



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: October 5, 2023
Re: Continued Discussion: Ordinance 2023-08 - Transient Lodging Overlay Zone

Executive Summary

In the last meeting the Council discussed Ordinance 2023-08 which would significantly revise the Transient Lodging Overlay (TLO) zone. The Council tabled the proposed ordinance revision. At that meeting the Council also directed the Planning Commission to research and make a recommendation on an ordinance that would prohibit new transient lodging. While waiting for the Planning Commission's recommendation on a prohibition, the Council should discuss the TLO revisions to see if there are modifications that can be made to make the proposed ordinance more effective. This course of action will give the Council three options for transient lodging regulation to act upon in the November or December meeting:

1. Consider and take action on the Planning Commission's recommendation regarding making transient lodging a prohibited use.
2. Adopt the revised TLO with changes the Council determines are necessary in the October meeting.
3. Do neither 1 nor 2 above, in which case the current version of the TLO will continue to be effective and the Town will begin accepting TLO zone change applications on January 1, 2024.

In preparation for option #2 above, staff recommends the Council discuss the revisions necessary to the TLO to make it more effective in accomplishing the goals and objectives of the General Plan.

Previous Council Discussion on Proposed TLO Zone Revisions

In the last meeting the Council discussed the proposed revisions to the TLO. Details of the proposed changes to the TLO are available in [staff's report to the Council for the September meeting](#). The Council may wish to review those details again in preparation for the coming meeting.

The Council discussed the strengths and weaknesses of proposed changes to the TLO zone in the last meeting. In general, the Council identified the following as strengths of the proposed revisions:

- The enhanced and clarified standards for TLO zone applications will hopefully encourage more fully developed and well thought out applications.
- The more specific review criteria in the ordinance can help guide applicants in developing TLO zone change applications that meet the goals and objectives of the General Plan. These criteria would also help the Commission and Council in evaluating TLO zone requests.

- The requirement to provide long-term residential rental housing with all TLO zone projects could help preserve the Town’s residential character, as well as promote some of its housing goals as contained in the General Plan.

In general, the Council identified the following as weaknesses of the proposed revisions:

- The requirement for restaurants associated with transient lodging with 10 or more units is difficult to administer, may not get the Town the type of restaurants it needs, and may not be as effective as anticipated in preserving the Town’s character.
- The additional requirements for TLO zone applications and TLO zone projects make it expensive to apply for and develop transient lodging, effectively shutting out small scale “mom and pop” operations that are unique to Springdale—the exact type of lodging the General Plan encourages. This encourages large scale transient lodging sponsored by investment groups who may not have connection to or appreciation of the Town’s unique character and village atmosphere.

Community Input on the TLO

Members of the community expressed the following additional comments and suggestions during public hearings at both the Planning Commission and Town Council meetings.

- If a TLO zone application is denied, a portion of the application fee should be able to be used as credit for future TLO zone change applications on the same property.
- Special consideration should be given to property owners who are currently unable to make an application for the TLO zone change because of the distance requirements associated with Type 2 lodging.
- The number of long-term residential units required per number of transient lodging units should be re-examined. The proposed changes create a disincentive to develop transient lodging facilities with fewer than eight units, as well as a disincentive to develop and long-term residential units separate from an approved TLO zone change.
- The parking requirements for transient lodging should be revised.
- Existing commercial or residential uses that contribute to the Town’s character should be allowed to satisfy the mixed-use requirement for transient lodging facilities.
- There are other options the Town should consider for transient lodging regulation, such as a transient lodging marketplace, or an annual cap on the number of transient lodging units approved.
- The process for extensions of TLO zone change approvals should be revised.
- Central Commercial is already densely developed and can accommodate transient lodging with fewer impacts on the Town’s character than Village Commercial.

Council Action

Staff encourages the Council to come to the meeting prepared to discuss specific modifications to the proposed TLO zone revisions. The Council can use the above summary to help develop these specific modifications. Staff is available to assist and support Council members in this process.

