The area within the beige [RSPA Zoning] has HOA restrictions that prohibit nightly rentals)



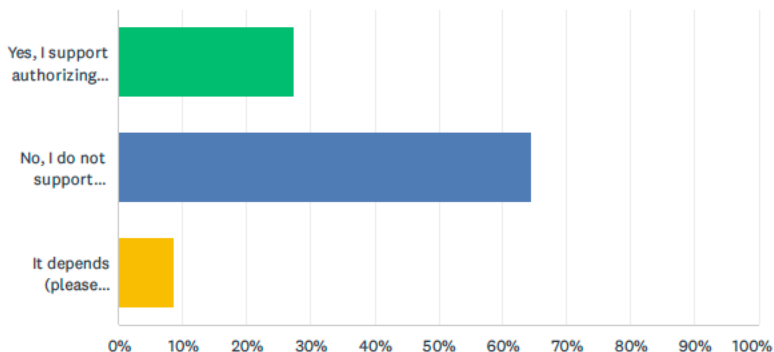


Public Input to Date

The following graph and table outline the results of the Community Survey that was conducted in June 2022.

Q6 Should the Town Authorize Additional Nightly Rentals of Private Homes? Should the Town authorize nightly rentals in private homes throughout the Town (except where prohibited by deed or HOA restrictions) which could reduce annual property taxes?

Answered: 331 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes, I support authorizing nightly rentals.	27.19%	90
No, I do not support authorizing nightly rentals.	64.35%	213
It depends (please explain):	8.46%	28
TOTAL		331

The community's input clearly indicates a lack of support for nightly rentals 'throughout the Town.' What was not clear from the survey was the community's level of support, or lack thereof, for nightly rentals in a yet-to-be-built neighborhood and/or one that is geographically separated from existing and established neighborhoods. The proposed Deer Spring Cottages, which essentially initiated the discussion of a draft ordinance, are located across the Jordanelle Parkway and are not contiguous to any neighborhoods or residential development. This development, if approved as a Short-Term Rental And Commercial Amenity (STRACA) Overlay zoning designation, would be the first of its kind in the Town and would be a neighborhood that is planned and designed to accommodate visitors – one that essentially functions as a resort. The developer has subsequently expressed an interest in expanding short-term rentals to additional phases of the Deer Springs neighborhood.

Fiscal Opportunities for the Town of Hideout


The Town Council considered the fiscal benefits of short-term rentals during their policy discussion in January 2023. The Town’s portion of property taxes makes up a very small percentage of a property’s total tax bill. Sales tax and transient room taxes offer increased fiscal benefits to the Town’s revenues.

2019 Hideout General Plan

The vision statement for the General Plan indicates:

2.1 Vision Statement


Hideout, Utah is a community that treasures both its residents and its environment. As such, Hideout’s vision is to:



1
preserve
outstanding
views

2.1.1 To Preserve Outstanding Views,


All development will be intentionally designed around enhancing and accentuating the existing environment, recreational open space, and livability of the community.



2
cultivate
an inviting
neighborhood
atmosphere

2.1.2 To Cultivate an Inviting Neighborhood Atmosphere,

The intensity of land use will be managed to promote the design standards and environmental ideals laid out in the General Plan and other town documents.




3
build a
connected
community

2.1.3 To Build a Connected Community,

Public gathering spaces and appropriate commercial growth will be accessible by a variety of transportation options.

5.4.1 Hideout’s economic development goals are to:

1. Increase the livability of Hideout by encouraging appropriate commercial uses to serve resident needs.
2. Coordinate with local developers to enhance public gathering spaces and community connectivity.
3. Encourage commercial uses that are financially beneficial to the Town to improve resident quality of life and generate revenue to expand and maintain public infrastructure.



The proposed Short-Term Rental And Commercial Amenity (STRACA) Overlay zoning designation, in an area that is fully separated from existing residential development, generally meets the vision statement in the General Plan. It is worth noting the very detailed criteria outlined in the draft ordinance (see below) ensure the proposed zoning language meets the intent of the General Plan – locational requirements, commercial amenity component, unit size limits, occupancy limits, etc.



Proposed Draft Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance

Ordinance language revised since the August Planning Commission meeting is in red

12.25.02 PURPOSE

The Short-Term Rental And Commercial Amenity (STRACA) Overlay zone is established to promote short term rentals (stays of less than 30 days) with associated commercial amenities constructed in close proximity while ensuring a cohesive neighborhood environment.

12.25.04 LAND USES & DIMENSIONAL STANDARDS

With the exception of the Land Use Table and the reference to 'Short-term Rental (<30 days)', all of the underlying zoning designation standards, and associated dimensional standards, remain in place and must be adhered to.

