

# Town of Leeds

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## Work Session Agenda Town of Leeds Planning Commission Wednesday, Sept 6, 2023

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold a **WORK SESSION** on Wednesday, September 6 Leeds@84746, 2023, at 5:00pm. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

The purpose of this work session is continued evaluation of consolidated fee schedule and to facilitate open dialogue among the Planning Commission, Town Council members (should a quorum be present) Staff, and residents regarding the and short-term rental policy. Decision-related discussions will be scheduled for a future Planning Commission meeting. This session prioritizes candid idea exchange , with no formal action taken

### **Work Session 5:00pm.**

1. Call to Order/Roll Call
2. Consent Agenda:
  - a. Tonight's Agenda
  - b. Work Session Minutes of July 26, 2023
3. Work Session
  - a. Continued Evaluation of Consolidated Fee Schedule
  - b. Discussion on Leeds Short-Term Rental Policy and State Code Changes with Scott Messel
6. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted September 5, 2023 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmn.utah.gov>, and the **Town of Leeds website** [www.leadstown.org](http://www.leadstown.org).



Aseneth Steed, Clerk/Recorder

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# Town of Leeds

## Town Council and Planning Commission Work Session for Wednesday, September 6, 2023

### Work Session 5:00 PM

Call to order: 5:00 p.m.

Chairman Swenson called to order the Work Session of the Planning Commission and Town Council at 5 PM on Wednesday, September 6, 2023.

**ROLL CALL: TOWN COUNCIL**

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	_____	X
COUNCILMEMBER: DANIELLE STIRLING	_____	X
COUNCILMEMBER: RON CUNDICK	_____	X
COUNCILMEMBER: STEPHEN WILSON	_____	X
COUNCILMEMBER: KOHL FURLEY	_____	X

**ROLL CALL: PLANNING COMMISSION**

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____
COMMISSIONER: ALAN ROBERTS	X	_____
COMMISSIONER: TOM DARTON	X	_____
COMMISSIONER: KEN HADLEY	X	_____
COMMISSIONER: GARY ROSENFELD	X	_____
	<u>Present</u>	<u>Absent</u>
TOWN PLANNER: SCOTT MESSEL	X	_____

Commissioner Roberts motioned to approve the agenda of September 6, 2023, and the meeting minutes of July 26, 2023, Commissioner Darton seconded the motion. The motion passed in a roll call vote.

**ROLL CALL VOTE:**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

Conflicts or Abstentions: None

The discussion revolves around adjusting various fees, particularly the encroachment permit fees, based on a 2% annual inflation rate. They consider factors like the number of cuts, linear footage, and inspections for different types of projects. The proposed changes include raising the application fee from \$125 to match the county rate of a base application fee of \$300 for projects with zero to three cuts. Additionally, there's a suggestion to charge \$1 per linear foot for utility runs in the right of way. The discussion emphasizes the need to ensure that the fees cover the costs of inspections without generating excessive revenue.

Here's a summary of the changes and recommendations for the fees discussed in your conversation:

#### Amendment to Existing Fee Categories

- Solicitor or Itinerant Merchant Permit: \$130 per week and \$525 per year.
- Hillside Review Board Site Plan Review: \$300 plus \$65 per acre.
- Planning Application Fees: \$1,000.
- Annexation Application: \$1,000.
- Appeal Application: \$700.
- Conditional Use Permits: Category 1: \$130, Category 2: \$450, Category 3: \$850, Category 4: \$1,300.
- Hillside Permit: \$350.
- Lot Line Adjustment: \$250.
- Sign Review Board: Removed.

#### Exemptions:

- Public schools and minor additions to existing buildings are exempt from site plan review fees.

Some fees were adjusted to round numbers for simplicity, and new categories have been created for solicitors or itinerant merchants and hillside site plan reviews. The Hillside Review Board Site Plan Review fee has been increased to \$300 plus \$65 per acre to reflect the more complex nature of such reviews.

Commissioners discussed different fees for planning, subdivision, inspection, variance, and zone change processes. There is a debate about whether certain fees are discouraging or appropriate for specific situations, such as variances, and whether they should be based on a flat rate or the size of the project. Ultimately, they considered implementing a flat fee for zone changes, potentially in the range of \$1000, to simplify the process.

The main issues discussed are related to zoning regulations and short-term rentals.

Here's a simplified summary:

1. Zoning Changes: There was a discussion about making changes to zoning regulations, including the fees associated with zoning changes.
2. Recording Fees: They talked about recording fees, which are the costs incurred when recording documents related to property changes.
3. Inspection Fees: Commissioners considered setting fees for inspections of properties, both residential and commercial.
4. Short-Term Rentals: The primary topic was short-term rentals (like Airbnb) and whether property owners should be required to live on-site or nearby for better control and response to issues.

5. Code Enforcement: They discussed the importance of code enforcement to ensure properties in residential areas remain residential and don't turn into makeshift hotels.
6. Property Management: The idea of having a property manager or a contact person for short-term rental properties was mentioned to address complaints and issues promptly.

In essence, Commissioners' discussion is about trying to balance the flexibility of short-term rentals with the need to maintain the residential character of neighborhoods and ensure proper regulation and control.

Commissioner Roberts moved to adjourn the meeting

Meeting adjourned: 7:04

Approved this fourth Day of October 2023.

  
\_\_\_\_\_  
Danny Swenson, Chairman

ATTEST:

  
\_\_\_\_\_  
Aseneth Steed, Town Clerk/Recorder

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2 10-13-23: SHORT TERM RENTAL (STR):

3 A. Purpose:

4 1. Create a process for the application and licensing of a residential dwelling for  
5 transient use as a short term rental. Address the granting, enforcement, and revocation of a  
6 Short Term Rental License.