At the meeting staff suggests the Council have a discussion on these specific modifications to the TLO. The Council should then give staff direction on how to revise the TLO. Staff will make the requested changes and bring the proposed ordinance back to the Council for consideration in a future meeting. Additionally, if the proposed revisions are lengthy, significant, or complex the Council could schedule a work meeting to have a more detailed discussion on the proposed changes. Staff recommends the Council not attempt to revise the existing document during the meeting and then take action.



ORDINANCE 2023-08

CHANGES TO CHAPTER 10-13F OF THE TOWN CODE, THE TRANSIENT LODGING OVERLAY ZONE, ALTERING THE APPLICATION PROCESS, REVIEW PROCEDURES, AND LAND USE REQUIREMENTS FOR NEW TRANSIENT LODGING FACILITIES.

Whereas, the Town of Springdale adopted the Transient Lodging Overlay zone on June 8, 2022; and

Whereas, the purpose of the Transient Lodging Overlay zone is to mitigate the negative impacts associated with transient lodging and help new transient lodging facilities more fully promote the goals of the General Plan and add to the Town's community character; and

Whereas, the Town's Planning Commission and Town Council reviewed five applications for transient lodging in 2022 under the regulation of the Transient Lodging Overlay zone; and

Whereas, the Town's experience reviewing the first five applications revealed aspects of the Transient Lodging Overlay zone that could be clarified, revised, and enhanced to better accomplish the goals of the General Plan, particularly the goal to help new transient lodging facilities add to the character of the community (General Plan Land Use and Town Appearance Sub-Goal G); and

Whereas, one of the significant negative impacts of new transient lodging facilities is the loss of variety in land uses in the Town as more and more properties are developed as transient lodging; and

Whereas, a critical component of the Transient Lodging Overlay zone is the requirement for new transient lodging facilities to provide a mix of uses, in addition to lodging, to combat the loss of land use variety; and

Whereas, the Town has determined that long-term residential rental housing and restaurants are the two uses most threatened by additional transient lodging development, and therefore the most important to require as new lodging is developed; and

Whereas, the Town now desires to revise the Transient Lodging Overlay zone to ensure applications for transient lodging development better promote the goals and objectives of the General Plan; and

Whereas, the processes outlined in State law and Town code necessary to amend the Town's land use ordinance have been fulfilled;

Therefore be it ordained by the Springdale Town Council that Title 10 of the Town Code is amended as follows:

Section One: The following definitions are removed from Section 10-2-2:

~~Type 1 Transient Lodging: A transient lodging facility that has full-time on-site front desk or concierge staff dedicated to assisting customers of the transient lodging business. These types of facilities offer guests routine support services such as housekeeping and maintenance. These facilities may have a variety of types of accommodations, including basic rooms and suites with kitchens, and may offer food services to guests. Type 1 transient lodging is contained in a structure that is purpose-built for lodging and cannot be easily converted to a non-lodging use. Type 1 transient lodging includes hotels and motels.~~

~~Type 2 Transient Lodging: These are lodging establishments where there is no full-time on-site staff dedicated to providing services to guests. The establishment typically does not offer routine support services such as housekeeping or front desk services. Type 2 transient lodging is contained in a structure that can be converted to a non-lodging use (either another commercial use or a long-term residential use) with minimal renovation. Type 2 transient lodging includes: short-term rentals, residential hosting, bed and breakfasts, and hostels.~~

Section Two: Section 10-11A-7 of the Code is amended to read as follows:

10-11A-7: - DENSITY STANDARD:

No lot or parcel of land within the CC zone may be developed to have more than one apartment, condominium, ~~transient lodging unit,~~ or other similar unit per 2,500 square feet of land area.

