

TROPIC TOWN ORDINANCE NO. #2018-6

AN ORDINANCE ESTABLISHING GUIDELINES FOR BED & BREAKFAST BUSINESS
IN THE TOWN OF TROPIC, GARFIELD COUNTY UTAH

WHEREAS, the Mayor and Town Council of Tropic Town, Garfield County, State of Utah acting pursuant to requests for rescinding the Tropic Town Bed & Breakfast Ordinance #1990-01 & Ordinance #1996-01 and to amend and clarify Chapter 18 “Agricultural District” Section 18.3 Conditional Uses and Chapter 19 “Residential District” Section 19.3 Conditional Uses pertaining to lodging establishments in Zoning Ordinance #992004 of Tropic Town; and

WHEREAS, Tropic Town is a Resort Community which provides transient lodging; and

WHEREAS, the proposed amendment is consistent with Tropic Town comprehensive plan and essentially compatible with adjacent land uses; and

WHEREAS, the current zoning ordinance Chapter 18.3 “Agricultural District” & Chapter 19.3 “Residential District” does not specifically address the use of a residential home for a B & B and due to the interest expressed, the Tropic Town Council feels that a Bed & Breakfast establishment be included and identified in the Town zoning ordinance as a Conditional Use; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF TROPIC TOWN, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

1. The Town of Tropic, Utah Zoning Ordinance, “Appendix A” Definitions is hereby amended to add the word “Bed & Breakfast Establishment” to the terms defined as follows:

(9) Bed & Breakfast Establishment: A small lodging establishment that provides overnight accommodations and a breakfast meal¹. A bed and breakfast establishment may be one of the following:

- A. Bed and Breakfast: A bed and breakfast establishment having no more than 5 guestrooms; or
- B. Bed and Breakfast Inn: A bed and breakfast establishment having between 6 and 8 guestrooms.

The rest and remainder of “Appendix A” Definitions is hereby ratified, reaffirmed and shall remain in full force and effect.

2. The Town of Tropic, Utah Zoning Ordinance shall be amended to add Chapter 3A Bed and Breakfast Establishments to read as follows:

Chapter 3A BED & BREAKFAST ESTABLISHMENTS

3A-1. Effect of Chapter

This chapter shall govern all Bed and Breakfast establishments operated within Tropic Town, Garfield County, State of Utah, and all such establishments shall comply with the requirements of this Chapter.

3A-2 Purpose

The Mayor and Town Council of Tropic Town hereby declare that the purpose and intent of this Ordinance is to enact reasonable regulations governing the establishment and operation of Bed and Breakfast establishments within Tropic Town, in maintain the essential character of residential zones and to safeguard property values throughout Tropic Town. This Ordinance shall be interpreted in accordance with the general purpose and intention.

3A-3 Approval Required

Except as provided in this Ordinance, it shall be unlawful for any person to establish or operated a Bed and Breakfast establishment in Tropic Town without approval from the Tropic Town Planning Commission, in compliance with the terms of this Chapter.

3A-4 Application Procedure

In order to obtain approval required by Section 3A-3, the applicant shall complete and submit a Bed & Breakfast Business License application, a Conditional Land Use Permit application, and signed Notification of Residential Business License containing the following:

- A. Name, address, telephone, and email of the applicant and the name, address and telephone of the applicant's proposed Bed & Breakfast establishment; and
- B. The zoning district in which the proposed Bed & Breakfast establishment is or shall be located and operated; and
- C. If the proposed Bed & Breakfast establishment is or shall be located in a residential or agricultural zone, a copy of the required conditional use permit; and
- D. Blueprints, specifications, floor plans and elevation drawings or exterior photographs of the proposed Bed & Breakfast establishment, which need not be professionally done, nor drawn to scale, indicating the dimensions, height, color, design materials to be used and proposed construction methods. If the applicant intends to construct a new building to house the proposed Bed & Breakfast establishment, then, in accordance with Section 58-3-10, Utah Code Annotated, said plans and specifications shall bear the personal stamp of an architect licensed under the laws of the State of Utah; and