7 2. Establish that the short term rental of a dwelling is a transient use only permitted by  
8 a valid county license. It is not a dwelling type, zone or entitlement. Also establish that a  
9 license only will be granted where the utility infrastructure, size limitations, setbacks,  
10 parking requirements, and all other licensing requirements are strictly complied with, and  
11 all county, state and federal laws.

12 3. Establish regulations to safeguard the public health, safety and welfare by providing  
13 for the licensing and maintenance of a short term rental in the unincorporated areas of  
14 Washington County.

15 4. Ensure that transient use of a dwelling for short term rental is operated in a manner  
16 that is safe for transient users, compatible with the community, and complies with the code  
17 and policies.

18 5. Ensure that a Short Term Rental License is only granted when it is compatible with  
19 the surrounding neighborhood and protects the overall character of the community,  
20 mitigating the effects of a short term rental on neighborhoods from increased noise, traffic,  
21 parking, trash, waste, and water use.

22 B. Applicability: This section applies to the transient use of a dwelling for short term  
23 rental in the unincorporated areas of Washington County as defined herein, where a valid  
24 license is maintained. This section applies to all existing nonconforming short term rentals  
25 except as to the owner occupancy requirement in C.2, and the size limitation in E.3. It does  
26 not apply to long term rentals. It does not apply to hotels, condotels, motels, timeshares,  
27 fractional ownership units, or other similar facilities with central check-in locations.

28 C. General Provisions:

29 1. Only one STR. Only one dwelling on a lot or parcel may obtain a license as a short  
30 term rental, and only where the single family dwelling and accessory dwelling legally exist.  
31 The STR shall not have lockouts or other features that increase the number of units being  
32 short term rented in any manner. The entire dwelling or entire ADU may constitute a STR,  
33 but only for the approved square footage in the licensed dwelling and at the situs for the  
34 STR as set forth in the license. No other ADU or portion of an ADU, and no other dwelling or  
35 portion of a dwelling, may be advertised or rented as a STR. Room shares, home shares,  
36 hostel-rooms, or amenity rentals (shared kitchen, bathroom, amenities or other common  
37 facilities) are prohibited. All provisions in this code shall be met, including the size  
38 limitations and setbacks for the dwelling as applicable in the zone.

39 2. Owner-occupancy required. A Short Term Rental License shall not be issued for a  
40 dwelling on a lot or parcel unless the single family dwelling, or the accessory dwelling, is  
41 owner-occupied. For the purposes of this section, an "owner-occupant" shall have a  
42 primary residential exemption on the lot or parcel as determined by the Washington  
43 County Assessor's office, and shall be a permanent, full time resident at the same address,  
44 reside on the lot or parcel for a minimum of one hundred eighty-three (183) consecutive  
45 calendar days during the calendar year. A Short Term Rental License is deemed revoked  
46 automatically expires if the primary residential exemption is denied, lost, removed or  
47 revoked for any reason. ~~owner-occupant temporarily leaves the lot or parcel for a period~~  
48 ~~that exceeds one hundred eighty-two consecutive calendar days.~~

49 3. Short Term Rental License Density Limit. Each subdivision, or phase of a subdivision,  
50 is limited to the number of STR licenses that do not exceed 10% based on the number of  
51 lots in the subdivision or phase thereof. No additional STR licenses shall be granted for a  
52 fractional number of lots (i.e. a subdivision or phase with 15 lots may only obtain up to one  
53 STR license). STR licenses shall be disbursed throughout the subdivision based on its  
54 phases, and limited in number based on the number of lots in each phase and the total  
55 number of lots in the subdivision (i.e. a subdivision phase with 28 lots may obtain up to two  
56 STR licenses; a subdivision with a total of 98 lots may obtain up to nine STR licenses if  
57 appropriately disbursed by phase). The license density limit does not apply to subdivisions  
58 with nine lots or less. If an approved overlay zone has more restrictive STR density limit  
59 provisions, the more restrictive controls over the less restrictive. The Community  
60 Development Department shall develop and implement policies regarding a waiting list for  
61 Short Term Rental Licenses by subdivision.

62 34. Access and Occupancy Limit. All short term rentals shall have an access and  
63 occupancy limit of four people per bedroom based on the number of bedrooms listed on  
64 the septic permit or on the approved plans, whichever number is less (the "approved  
65 bedrooms"). Only legal bedrooms may be advertised, rented or used as sleeping quarters.  
66 Sleeping accommodations shall not be provided, advertised, rented or used in rooms other  
67 than approved bedrooms. No STR may be advertised, ~~or~~ rented for used by more people  
68 than the maximum access and occupancy limit. Access to the property shall be limited to  
69 confirmed guests. It is the owner or property manager's duty to monitor its STR to prevent  
70 violation of the access and occupancy limits with monitors, ~~motion~~ cameras, or guest  
71 screening apps. Data from STR monitors, cameras, or guest screening apps shall be stored  
72 by the owner or property manager for 90 days, and shall be provided to the County no later  
73 than five business days after a ~~promptly upon~~ request, in an easily accessible format, or it  
74 is a violation. Other health and safety occupancy limits may apply to a specific property or  
75 dwelling based on the building code, fire code, septic permit, or other restrictions. The  
76 occupancy limit is effective 60 days after enactment of these regulations.

77 35. Advertising. All advertising in the control of owner, owner occupant, or local  
78 property manager for short term rental of a dwelling shall include the Washington County  
79 Short Term Rental License number and relevant limitations (i.e. dwelling size, parking,  
80 occupancy limit, and state "no events, parties or excessive noise are allowed").