Section Three: Section 10-11B-5 of the Code is amended to read as follows:

10-11B-5: - AREA REQUIREMENTS:

- A. Building size: The gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed 5,000 square feet. Gross area shall include all attached structures and exclude basements. Buildings or structures not exceeding 8,000 square feet may be allowed if said structure is located a minimum of 100 linear feet from SR-9 (Zion Park Boulevard) and/or a residential zone (VR or FR zone). The linear distance requirements may contain other buildings or structures and should not be substituted for the unobstructed setback requirements of section 10-11B-6 of this article.

- B. Units per lot: No lot or parcel of land within the VC zone may be developed to have more than one apartment or ~~transient lodging~~ similar unit per 4,000 square feet of net developable land area.

Section Four: That the current text of Chapter 10-13, Article F - Transient Lodging Overlay Zone be replaced in its entirety by the following text:

10-13F Transient Lodging

10-13F-1: Purpose:

The Transient Lodging Overlay zone is established to allow the development of transient lodging facilities in the Town that will promote the goals and objectives of the General Plan. Working with the predecessor transient lodging ordinance, which previously provided several options for mixed uses, two options have emerged as being the most needful in the Transient Lodging Overlay zone: long-term residential housing and restaurants. The General Plan emphasizes the need to maintain a variety of long-term housing options in the community in order to preserve the Town’s sense of community and avoid becoming a community of predominantly transient population. As more transient lodging units are developed, the ratio between long-term residential units and transient lodging units is skewed, impacting the Town’s character as a rural residential community. The Town therefore finds that long-term residential housing must be developed in conjunction with any new transient lodging to maintain the residential character of the community. New transient lodging generates increased demand for restaurant services because the transient population requires meal services during their stay in the Town. As more transient lodging is developed the demand on existing restaurants is increased, creating impacts in terms of long waits and congestion for residents and visitors who wish to eat at restaurants. The Town has determined new transient lodging facilities must provide new restaurant service to maintain the existing level of service for restaurants in the community. Therefore, long-term residential housing and restaurants are the two uses most impacted by additional transient lodging. The Transient Lodging Overlay zone is intended to ensure any new transient lodging developments promote the Town’s village character, protect the Town’s unique community feel, and enhance the quality of life for all community members by ensuring long-term residential housing and restaurants are included as additional uses in new transient lodging development.

10-13F-2: Applicability:

Only properties that are already in the Central Commercial (“CC”) or Village Commercial (“VC”) zone are eligible for the Transient Lodging Overlay zone. The Town will not accept an application for Transient Lodging Overlay zone on a property unless that property is zoned either CC or VC at the time the

application for the Transient Lodging Overlay zone is submitted. An application for the Transient Lodging Overlay zone and an application to rezone the property to the VC or CC zone may not be made concurrently.

10-13F-3: Transient Lodging Overlay Zone Required for Transient Lodging:

- A. As of June 22, 2022, a new transient lodging facility may not be established in the Town of Springdale without the approval of the Town Council to apply the transient lodging overlay zone to the property where the transient lodging facility is located.
- B. As of June 22, 2022, the number of transient lodging units on a property with a transient lodging facility approved and developed prior to June 22, 2022 may not be increased without the approval of the Town Council to apply the transient lodging overlay zone to the property where the transient lodging facility is located.
 - 1. This provision applies to any increase of transient lodging units on a property, whether through new construction, conversion of existing non-lodging uses to transient lodging, reconfiguration of existing transient lodging units that results in additional transient lodging units on the property, or any or action that increases the number of transient lodging units on a property.
- C. The number of transient lodging units on a property that has been approved for the Transient Lodging Overlay (“TLO”) zone may not be increased from what the TLO zone approval allows, unless a new application for the TLO zone is made. In such a case a new approval of the TLO zone reflecting the increased number of transient lodging units is required prior to developing any additional transient lodging units on the property.
- D. The Planning Commission will not accept applications for design/development review for new transient lodging facilities unless the property where the proposed transient lodging facility is located has previously been approved for the transient lodging overlay zone, or the property has pre-existing entitlements for transient lodging.
- E. The Town Clerk will not accept applications for a business license for new transient lodging unless the property has previously been approved for the transient lodging overlay zone, or the property has pre-existing entitlements for transient lodging.