E. A sit plan, which need not be professionally done, nor drawn to scale, indicating the proposed location of the Bed & Breakfast establishment on the property, and providing measured distances from the proposed location to the boundaries of the property; and

F. A written, signed and notarized statement from the Garfield County Building Inspector indicating that the inspector has personally reviewed the plans and specifications for the proposed Bed & Breakfast establishment, has visited and inspected the structure, and that in the opinion of the building inspector the proposed building is structurally safe, and complies with all building, electrical and fire codes; and

G. Applicant shall submit written evidence that the Bed & Breakfast Establishment has been inspected and all necessary food handler permits from the health department have been obtained to provide breakfast meal; andⁱⁱ

H. If the applicant intends to use a sign on the property to advertise the Bed & Breakfast establishment, the location of the proposed sign and drawings of the proposed sign which need not be professionally done, nor drawn to scale, indicating the type of sign proposed, the dimensions, height, color, design, material to be used, proposed illumination method, proposed construction method, and proposed content; and

I. If the Bed & Breakfast establishment is to be located in a residential or agricultural zone, the signature of all neighboring real property located within three hundred (300) feet from the exterior boundaries of the property where the proposed Bed and Breakfast establishment is to be located. Such signatories need not express consent to the establishment of the Bed & Breakfast establishment, but shall indicate that the neighboring property owners are aware of the application. This subsection shall not apply to establishments to be located in commercial zones.

J. The signature of the applicant along with a statement verifying that the information contained in the application is true and correct, to the best of the applicant's knowledge, and a statement that the applicant agrees to comply with the regulations of this Chapter.

3A-5 Criteria for Issuance of Permit

The Planning Commission shall issue approval required by section 3A-3, upon submission of the required application and fee, and only if it finds that the proposed Bed & Breakfast establishment complies or will comply with each of the following regulations:

A. A Bed & Breakfast establishment housed in an existing or new structure, the structure must comply with the Utah State Construction and other Codes as adopted by the Utah Legislature for all jurisdictions in title 15A of the Utah Code titled the State Construction and Fire Code Act. In addition, establishments, which intend to serve food to guests, shall comply with all health and safety codes applicable to food service for compensation.

B. The Bed & Breakfast establishment shall be located on a site containing not less than one-half-(1/2) acre of real property.

C. The owner(s) or manger(s) must physically reside within the business of the on the Bed and Breakfast Establishmentⁱⁱⁱ.

D. The Bed and Breakfast establishment must have at least two-(2) off-street parking spaces for the owner or manager, and at least one-(1) off street parking space for each guestroom.

E. Bed and Breakfast establishments located in residential and agriculture zone shall have no more than one (1) sign denoting the name and nature of the establishment. The sign shall be no larger than (9) square feet; it must be constructed of wood, stone, or/or brick, and it may be artificially illuminated only be external, low-intensity, screened lamps. Establishments located shall not be limited to the signage requirements of this subsection. However, such establishments shall comply with all requirements pertaining to signs in commercial zones.

F. The Bed and Breakfast establishment shall be located on a street that meets Tropic Town street standards and all fire code safety requirements.

G. A Bed and Breakfast establishment may be located in a commercial, residential or agriculture zone. Any such establishment shall comply with all zoning requirements of the district in which it is located. If the Bed and Breakfast establishment is in a residential or agriculture zone, the physical size, structural design, style, color, construction materials and landscaping of the Bed and Breakfast establishment shall be in harmony with the residential and agricultural character of the neighborhood and shall be designed and planned in such a way as to minimize the impact of the establishment on the neighboring properties. A “Bed & Breakfast Inn” establishment may not be located or operated in a Residential Zone.^{iv}

H. In order to maintain the residential character of the neighborhood, a Bed and Breakfast establishment located in a residential or agricultural zone, may have both interior and exterior entrances to guestrooms. However, all exterior entrances to guestrooms shall be located at the rear of the structure and not be visible from the front. This subsection shall not apply to the Bed and Breakfast establishments located in commercial zones.