81 46. Taxes collected and remitted. All taxes, including transient room tax, shall be  
82 collected at the time of rental and remitted to Washington County via the State of Utah.  
83 Non-compliance may result in suspension, revocation, non-renewal, or denial of a Short  
84 Term Rental License, in the discretion of the county.

85 D. Application Required: At least ~~thirty (30)~~ days prior to advertising a dwelling for short  
86 term rental, the owner shall file a written application with the Community Development  
87 Department on its approved form seeking a Short Term Rental License. The application  
88 shall not be deemed complete until all required information is submitted.

89 1. Application materials:

90 a. The exact address, and proof of ownership of the subject lot or parcel. Any  
91 proposed license shall be issued in the name of the owner. If the owner is an entity, the  
92 name, address, email and phone number of all of the principals and the registered agent for  
93 the purposes of violations, notices, or acceptance of service.

94 b. The exact dwelling on the lot or parcel that is the subject of the application for a  
95 Short Term Rental License, with pictures of the exterior of the dwelling.

96 c. Proof of one ~~(1)~~ graveled or paved parking stall per approved bedroom, and  
97 pictures of the required parking stalls.

98 d. The site plan showing, setbacks, dwelling size limitations, number of approved  
99 bedrooms ~~approved in the septic permit~~, required parking stalls, pull through lane for large  
100 vehicles or trailers, and trash disposal details in compliance with section 10-13-23.

101 e. Payment of the application fee.

102 f. Proof that the applicant has the primary residential exemption on the lot or parcel  
103 as determined by the Washington County assessor's office, and is a permanent, full time  
104 resident at the same address an owner-occupant satisfactory to county, unless existing  
105 nonconforming.

106 g. If a local property manager is proposed, the contact information showing  
107 availability ~~twenty-four (24)~~ hours a day, seven ~~(7)~~ days a week and 365 days a year. The  
108 local property manager shall be able to be on site at the license address within two hours of  
109 a guest, county, or emergency services call. If the local property manager is an entity, the  
110 name, address, email and phone number of all of the principals and the registered agent for  
111 the purposes of violations, notices, or acceptance of service.

112 h. A Compliance Affidavit signed by all owners and the owner-occupants under  
113 penalty of law, certifying that the applicant, the dwelling, and the lot or parcel comply with  
114 the licensing requirements of section 10-13-23, including, but not limited to:

115 (1) The dwelling for transient use as a short term rental is in habitable condition  
116 and complies with the health and safety standards set forth in the health, building and fire  
117 codes adopted by in Washington County. Additionally, the dwelling and its appurtenances  
118 are capable of resisting all forces and loads to which they are normally subjected, and they  
119 shall be kept in sound condition and good repair.

120 (2) The dwelling for transient use as a short term rental is insured for multiple  
121 rentals throughout the year, for its commercial purpose, and for the protection of the  
122 renters, guests, tenants or occupants from personal injury or property loss.

123 (3) ~~The~~ All owners and owner-occupants, local property managers, and all renters  
124 and the guests shall will comply with the responsible use and Good Neighbor Policy  
125 adopted by the Community Development Department which shall enumerate some of the  
126 requirements in this section. Each failure to do so is a violation under the enforcement  
127 provisions below if established by substantial evidence.

128 (4) The pictures of the required notices posted on the exterior and interior of the  
129 dwelling for transient use as a short term rental, and the pictures of the exterior of the  
130 dwelling that is the subject of the licensing application, are accurate.

131 i. Proof that smoke detectors, carbon monoxide detectors and fire extinguishers are  
132 installed and operable per adopted IRC (International Residential Code). Yearly assurance  
133 of compliance at time of licensing renewal.

134 j. If the short term rental is serviced by a fire special service district that requires it,  
135 proof of a yearly fire safety inspection and compliance with its requirements for STRs with  
136 occupancy of more than 10 guests.

137 -jk. If the short term rental unit is connected to an on-site or community wastewater  
138 system for sewer service, or a septic tank, proof of system servicing or pumping by a  
139 licensed service provider every three {3} years, or more frequently as determined by a  
140 licensed service provider. Upon initial application, a pumping report will be accepted  
141 within two {2} years of the date of the report.

142 -kl. If the short term rental unit is serviced by an on-site or community well or culinary  
143 water provider, proof of sufficient water rights for culinary, sewer and fire protection for  
144 all uses on the lot or parcel.

145 2. Application and licensing process:

146 a. Processing. A complete application shall be processed by the Community  
147 Development Department in accordance with applicable criteria set forth in county, state  
148 and federal laws.

149 b. Issuance or Denial Decision. The Community Development Department shall  
150 determine if the application is complete and all the criteria are met, and make a decision  
151 based on substantial evidence whether to issue ,condition, renew, revoke, or deny a Short  
152 Term Rental License. The licensing decision of the Community Development Department is  
153 an a final administrative decision.

154 c. Renewal or Revocation Decision. The Community Development Department shall  
155 determine if all the criteria for renewal are met, and make a decision based on substantial  
156 evidence whether to renew or revoke a Short Term Rental License. The decision of the  
157 Community Development Department is a final administrative decision.



158 d. License Expiration. If the owner, owner occupant, or local property manager does  
159 not seek renewal timely, or if the license is not in the name of the current property owner  
160 within the requisite thirty (30 days), or if the primary residential exemption is denied, lost,  
161 removed or revoked for any reason, the Short Term Rental License is deemed expired.  
162 Expiration of a license is based on action or inaction of the owner, owner occupant, or local  
163 property manager, not the county, and expiration of a license is not appealable as a final  
164 administrative decision of the county.

165 3. License validity and renewal:

166 a. A Short Term Rental License shall be renewed annually, or when the property is  
167 transferred to a new owner, whichever occurs first. Each change in ownership of the  
168 property where a license exists requires a new license within ~~thirty (30)~~ days of the  
169 transfer. No existing license may be assigned or transferred to another person, entity or  
170 property.