10-13F-4: Application Process:

- A. The Town will accept applications for the Transient Lodging Overlay zone from March 1 to March 31 of each even numbered calendar year (e.g., 2024, 2026, etc.) (the “Application Period”). Applications shall be submitted on a form prepared by the Town.
- B. At least two weeks prior to making an application for the Transient Lodging Overlay zone, an applicant must send a printed summary of the proposed transient lodging development by mail to all owners of property, according to the property records of the Washington County Recorder, within 300 feet of the property where the proposed transient lodging facility will be located as measured from all lot lines. The printed summary must contain:
 - 1. The address and parcel number of the property where the TLO zone is proposed;

2. The name of the TLO zone applicant;
 3. The current zone and use of the property;
 4. The size of the property;
 5. The number of transient lodging units requested under the TLO zone application;
 6. A description of the general nature of the proposed transient lodging development; and
 7. And an invitation for the adjacent property owners' comments and feedback to help inform the final design of the project.
- C. The Director of Community Development or designee will review the application for completeness. If an application is found incomplete the DCD or designee shall, within five business days of the date of the application, return the application to the applicant with specific instruction regarding what is lacking to make the applications complete. The applicant shall return the application with the requested additional information to the DCD prior to March 31, or a maximum of five business days from the date of the DCD's correction letter if the correction letter is sent less than five business days prior to March 31. If the applicant fails to make the corrections within the specific timeline the application will be deemed incomplete and will not be reviewed further.
- D. The Planning Commission will hold a public hearing to review all complete applications submitted during the Application Period. The Planning Commission will make a recommendation to the Town Council to approve up to three of the applications received. However, the Commission is not obligated to recommend approval of any application and may elect to recommend denial of all applications. The Planning Commission will randomize the order of applications heard during the public hearing. The Commission will not make a decision on any application until all applications have been heard in public hearing.
- E. Upon receiving a recommendation from the Planning Commission the Town Council will hold a public hearing to review all applications submitted during the Application Period (inclusive of those with a recommendation for approval from the Planning Commission, as well as those with a recommendation for denial). The Town Council may approve up to three applications for the Transient Lodging Overlay zone during each biennial application cycle. However, the Council is not obligated to approve any of the Transient Lodging Overlay zone applications and may elect to deny all applications. The Town Council will randomize the order of applications being presented during the public hearing. The Town Council will not make a decision on any application until all applications have been presented in public hearing.
- F. If the Town Council approves the Transient Lodging Overlay zone on a property, the property owner/applicant shall have eighteen months from the date of the Town Council's approval in which to begin development of the proposed transient lodging facility. The property owner / applicant shall have two years after development begins to complete the project and have a Certificate of Occupancy issued. If development of the transient lodging facility is not initiated and pursued to completion in accordance with these timelines the Transient Lodging Overlay zone approval will be rescinded and the property will revert back to the underlying zone with no Transient Lodging Overlay zone.
1. To begin development of the transient lodging facility means to have all necessary permits issued and to have started the actual process of construction.

2. The Town Council may grant one extension of up to one year to complete development of the transient lodging facility if:
 - i. The development of transient lodging facility is in at least the framing stage;
 - ii. The developer demonstrates that factors beyond the developer’s control have prevented timely completion of the project; and
 - iii. The developer presents a feasible plan and schedule demonstrating how the project will be able to be completed within the one-year extension period.