12.25.06 CRITERIA FOR THE SHORT-TERM RENTAL OVERLAY DISTRICT

The following criteria must be satisfied prior to the Town awarding any Certificates of Occupancy (CO) for any development designated as a Short-Term Rental And Commercial Overlay (STRACO) zone:

- A. All requirements of Section 4.07 must be satisfactorily addressed.
- B. No Short-Term Rental And Commercial Amenity (STRACA) Overlay zone may be located within the boundaries of the Master HOA – Hideout Canyon Master Planned Community.
- C. **No Short-Term Rental And Commercial Amenity (STRACA) Overlay zone may be located within the Lakeview Subdivision.**
- D. **No Short-Term Rental And Commercial Amenity (STRACA) Overlay zone may be located in an established residential neighborhood which shall be defined as a recorded subdivision or phase of a recorded subdivision that has a housing unit built and with a Certificate of Occupancy (CO) awarded.**
- E. Nightly rentals shall be limited to single-family detached dwelling units of less than 2,000 gross square feet. **No lockout units may be considered for nightly rental use and a unit cannot be converted to create a lockout unit.**
- F. No Accessory Dwelling Units (ADUs) may be located on a lot within the STRACA Overlay Zone and no ADU may have a nightly rental allowance.

- G. All nightly rentals must be for a minimum period of two consecutive days. This must be included on all advertising materials.
- H. No more than six **(6) unrelated persons** may stay overnight in a single unit (e.g., apartment, condo, cottage, single-family residence, etc.) at any one time. This must be included on all advertising materials.
- I. No more than two (2) automobiles are allowed to park on the property at any time. This must be included on all advertising materials.
- J. All nightly rental contracts must include a copy of Hideout's trash, parking and noise ordinances and a 'Good Neighbor Brochure' that summarizes these requirements and what is expected of the renter. These documents must be clearly posted in the rental unit at all times.
- K. The owner of the nightly rental unit agrees to allow the Town's Building Inspector or designee **and the Wasatch Fire Department's designee** to conduct an annual walk-through inspection of each rental unit to ensure compliance with all Town health, safety and welfare requirements. This review will also include an assessment of local government and/or local service district responses to the property. If three (3) substantiated complaints (e.g., police, fire, or similar emergency management services) relative to a property within a 24-month period are confirmed, the nightly rental may be revoked for a period of up to one (1) year.
- L. A minimum of **2,000 net usable square feet** of commercial space shall be constructed on-site for every twenty-five (25) permitted short-term rental units. If a development has less than twenty-five (25) short-term rental units, the **2,000 net usable square feet** minimum still applies to the proposed development.
- M. 'Net usable' space shall be defined as the area accessible to customers and does not include any back-of-house square footage requirements, which shall be supplemental to the usable, or customer accessible, area(s).
- N. This commercial space shall be limited to the following uses:
 - a. Café, restaurant, bar/pub or similar
 - b. Grocer, market, sundry shop or similar
- O. **The commercial space/structure shall be complete and ready for occupancy upon award of the Certificate of Occupancy (CO) for the short-term rental unit that marks the 75% completion point for the total number of permitted short-term rental units.**

- P. The commercial space must be located within the subdivision, specific subdivision phase (if applicable), or neighborhood where short-term rentals are permitted and within 1,000 feet from the nearest housing unit.
- Q. All commercial sites must be presented to the Planning Commission for review and approval per the requirements of the Concept Plan application.
- R. The commercial site must meet all requirements for commercial structures set forth in the Neighborhood Mixed Use (NMU) zoning district.

Supplemental Information

At the August meeting, the Planning Commission asked about the average occupancy rate for an AirBnB or VRBO rental in the general Park City area. Anecdotal internet research by staff indicates an average occupancy rate of 40% - 60%. There are many variables that impact the occupancy rate of any given unit – location, size, amenities, user ratings/stars, etc. Additional internet research revealed that a 50% occupancy rate is generally considered ‘good’ for a nightly rental. There may be much more precise data for the general Park City area but that analysis appears to be fee-based and was not available to staff.