I. The Planning Commission may impose any other condition upon any proposed Bed and Breakfast establishment that it deems reasonable and necessary to protect and preserve the health and safety of the public and character of the neighborhood.

3A-6 Revocation for Non-Compliance

The permit required by this Chapter may be revoked by the Planning Commission upon violation of any requirement of this Chapter, or upon failure to comply with any of the special conditions or limitations of the permit.

3A-7 Appeal

Any person aggrieved by a decision of the Planning Commission granting or denying an application for the permit required by this Chapter, may appeal the decision of the Planning Commission to the Tropic Town Council, by filling a written, signed, notice of appeal, specifically stating the decision appeals from and any reasons for the appeal, with the Tropic Town Clerk, within ten-(10) days of the date of the Planning Commission's written decision. The Town Council shall hold an informal hearing on the appeal at the next regularly scheduled Town Council meeting following the date of filing of the notice of appeal. The hearing shall be recorded. The Town Council shall render a written decision either affirming or denying the decision of the Planning Commission within Ten (10) days of the date of the informal hearing. The decision of the Town Council shall be the final administrative decision of Tropic Town, and any further recourse shall be the District Court of Garfield Country, State of Utah.

3A-8 Business License Required

The permit required by this Chapter is not a business license, and such a permit does not relieve the permittee of any other federal, state, county or town license requirement, except that the permittee shall not be required to obtain a Home Occupation Permit.

3A-9 Collection of Taxes

The owner or manager of a Bed and Breakfast establishment shall collect, remit and report all required sales, transient room, restaurant and resort taxes.

3A-10 Water/Sewer Utility Service Rates

The rates for service from the Tropic Town Municipal Water System and Sewer System for Bed and Breakfast establishments shall be as follows:

- A. The minimum monthly Water & Sewer base rate charge for the Bed & Breakfast establishment; and
- B. Overages for use exceeding the allotted gallons^v.

3A-11 Time Limit

The permit required by this Chapter shall be issued for a maximum period of one-(1) year for establishments located in any zone. The permit may be renewed by the Planning Commission for successive one-(1) year periods thereafter provided the establishment continues to comply with all the terms of this Chapter and all special terms and conditions originally imposed by the Planning Commission.

3A-12 Repealed

Any other ordinance dealing with Bed and Breakfast establishments and which is in direct conflict with this Chapter is hereby repealed and superseded to the extent of the conflict.

4. The Town of Tropic, Utah, Zoning Ordinance Chapter 18 "Agricultural" Section 3, Conditional Uses, is hereby amended to add the following:

(5) Bed and Breakfast establishments

The rest and remainder of Chapter 18, Section 3 is hereby ratified, reaffirmed, and shall remain in full force and effect, except that the subsection following (5) Bed and Breakfast establishments, shall be renumbered as subsection (6) other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone.

5. The Town of Tropic, Utah, Zoning Ordinance, Chapter 19, "Residential" Section 3, Conditional Uses, is hereby amended to add the following:

(11) Bed and Breakfast establishments

The rest and remainder of Chapter 19, Section 3 is hereby ratified, reaffirmed, and shall remain in full force and effect.

6. The rest and remainder of the Tropic Town Zoning Ordinance is hereby ratified, reaffirmed, and shall remain in full force and effect.

7. The Tropic Town Ordinance 1990-01 and Ordinance 1996-01 is hereby rescinded

8. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED THIS 20th DAY OF SEPTEMBER 2018

Town of Tropic:

Attest:

By: /s/ WaLon K Brinkerhoff
WaLon K Brinkerhoff, Mayor

/s/Marie H Niemann
Marie H Niemann, Tropic Town Clerk

Vote: In Favor: Dennis Pollock
Brook Wiseman
Lisa Johnson
Kelly Shakespear

Against: None

Abstained: Mayor Abstained

SEAL:



Draft: August 2018

Revised: September 2018

Adopted: September 20, 2018

-
- ⁱ Resolution 2020-3
 - ⁱⁱ Resolution 2020-3
 - ⁱⁱⁱ Resolution 2020-3
 - ^{iv} Resolution 2020-3
 - ^v Resolution 2019-1