10-13F-5: Application Review Criteria:

- A. In reviewing Transient Lodging Overlay zone change applications the Planning Commission and Town Council will use the following criteria. These criteria are provided to help the Planning Commission and Town Council in their review of Transient Lodging Overlay zone applications. Due to the legislative nature of zone changes, the Town Council is not obligated to approve a Transient Lodging Overlay zone change application even if the application meets these criteria.
 1. Will the proposed development clearly maintain Springdale’s unique identity and community atmosphere as detailed in Land Use and Town Appearance Subgoal A of the General Plan?
 2. Does the proposed development clearly support the vision for Transient Lodging established in Land Use and Town Appearance Subgoal G of the General Plan?
 - a. Will the proposed transient lodging promote the Town’s “in the Park feel”, small village scale, and unique village atmosphere?
 - b. Will the proposed transient lodging be attractive, memorable, and unique in such a way that complements the visitor’s experience in Zion Canyon and Zion National Park?
 3. Does the proposed development clearly support the vision for tourism related economic development established in Economic Development Subgoal I of the General Plan?
 - a. Will the proposed transient lodging add to the quality of life for residents?
 - b. Will the proposed transient lodging development protect the community’s character?
 - c. Will the proposed transient lodging development “give back” to the community (with more than just tax revenue)?
 4. Does the proposed development support the vision statement and other applicable goals of the General Plan?
 5. Will the proposed development negatively impact the privacy, peace, quiet, and enjoyment of surrounding properties, particularly those that are residentially zoned?
 6. Will the proposed development help maintain a desirable balance between transient lodging and other commercial uses in the Town’s commercial zones?
 7. Is the facility projected to create a need for essential municipal services (including water and other utility services) that the Town cannot reasonably meet?
- B. The Planning Commission and Town Council shall develop a review framework utilizing the application review criteria above to assist in reviewing all the applications received during the

Application Period. The review framework shall be a tool the Planning Commission and Town Council use to evaluate the applications received against each other, relative to the application review criteria. The Planning Commission and Town Council shall use the same review framework to evaluate all applications received during an Application Period. The review framework shall be one of several factors the Commission and Council consider in determining which, if any, of the applications to approve. The review framework shall not guarantee approval or denial of any application or be the only tool the Commission and Council use to evaluate applications. The results of the review framework shall be informative only, and in no way shall they be binding.

10-13F-6: Application Standards:

All applications for the Transient Lodging Overlay zone shall include sufficient information and detail to allow the Planning Commission and Town Council to make informed findings regarding the review criteria listed above. Applications must include preliminary development plans and details for the proposed development on the property. At a minimum, applications must include the following information:

- A. Site plan showing:
 - 1. Property boundaries;
 - 2. Topography in one foot contour intervals;
 - 3. Existing and proposed access into the property;
 - 4. All existing development (if any) on the property;
 - 5. All proposed transient lodging development;
 - 6. All other proposed new development on the property; and
 - 7. Parking, landscape areas, and other site details.
- B. Conceptual architectural floor plans of the proposed transient lodging development, required long-term residential housing units, and restaurant (if required).
- C. Conceptual elevations of the proposed transient lodging development, required long-term residential housing units, and restaurant (if required) showing proposed exterior color and materials of the new structures.
- D. Number of transient lodging units being requested, nature of the transient lodging units, and expected occupant load of each transient lodging unit.
- E. Narrative with details on how the proposed development will satisfy the requirements for:
 - 1. Front desk / concierge service;
 - 2. On-site restaurant; and
 - 3. Long-term residential uses.
- F. Narrative detailing how the proposed transient lodging will be operated in compliance with the requirements of this chapter.
- G. Specific details describing how the proposed transient lodging will promote the goals and objectives of the General Plan. The applicant must include a specific response to each of the following General Plan Goals:
 - 1. Land Use and Town Appearance Subgoal A;

2. Land Use and Town Appearance Subgoal G; and
 3. Economic Development Subgoal I.
- H. Provide evidence of written notices being mailed to owners of all property within 300 feet of the subject property, which written notices must describe in general detail the proposed transient lodging facility and contain a summary of the comments and feedback received from these property owners.
 - I. Description of strategies used in the design of the project that are intended to protect adjacent properties from the impacts of the proposed transient lodging facility, including a copy of the proposed good neighbor and guest education policies.
 - J. Any other information the applicant wishes to include that demonstrates how the proposed development will enhance the Town's community character, as outlined in the General Plan.