171 b. At the time of each renewal, the owner shall verify that the STR remains in  
172 compliance with the requirements needed to operate (i.e. habitability, posted notices,  
173 operable fire and carbon monoxide detectors, proof of sewer servicing, insurance, etc.).  
174 Owner also shall provide proof of the yearly fire safety inspection from the applicable fire  
175 special service district if required. All license information shall be updated by the owner at  
176 least annually at the time of renewal. ~~Renewal determinations will be based on substantial~~  
177 evidence is discretionary by the county and renewal may be approved, approved with  
178 conditions, or denied based on any of the following factors: failure to comply with any  
179 term, condition or requirement in this section; unpaid fees, fines or penalties; unremitted  
180 taxes; incomplete or failed inspections; substantiated complaints received by the county  
181 including the Community Development Department, the Sheriff's office, or the County  
182 Attorney's office constituting; three violations under the enforcement provisions of this  
183 section; or any zoning or building code violation, or any septic failure notice, if not  
184 corrected and cleared within 60 days of the initial code violation or septic failure notice.;  
185 or any other impact causing the STR to become incompatible with surrounding uses.

186 ~~— c. If a Short Term Rental License is not renewed, or is not in the name of the current~~  
187 ~~property owner within the requisite thirty (30 days), it is deemed expired.~~

188 4. Appeal process only for final administrative decisions:

189 a. Appeal of an issuance or denial decision. If the Community Development  
190 Department denies an complete application for a Short Term Rental License, the applicant  
191 may appeal the final administrative decision to a hearing officer in accordance with Title 10  
192 chapter 2, above.

193 b. Appeal of a non-renewal or revocation decision. If the Community Development  
194 Department does not renew or revokes a Short Term Rental License, the applicant may  
195 appeal the final administrative decision in accordance with Title 10 chapter 2, above.

196 E. Short Term Rental License:

197 1. No dwelling shall be offered, advertised, operated or rented as a STR without a valid  
198 Washington County Short Term Rental License.

199 2. All STR's are required to register with the State of Utah as a business and pay all  
200 applicable taxes, including transient room tax.

201 3. STR use of a dwelling is permitted in the following zones if in strict compliance with  
202 the applicable STR dwelling size limits, unless the size is existing nonconforming:

203 a. OST-20 (Open Space Transition ~~twenty~~(20) acre minimum lot size) zone if the STR  
204 dwelling is ~~thirty-five hundred~~(3,500)-sq. ft. or less.

205 b. Agricultural Zones (A-5, A-10, A-20 and A-40) if the STR dwelling is ~~thirty-five~~  
206 ~~hundred~~(3,500) sq. ft. or less.

207 c. FR-13.5 and FR-0.5 (Forest Residential ~~thirteen thousand five hundred~~(13,500) sq.  
208 ft. and one-half (~~1/2~~) acre minimum lot size) zones if STR dwelling is ~~fifteen hundred~~  
209 (~~1,500~~) sq. ft. or less.

210 d. FR-1 (Forest Residential one (~~1~~) acre minimum lot size) zone if the STR dwelling is  
211 ~~twenty five hundred~~(2,500) sq. ft. or less.

212 e. FR-5 and FR-10 (Forest Residential five(~~5~~) and ~~ten~~(10) acre minimum lot size)  
213 zones if the STR dwelling is ~~thirty five hundred~~(3,500) sq. ft. or less.

214 f. RA-1 and RA-2.5 (Residential Agricultural one (~~1~~) and two and one-half (~~2.5~~) acre  
215 minimum lot size) zones if the STR dwelling is ~~twenty five hundred~~(2,500) sq. ft. or less.

216 g. RA-5 and RA-10 (Residential Agricultural five (~~5~~) and ~~ten~~(10) acre minimum lot  
217 size) zones if the STR dwelling is ~~thirty five hundred~~(3,500) sq. ft. or less.

218 h. RE-20 (Residential Estate ~~twenty thousand~~(20,000) sq. ft. minimum lot size) zone  
219 if the STR dwelling is ~~fifteen hundred~~(1,500) sq. ft. or less.

220 i. RE-40 and RE-2.5 (Residential Estate ~~forty thousand~~(40,000) sq. ft. and two and  
221 one-half (~~2.5~~) acre minimum lot size) zones if the STR dwelling is ~~twenty five hundred~~  
222 (~~2,500~~) sq. ft. or less.

223 j. RE-5 (Residential Estate five (~~5~~) acre minimum lot size) zone if the STR dwelling is  
224 ~~thirty five hundred~~(3,500) sq. ft. or less.

225 k. PD-STR (Planned Development Short Term Rental) zone. Units used for the  
226 purpose of STR must be approved as part of the PD-STR zone change and project approval  
227 process. PD-STR units do not have an owner occupancy requirement, but must meet the  
228 size and other requirements approved in the project plan.

229 4. In addition to an owner or owner-occupant, a STR may have a local property  
230 manager who is available ~~twenty-four~~(24) hours a day, seven (~~7~~) days a week and ~~three~~  
231 ~~hundred sixty-five~~(365) days a year. If there is a local property manager they must be able  
232 to be physically present at the STR to respond to emergencies and complaints within two  
233 (~~2~~) hours of being contacted. The owner, owner-occupant, or local property manager also

234 shall respond to county within two hours one hour of being contacted by phone, and within  
235 24 48 hours if contacted by email. The current contact information of the owner or owner-  
236 occupant, and local property manager if one exists, must shall be provided to the county  
237 and permanently displayed in large, bold print on the exterior of the dwelling unit next to  
238 the front door on a visible weatherproof plaque.