Recommendation

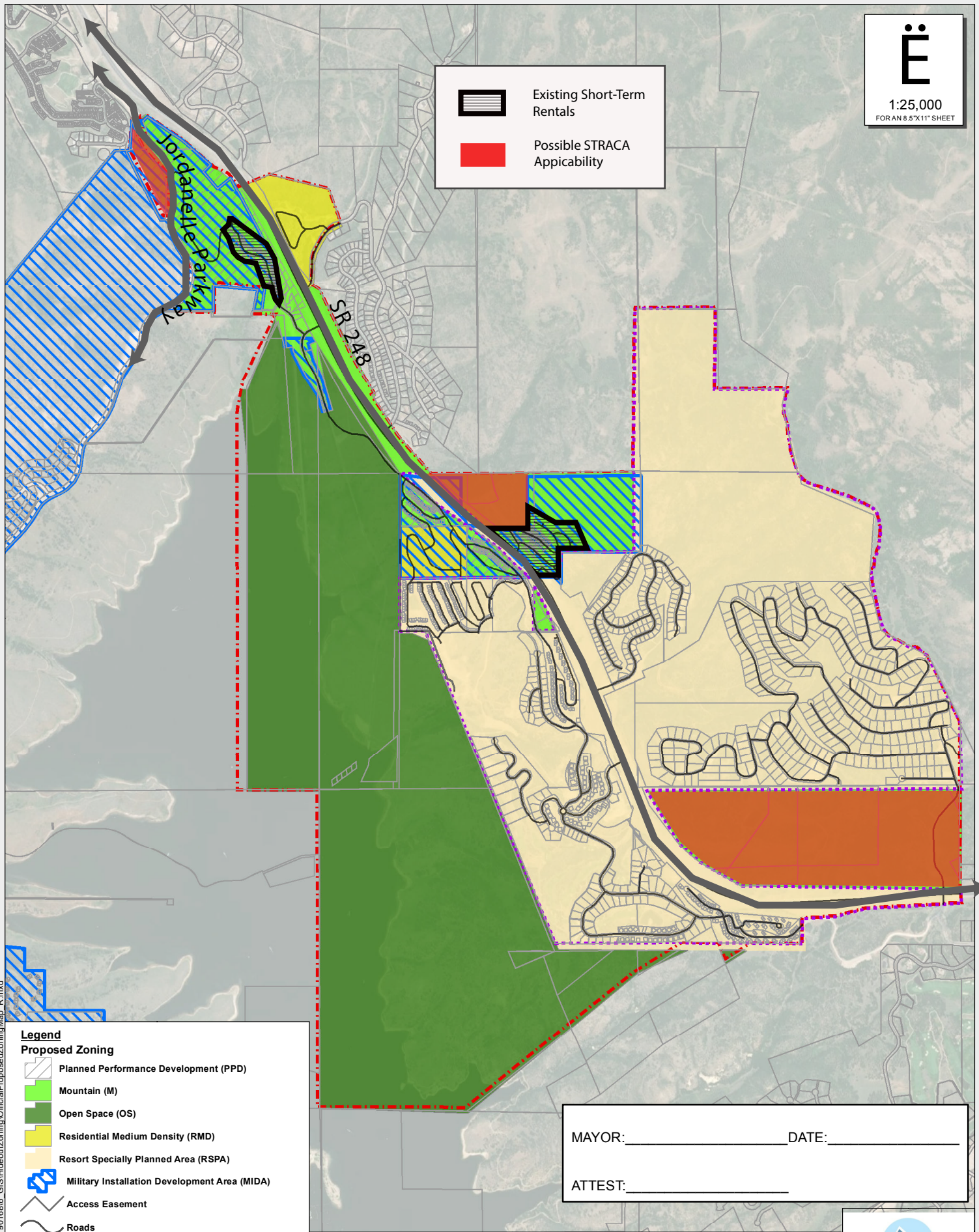
This proposed ordinance is not site specific but rather provides the Town a methodology to consider allowing short-term rentals, and the associated commercial amenities, in existing (or future) developments. The developer would have to apply for this overlay zoning designation.

The Planning Commission should review the proposed draft Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance and consider a positive or negative recommendation to the Town Council.

Alternative Option with More Restrictive Geographic Criteria

1. The Planning Commission could recommend a STRACA Overlay zoning designation that limits its application to “any subdivision on the west side of the Jordanelle Parkway” subject to the criteria outlined in the draft ordinance. This would restrict short-term rentals in the already approved subdivisions within the Town boundary with the exception of Deer Springs Phase 8. The area of the Town on the west side of the Parkway is separated from the Town’s existing neighborhoods and, with the resort-like feel associated with a nightly rental neighborhood, would not have any negative impacts often associated with nightly rentals – additional traffic, increase parking needs, noise, etc. Situated along the Jordanelle Parkway, this area of Town has easy vehicular access and is, by Town standards, within the closest proximity to Deer Valley and the Park City resorts.