10-13F-7: Standards for Transient Lodging:

All transient lodging facilities shall comply with all of the following standards:

- A. Transient lodging facilities must be located on a dedicated public road, or a private street that is constructed to the standards for pavement, curb, gutter, and other improvements shown in the Town's Construction Details and Design Standards manual for public roads.
 1. If the transient lodging facility is located on a private street that is not entirely owned by the TLO zone applicant or transient lodging facility developer:
 - i. All other owners of the private street must consent in writing to the use of the private street to access and serve the transient lodging facility; and
 - ii. There must be a road maintenance agreement detailing the maintenance responsibilities associated with the private street signed by all owners of the private street that is recorded in the Washington County Recorder's office.
- B. Transient lodging facilities must have a 24-hour on-call property manager available who is able to be on the property to respond to emergencies and complaints of nuisance issues within 30 minutes of being notified.
- C. Transient lodging facilities shall adopt good neighbor and guest education policies. These policies shall be displayed prominently in each transient lodging unit and given to each guest upon arrival. These policies shall:
 1. Educate guests about Town ordinances regarding noise, nuisance, and other similar issues;
 2. Orient guests to the Town with information regarding transportation, entrance to Zion National Park, location of medical facilities and other essential services;
 3. Encourage guests to respect the Town's community character, to be sensitive of the impact they have on the community and full-time residents, and to be cognizant of their impact on natural resources such as the Virgin River and the dark night sky; and

4. Encourage guests to use pedestrian, bicycle, and transit transportation whenever possible instead of private automobile travel in Springdale and Zion National Park.
- D. Transient lodging facilities on property with 10 or more transient lodging units shall have a front desk or concierge desk to respond to inquiries and requests from and provide service to guests of the facility. The front desk/concierge desk must be dedicated specifically to the transient lodging use on the property and may not be used in conjunction with any other use or business. The front desk/concierge desk must be open and continuously staffed by on-site personnel for at least ten hours each day between October 15 and March 15, and for at least 14 hours each date at all other times.
- E. Transient lodging facilities on property with 10 or more transient lodging units shall have a restaurant.
1. The building area devoted solely to restaurant use (inclusive of dining area, kitchen area, and prep area) must be a minimum of 800 square feet and must be equal to or greater than 20% of the building area devoted to transient lodging (including guestrooms, lobby, etc.), except that in no case shall more than 2,000 square feet of restaurant space be required.
 2. The restaurant must be open to guests of the transient lodging facility as well as the general public.
 3. The restaurant must be a separate licensed business from the transient lodging business.
 4. The restaurant must be open and operational during the seasons and times the transient lodging facility is open. The restaurant must be open during dinner hours for a minimum of 25 hours per week and for at least nine months of each calendar year.
 - i. When there is a transition in restaurant operators in the required restaurant space the restaurant may be closed for a maximum period of twelve weeks to allow renovations to facilitate the transition from one operator to another.
 5. The restaurant associated with the transient lodging facility must be fully operational prior to a business license for the transient lodging facility being issued. To be operational means the restaurant space has been issued a certificate of occupancy, the restaurant has been issued a business license, and the restaurant has opened for business.
- F. Long-term rental residential units shall be developed with all new transient lodging facilities, pursuant to the standards below:
1. One long-term rental residential unit is required for every eight lodging units. In determining the number of long-term rental residential units required, all fractions will be rounded up to the next highest whole number. For example, a transient lodging facility with three transient lodging units would be required to provide 0.375 long-term rental residential units, which would be rounded up to one long-term rental residential unit. A transient lodging facility with 10 lodging units would be required to provide 1.25