239 5. All STR's shall have a clearly visible and legible notice posted in the dwelling unit on  
240 or near the front door, and in the kitchen, containing the following information:

241 a. The name, address, email and phone number of the owner or owner-occupant of  
242 the STR, and the name, address, email and phone number of the local property manager, if  
243 there is one, and a statement identifying the person who is designated as available twenty-  
244 four (24) hours a day, seven (7) days a week and three hundred sixty-five (365) days a  
245 year, if there is a local property manager.

246 b. The E-911 address of the property.

247 c. The maximum number of all vehicles allowed for the STR and that all guest parking  
248 must be on the property in clearly designated, graveled or paved parking areas and not on  
249 any private or public street right-of-ways or on any landscape areas on the property.

250 d. The occupancy limit for the STR of is four people per approved bedroom. based on  
251 the number of bedrooms listed on the septic permit. Other health and safety occupancy  
252 limits may apply to a specific property or dwelling based on the building code, fire code,  
253 septic permit, or other restrictions.

254 e. The trash pick-up day and notification that trash receptacles and refuse shall not  
255 be left on the street. There shall be a sufficient number of trash receptacles to  
256 accommodate all trash generated by those occupying the STR. Trash receptacles shall not  
257 be placed on the street for pick-up earlier than 5:00 p.m. the day before scheduled pickup  
258 by the trash service provider. Trash receptacles placed for street pick-up shall be removed  
259 from the curb or street by noon the day after scheduled pickup by the trash service  
260 provider. not be left out for more than a 24 hour period.

261 ef. Notification that a renter or guest may be cited and fined for creating a disturbance  
262 or violating the Good Neighbor Policy or any provisions of local, state or federal law.

263 F. All STR owner, owner-occupants, or and local property managers are required to  
264 share the "Good Neighbor Policy" brochure adopted by the Community Development  
265 Department with all prospective renters or guests, and have it clearly displayed in the STR.  
266 The Good Neighbor Policy includes a list of general rules of conduct, best practices and  
267 standard of respect for the owner or owner-occupant, the local property manager, and  
268 their renters and guests. Failure to follow all policies, regulations, or laws is a violation  
269 under the enforcement provisions below.

270 G. Tents, recreational vehicles (RV's), campers or and similar units that were not  
271 designed for permanent residential use are prohibited as STRs. Overnight occupancy of  
272 recreational vehicles, camp trailers or and tents at the STR property is prohibited.  
273 Attaching any such unit to any power, water, or sewer source, or is a violation under the

274 ~~enforcement provisions below. opening slide-outs, pop-outs, bump-outs, or tip-outs on any~~  
275 ~~such unit, also is prohibited.~~

276 H. A Short Term Rental License is valid only for the person, entity, dwelling, and square  
277 footage identified in the license.

278 I. Washington County is a high risk area for fire. Outdoor fire pits shall be permanently  
279 installed, and all renters or guests shall comply with local fire restrictions. All STR owner,  
280 owner-occupants, or ~~and~~ local property managers are required to clearly display accurate  
281 links to current fire restrictions in the STR.

282 J. The STR shall not have any outside appearance indicating a change of use from the  
283 surrounding residential uses. Exterior advertising signs are not permitted, but a wayfaring  
284 sign approved by the Community Development Department may be is-permitted in  
285 county's sole discretion.

286 K. Parking. All parking for short term rental use shall be graveled or paved and entirely  
287 on the lot or parcel. There shall be a minimum of one (1) required parking stall per  
288 approved bedroom. No parking is permitted on the public or private street that provides  
289 access. If the STR will host guests with trailers or large vehicles, on-site parking and a pull-  
290 through is required, also on graveled or paved surfaces. Renters, guests or their invitees are  
291 not permitted to park vehicles or trailers on the adjacent public or private streets.

292 L. Trespass: Trespass by renters, guests or their invitees on private property in the  
293 vicinity of a STR is prohibited. It may result in violation notices, civil penalties or criminal  
294 citations against renters, guests or their invitees, owners, owner-occupants or local  
295 property managers. Trespassing on private or public airports or runways is strictly  
296 prohibited.

297 LM. Events; Parties; Noise: A residential dwelling with a Short Term Rental License, and  
298 its lot or parcel, shall not be used by the STR renters, guests or invitees for events, parties,  
299 or excessive noise. It is the intent of this section to strictly limit the use to short term  
300 lodging, and not to host events, ~~or parties, or have excessive noise;~~ such event use would  
301 change the nature of the residential setting and is not permitted. For STR use, prohibited  
302 events or parties also are defined as any gathering where the attendance numbers exceed  
303 40 people, or exceed the occupancy limit for the STR as set forth above, whichever number  
304 is less. Prohibited events or parties also are defined as any wedding, birthday party, pool  
305 party, reunion, shower, rehearsal dinner, reception, disruptive gathering, or any "open  
306 invitation" gathering. The following indicia of an event or party is prohibited: food trucks,  
307 catering trucks, mobile game trucks, caterers, on-site party or event planners or  
308 coordinators, live music, disc jockey, portable PA systems, outdoor movie screen,  
309 fireworks, temporary lighting, rental or delivery of event or party supplies or equipment  
310 (i.e. chairs, tables, tents, laser tag, inflatables, climbing walls), flood lights. Exterior lighting  
311 shall not exceed one foot candle at or beyond the property line at any time. It is the owner  
312 or property manager's duty to monitor its STR with noise, motion, camera, or guest  
313 screening apps (i.e. Party Squasher; Noise Aware) to prevent events, parties, or excessive  
314 noise. Data from STR monitors, cameras or apps shall be stored by the owner or property  
315 manager for 90 days, and shall be provided to the County no later than five business days

316 after a request, in an easily accessible format, or it is a violation. In addition to events,  
317 parties, or excessive noise herein, Special Events, as defined in County Ord. 3-3-1, et. seq.,  
318 also are prohibited at a STR. For STR use, excessive noise is defined as follows:

319 1. Quiet Time. Quiet time is defined as after 10:00 p.m. to before 7:00 a.m. Any noise  
320 emanating beyond the property line during quiet time for a continuous period of 10  
321 minutes or more is prohibited if the average decibel level at or beyond the property line is  
322 55 50 dB or more.