 Existing Short-Term Rentals
 Possible STRACA Applicability



Document Path: P:\110016806_GIS\Hideout\Zoning\Official\Proposed\ZoningMap_R.mxd

Legend

Proposed Zoning

-  Planned Performance Development (PPD)
-  Mountain (M)
-  Open Space (OS)
-  Residential Medium Density (RMD)
-  Resort Specially Planned Area (RSPA)
-  Military Installation Development Area (MIDA)
-  Access Easement
-  Roads
-  Parcels
-  MDA Boundary
-  Town Boundary

MAYOR: _____ DATE: _____
 ATTEST: _____



File Attachments for Item:

2. Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita (RC) (Continued from August 24, 2023)



Staff Report for Consideration of a New Zoning District Designation – Residential Casita (RC)

To: Chairman Tony Matyszczyk
Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Creation of a New Zoning District – Residential Casita (RC)

Date: September 21, 2023 Planning Commission Meeting

Prior Submittals and Staff Reports: Discussion of this district related to the proposed Bloom Development took place on May 24, 2023.

Background

The Planning Commission is being asked to consider a new residential zoning designation, Residential Casita (RC). This zoning designation is necessary if the Town wishes to allow for small unit / small lot developments such as a cottage or a casita development. This would be for lots and units that smaller than what is permitted in the Residential 6 (R6). The ordinance will also limit the total house size to 1,500 SF.

This proposed zoning designation was initially considered to address some components of the Bloom Development. The application for the Bloom Development was withdrawn in mid-July and subsequent presentations to the Planning Commission in July and August were relatively short and designed to keep open the possibility of creating a Residential Casita zoning designation in the Town's Zoning Ordinance for consideration by the Planning Commission for future developments that would benefit from a smaller housing type to supplement a resort development.

The Bloom Development has approached the Town and is considering resubmitting their application. Nothing has been confirmed to date but the Planning Commission should consider whether this type of zoning designation is worth consideration as a potential designation for the Bloom Development (should they formally resubmit an application) or future development applications.

The following is a draft ordinance for recommendation to the Town Council. **Revised language is noted in red.**

12.9.02 PURPOSE

The Residential Casita (RC) Classification is provided to allow for small casitas (or bungalows or cottages) as an additional room type for a hotel, other lodging, timeshare or other shared use facility



in a planned mixed-use (inclusive of both residential and commercial uses) development. The RC Classification is only available if it is designed as an additional product to such a development.

12.10.04 LAND USES

1. The Residential Casita (RC) Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
Residential	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached (up to 1,500 SF)	P
Timeshare (Shared Ownership Facility)	
Community	



Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	
Public Building	
Public Services Facility	
School	
Swimming Pool / Bath House	P
Commercial	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center (less than 2,500)	C
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	



Kiosks and Street Vendors	
Maintenance Facility (less than 1,500 SF)	C
Meeting Facilities	
Office	C
Personal Services	C
Recreational Facilities	
Restaurant (with Drive through support)	
Restaurant (less than 2,000 SF)	C
Retail	
Service Station	
Storage Facility	
Theater	

12.10.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Residential Casita (RC) Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

Density	
Maximum Density (ERU)	8



Minimum Open Space	35%
Frontage / Lot Size	
Minimum Lot Size	3,500 SF
Minimum Lot Frontage	50' (may be reduced if the Planning Commission and Town Council approves a cluster development with a private driveway)
Minimum Lot Width	50'
Minimum Lot Depth	70'
Maximum Lot Coverage (in sq. ft.)	1,500 SF
Setbacks	
Minimum Front Setback from road edge	35'
Minimum Front Setback from road edge (Major Road)	40'
Minimum Setback from Highway	50'
Minimum Rear Setback	25'
Minimum Side Setback	20' 15'



Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 10'
Building	
Maximum Building Height	25' or two stories (whichever is less)
Maximum Units per Building	1
Driveway / Garage	
Minimum Parking (non-residential: per 1000 sq ft)	Conditionally (no less than 1 driveway parking pad)
Minimum Driveway parking (residential: per unit)	1
Minimum Garage Parking (residential: per unit)	0
Minimum Driveway Length	24'
Minimum Driveway Width	12'
Maximum Driveway Width	20'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete or asphalt



12.9.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS

Unless otherwise specified, the Landscaping requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

12.9.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS

Unless otherwise specified, the Open Space and Public Space requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

12.9.12 DESIGN REQUIREMENTS

Unless otherwise specified, the Building Design requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

Supplemental Information

At the August Planning Commission meeting there was a request for information regarding the potential impact of residential casitas on property values. Staff did some research and was not able to find any definitive analysis relative to the impact of smaller housing types other than, if a for-sale unit, they tended to be priced lower than larger units based simply on a per square foot value. It is worth noting, the proposed Residential Casita (RC) zoning designation requires these units to be part of a larger resort development where these units are available as a nightly rental option outside of a hotel, etc. that is part of the overall development. These are not for-sale units for year-round living purposes.

Recommendation and Next Steps

The Planning Commission should review the draft ordinance and consider a recommendation to the Town Council.