- long-term rental residential units, which would be rounded up to a minimum of two long-term rental residential units.
2. The long-term rental residential units used to meet this requirement must be newly developed units. A property owner may not use long-term rental residential units that are either physically constructed or that have received any land use approval from the Town at the time the application for transient lodging is approved to satisfy the long-term rental residential requirement for the development.
 3. The long-term rental residential units may not be used to satisfy both the TLO zone requirement and any other requirement in the Town code (including requirements associated with the Workforce Housing Overlay Zone), development agreement, or any other similar requirement for a property owner to construct housing.
 4. The long-term rental residential units must be rental housing, and not owner-occupied housing.
 5. Each long-term rental residential unit used to fulfill this requirement must measure a minimum of 600 square feet in area.
 6. Each long-term rental residential unit used to fulfill this requirement must be constructed and maintained to a standard of quality that meets or exceeds the HUD Housing Quality Standards applicable to the Housing Choice Voucher Program.
 7. Long-term rental residential units must be occupied by the same household for periods of not less than 90 consecutive days.
 8. Long-term rental residential units must be occupied as the occupant's primary residence.
 9. Long-term rental residential units must be occupied for at least nine months in any twelve-month period.
 10. Each long-term rental residential unit must have its own dedicated water meter, according to the Town's Construction Standards and Design Details.
 11. Housing must be open for rent by members of the general public. Housing made available to employees of a transient lodging facility and that is contingent in any way on their employment at the transient lodging facility does not satisfy this requirement.
 12. Long-term rental residential units required by this section can be located on a property other than the transient lodging facility property, as long as the property is within the Town of Springdale.
 13. The owner of the property where the long-term rental housing units are located must record a restrictive covenant on the property that identifies the long-term rental residential units and requires the units to be used for long-term residential uses in compliance with this section for at least 50 years. The covenant must identify to which transient lodging facility the long-term residential units are linked. The covenant must specifically list and require the property owner to adhere to all the requirements for long-term rental residential units contained in this section.
 14. The long-term rental residential units associated with a transient lodging facility must be fully constructed with a certificate of occupancy issued prior to the business license for the transient lodging facility being issued.

10-13F-8: Density Standard for Transient Lodging Units:

- A. A property in the CC zone may not be developed with more than one transient lodging unit for every 2,500 square of lot area.
- B. A property in the VC zone may not be developed with more than one transient lodging unit for every 4,000 square feet of net developable land area.

10-13F-9: Annual Review of Transient Lodging Overlay Zone Compliance:

Managers of all transient lodging facilities shall provide documentation of compliance with all the standards in this chapter during the annual renewal of the business license for the transient lodging facility. The Town shall not issue an initial business license or business license renewal for a transient lodging facility in the transient lodging overlay zone until all of the standards of this chapter have been met.

- A. The transient lodging facility manager shall provide the following information to the Town Clerk as part of the annual business license review:
 - 1. Name and contact information for the on-call property manager;
 - 2. Documentation that the required restaurant is in operation and open for business in compliance with the standards for restaurants associated with transient lodging facilities established in this chapter;
 - 3. Current copy of the good neighbor / guest education policies;
 - 4. Identification of the required long-term residential units associated with the transient lodging, and documentation that the units have been occupied as long-term residential units for at least nine of the previous twelve months; and
- B. The Town Clerk will not issue a business license renewal for the transient lodging business until all of the above identified information is provided to the Town.

10-13F-10: Notice and Restrictive Covenant Required:

The Town will not finalize approval of the transient lodging overlay zone on any property until the owner of the property has recorded an instrument in a form approved by the Town that provides notice and a restrictive covenant against the property in the Washington County Recorder's Office, which details the requirements of this chapter as applied to the property and binds future property owners to comply with the requirements of this chapter, as conditioned and applied to the property.