323 2. Daytime. Daytime is defined as 7:00 a.m. to 10:00 p.m. Any noise emanating beyond  
324 the property line during daytime for a continuous period of 10 minutes or more is  
325 prohibited if the average decibel level at or beyond the property line is 75 dB or more. The  
326 emitted noise from landscape maintenance equipment or maintenance personnel is an  
327 exception during daytime if reasonable and necessary to maintain the grounds or the  
328 property.

329 N. Lighting: All exterior lighting shall be permanently installed. Exterior lighting shall be  
330 fully shielded, downward directed, and not exceed one foot candle at or beyond the  
331 property line at any time to prevent prohibited light trespass. Flickering, flashing, or  
332 scrolling lights are prohibited. Pole lights shall not exceed 12 feet in height. Exterior pole,  
333 court, pool, or flood lights shall be on timers and automatically shut off during quiet time.  
334 Motion sensor security lighting is permitted if it is less than 900 lumens, downward  
335 directed to prevent light trespass, and set to turn off no more than 10 minutes after the last  
336 detection of motion. It is the owner or property manager's duty to monitor its STR for light  
337 trespass and store the data for 90 days, and provide it to the County no later than five  
338 business days after a request, in an easily accessible format, or it is a violation.

339 O. Sound Systems; Speakers: All sound systems and exterior speakers shall be  
340 permanently installed and have volume limiters. No other sound systems or exterior  
341 speakers are permitted. The owner, owner occupant, or local property manager shall set  
342 the volume of the sound system and exterior speakers to automatically shut off during  
343 quiet time, and to stay at or below permitted decibel levels during daytime.

344 NP. Limitation of Liability: Washington County assumes no responsibility for the  
345 operation of the STR, and the owner or owner-occupant covenants and agrees to hold the  
346 county harmless for any injury or damage which may occur, of whatever type or nature, as  
347 the result of the operation of the STR. Owner or owner-occupant shall maintain  
348 appropriate liability insurance for the STR. Owner or owner-occupant further warrants and  
349 agrees to compensate the county for any expense incurred in the defense of any lawsuit or  
350 other type of action which may be brought against the county as a result of the owner's or  
351 owner-occupant's operation of this use. Nothing contained in this section allows a STR if  
352 otherwise prohibited by any applicable covenants. Covenants are privately enforced  
353 according to their terms.

354 Q. Illegal; Unlicensed STRs, Taxes:

355 a. Offering, advertising, operating, or renting a dwelling or ADU, or portion thereof,  
356 as a STR without a valid Washington County Short Term Rental License is strictly  
357 prohibited and a violation.

358 b. Failure to collect and remit taxes, including transient room tax, at the time of a  
359 rental of a licensed, illegal or unlicensed STR unit is strictly prohibited and a violation.

360 c. Pursuant to Utah Code Ann. § 17-27a-803(3) the civil penalty for each such  
361 violation is \$4,000 after notice and a 14-day reasonable opportunity to cure the violation.  
362 Substantial evidence of the violation, and failure to pay the fine within 20 days of the  
363 written violation notice, also will result in a Notice of Fine being filed with the county  
364 recorder against the property evidencing the violation and fine, and mailed to the record  
365 owner of the property. When the fine has been paid or resolved, the county will file a Notice  
366 of Satisfaction of Fine. Any property with a recorded Notice of Fine is not eligible to obtain  
367 a Washington County Short Term Rental License. Any violation under this subsection also  
368 may be prosecuted as a class B misdemeanor. Each additional violation is a separate class B  
369 misdemeanor.

370

371 MQR. Enforcement, Revocation, Violation, Civil Penalty, Fine, Prosecution:

372 1. General enforcement.

373 a. This section shall be enforced by the Community Development Department, the  
374 Washington County Sheriff's office, and the County Attorney's office as deemed appropriate  
375 by the county.

376 b. Issuance, maintenance or retention of a Short Term Rental License is strictly  
377 contingent on ~~maintaining~~ compliance with all requirements in this section, and county,  
378 state and federal law.

379 c. All renter or guest complaints shall first be directed to the owner, owner-occupant  
380 and or local property manager, if one exists. The owner, owner-occupant or local property  
381 manager shall respond to the renter or guest complaint and attempt to resolve it within  
382 two (2) hours. The owner, owner occupant, or local property manager must be able to be  
383 physically present at the STR to respond to emergencies and complaints within two (2)  
384 hours of being contacted. Failure of the owner, owner-occupant or local property manager  
385 to respond within two (2) hours of notification by a renter or guest shall be considered a  
386 violation of this section.

387 d. All county complaints shall first be directed to the owner, owner-occupant and or  
388 local property manager, if one exists. The owner, owner-occupant or local property  
389 manager shall respond to the county complaint and attempt to resolve it within one  
390 hour. two (2) hours. The owner, owner occupant, or local property manager must be able  
391 to be physically present at the STR to respond to emergencies and complaints within two  
392 (2) hours of being contacted. Failure of the owner, owner-occupant or local property  
393 manager to respond within two (2) hours of notification by the county shall be considered  
394 a violation of this section.

395 e. All civil penalties or criminal citations related to violations enumerated herein can  
396 be enforced against the owner, owner-occupant, or local property manager.

397 ef. All civil penalties and criminal citations penalties can be enforced against the  
398 owner, owner-occupant, local property manager, or the issued to renters or guests shall not  
399 be used as violations against the owner, owner-occupant, or local property manager.  
400 However, in some cases, a criminal citation issued to a renter or guest may be substantial  
401 evidence of a violation by the owner, owner occupant, or local property manager (i.e. a  
402 guest cited for disorderly conduct may be evidence of an unpermitted event or party, or  
403 excessive noise).

404 2. Hybrid violations. Certain violations are defined as hybrid violations, and will not  
405 result in a violation notice unless the owner, owner occupant, or local property manager  
406 fails to pay the hybrid violation fine in a timely manner. The fine for each hybrid violation is  
407 set forth below \$2,000. Substantial evidence of the violation, and failure to pay the hybrid  
408 violation fine within 20 days of the written hybrid violation notice, is an enforceable  
409 violation under (R)(3). In addition to being a (R)(3) violation, failure to pay the hybrid  
410 violation fine also will result in a Notice of Fine being filed with the county recorder against  
411 the property evidencing the hybrid violation fine, and mailed to the record owner of the  
412 property. When the fine has been paid, the county will file a Notice of Satisfaction of Fine,  
413 but if the fine was not paid timely the (R)(3) violation remains. If any two hybrid violations  
414 occur within any 12-month period, the third hybrid violation is an enforceable violation  
415 under (R)(3). Hybrid violations are:

416 a. Trash receptacles placed for street pick-up too early, or not removed from the curb  
417 or street by noon the day after scheduled pickup by the trash service provider. The fine is  
418 \$500 for each such hybrid violation;

419 b. Vehicles of renters, occupants, or their invitees parked on the public or private  
420 street adjacent to the STR property for more than two hours. Cleaning, landscape  
421 maintenance, or maintenance personnel may be parked on the street during daytime. The  
422 fine is \$500 for each such hybrid violation;

423 c. The presence on the property of indicia of an event or party: food trucks, catering  
424 trucks, caterers, on-site party or event planners or coordinators, live music, disc jockey,  
425 outdoor movie screen, fireworks, temporary lighting, rental or delivery of event or party  
426 supplies or equipment (i.e. chairs, tables, tents);

427 dc. Excessive noise on the property as defined in 10-13-23(M) for a continuous period  
428 of 20 minutes or more based on the average dB level. The fine is \$2,000 for each such  
429 hybrid violation;

430 3. Violations. Violations may be a regulation violation, a civil penalty, or a criminal  
431 citation. A violation notice may be issued by the Community Development Department  
432 based on substantial evidence for any action or inaction that violates the provisions of this  
433 section. Any owner, owner occupant, or local property manager, may receive a violation  
434 notice if the county finds they, or the property, violates any provision herein. Any  
435 accumulation of three regulation violations, civil penalties, or criminal citations, or any

436 combination of them, may result in STR business license denial, non-renewal, or revocation  
437 which is a final administrative decision of the Community Development Department.

438 ~~24. Three violations, two year revocation period. Not renewed or revoked.~~ A Short  
439 Term Rental License may not be renewed, or may be revoked, by the Community  
440 Development Department for any violation of this section, or county, state or federal law if  
441 the owner, owner-occupant or local property manager agent has been notified by the  
442 department of a third violation, cited by the department for a second offense or for any  
443 additional violation offense thereafter. If not renewed or revoked, a The Short Term Rental  
444 License shall be revoked not be issued for the same dwelling, lot or parcel for a period of  
445 two years, and a Notice of Non-Renewal or Revocation shall be filed with the county  
446 recorder against placed in the property records evidencing the license non-renewal or  
447 revocation, and mailed to the owner of record and duration. After the two year revocation  
448 period, the owner, owner occupant, or local property manager, may reapply for a Short  
449 Term Rental License, and may obtain a license if they meet all licensing criteria. After the  
450 two year revocation period, an existing nonconforming property may reapply for a Short  
451 Term Rental License, and may obtain a license if they meet all licensing criteria, except the  
452 property does not have to meet the owner occupancy requirement or the square footage  
453 requirement. If a new Short Term Rental License is issued, the county will vacate the  
454 Notice of Non-Renewal or Revocation.

455 5. Five year violation reset. If a property with a Short Term Rental License has not  
456 received three violations in a continuous five year period, violations are reset to zero, and a  
457 new five year time period begins. If a property has three or more violations in a continuous  
458 five year period, the violations do not reset to zero, and the property is subject to  
459 enforcement action.

460 46. Renewal or revocation. A license also may not be renewed, or may be revoked, for:  
461 a. Any action that endangers the public health, safety or welfare;  
462 b. Failure to remit required taxes; or  
463 c. Fraud, misrepresentation, or a false statement of material fact in the license  
464 application as determined by the county.

465 ~~35. Violations. A violation notice may be issued by the Community Development~~  
466 ~~Department for any action or inaction that violates the provisions of this section. The~~  
467 ~~violation may be a regulation violation, a civil penalty, or a criminal citation. Any owner,~~  
468 ~~owner occupant, or local property manager, may receive a violation notice if the county~~  
469 ~~finds they, or the property any renter or guest, violates any provision herein. Any~~  
470 ~~accumulation of three regulation violations, civil penalties, or criminal citations, or any~~  
471 ~~combination of them, may result in STR business license denial, non-renewal, or revocation~~  
472 ~~which is a final administrative decision of the Community Development Department.~~

473 37. Civil Penalty or Criminal Citation, Fines. An owner, owner-occupant, or local  
474 property manager, or all both (the "interested parties"), may be assessed a civil penalty or  
475 be given a criminal citation fine if found in violation of the provisions herein. For Tthe first



476 violation of this section, the interested parties shall be given after-written notice of the  
477 violation, the possible civil and criminal penalties, and reasonable opportunity to cure. If  
478 timely cured, it still counts as a first violation, but no further action will be taken by the  
479 county unless a second violation occurs. The county hereby adopts the following civil  
480 penalty fine-schedule:

481 a. First violation~~offense~~: warning letter.

482 b. Second violation~~offense~~: ~~five hundred dollars (\$500)~~ a day until compliance or  
483 license revocation.

484 c. Any additional violation~~offense~~ thereafter: ~~one thousand dollars (\$1,000)~~ a day  
485 until compliance or license revocation.

486 d. Any criminal citation also is a violation, and successful prosecution may result in  
487 finest or fees separate from civil penalties.

488 48. Prosecution. Any additional violation~~offense~~ thereafter (after the first violation  
489 warning letter, and the second violation~~offense~~) also may be prosecuted as a class B  
490 misdemeanor. Each additional violation~~offense~~ is a separate class B misdemeanor. (Ord.  
491 2021-1196-0, 10-5-2021; amd. Ord. 2022-1205-0, 3-15-2022)

492

**AN ORDINANCE AMENDING THE ~~TOWN OF LEEDS~~ WASHINGTON COUNTY CODE MODIFYING DEFINITIONS AND FUTHER DETAILING RULES AND GUIDELINES FOR RESIDENTIAL HOSTING FACILITY (RHF) ~~SHORT-TERM RENTAL (STR)~~**

**RECITALS AND LEGISLATIVE FINDINGS**

WHEREAS, under Utah Code Annotated, ~~A municipality (1953, as amended) § 17-53-223, the county~~ may pass all ordinances and make all regulations necessary and proper for the safety, peace and good order of the ~~municipality~~ county and its inhabitants;

WHEREAS, the use of residential properties to short term vacation rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community as a whole; and

~~WHEREAS, the county desires to find a balance of allowing a dwelling to be used as a short term rental (STR) and the impact on surrounding property; and~~

WHEREAS, the ~~Town of Leeds~~ county desires to improve the existing regulations regarding the use of dwelling for ~~residential hosting facility (RHF)~~ short term rental (STR) by providing additional provisions creating a licensing process and ~~dedefine~~ how where a ~~residential hosting facility (RHF)~~ short term rental (STR) is appropriate; and

WHEREAS, it is in the best interests of the citizens of ~~the Town of Leeds~~ Washington County that the amendments ~~be to Title 10 be adopted and~~ incorporated into the Town of Leeds Washington County Code; and

NOW, THEREFORE, the ~~County~~ Legislative Body of The Town of Leeds Washington County ORDAINS as follows:

**Amendments to Leeds Washington County Code Title 10 Chapters 14, 5 and 6.6. DEFINITIONS;** (Stricken language is removed. Underlined language is added.)

DWELLING, PRIMARY: A single family dwelling occupied as the primary residence of the owner of record.

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DWELLING, RENTAL: A building or portion of a building that is used as a residential dwelling by one or more persons, and available due to payment or remuneration to be rented, loaned, leased, or hired out for a period of thirty (30) days or longer.

Commented [VH1]: Some in Utah are using 60 days – discuss policy

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DWELLING UNIT, INTERNAL ACCESSORY (INTERNAL ADU): An accessory dwelling unit created within a primary dwelling inside the footprint of the primary dwelling.

Commented [VH2]: We can't make the owner provide egress windows or fire separation for the internal ADU per State law.

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RESIDENTIAL HOSTING FACILITY (RHF): Property that is owner occupied, that accommodates a person or entity for transient lodging where the term of occupancy, possession, or use is offered for thirty (30) consecutive calendar days or less, for direct or indirect compensation or other consideration.

**CHAPTER 30: SHORT TERM RENTALS (STR) AND PRIMARY RESIDENCE, OWNER-OCCUPIED RESIDENTIAL HOSTING FACILITIES (RHF)**

**30.1 SHORT TERM RENTAL (STR) PROHIBITION:**

The purpose of Section 30.1 of this Chapter is to state the prohibition for the renting and/or leasing of entire residential dwelling units for periods of less than thirty (30) consecutive days - also known as "short-term rentals. Renting and/or leasing of entire residential dwelling units for periods of less than thirty (30) consecutive days is strictly prohibited.

**30.2 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE.**

The purpose of Section 30.2 of this Chapter is to describe the process and set forth standards for the renting and/or leasing of portions of a primary residential dwelling for periods of less than thirty (30) consecutive days - also known as "Residential Hosting."

**30.2.1 DEFINITIONS.**

For the purposes of this Chapter all of the definitions contained in Leeds Land Use Ordinance 2008-04, Chapter 1 (as amended) are incorporated herein. Commonly words or terms that are capitalized are defined in Chapter 1, but they can also be imbedded into the body of various Ordinance 2008-04 chapters.

**30.2.2 NATURE OF USE - RESIDENTIAL HOSTING OR RH.**

The short-term renting of portions of a residential Dwelling Unit (aka Residential Hosting) requires an annual Residential Hosting Facility ("RHF") permit issued by the Town. The Dwelling Unit must be listed as "Primary Improved" on the property record provided by the Washington County, Utah Assessor's Office.

**30.2.3 RHF PERMIT APPLICATION AND FEES.**

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In order to obtain and maintain an RHF Permit an Owner of a proposed residential Dwelling Unit where a Residential Hosting Facility will occur (~~\*\*Proposed RH Residence~~ must do the following:

30.2.3.A Obtain, complete and provide an RHF Permit application and any other required documents to the Town.

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30.2.3.B The Owner must ~~S~~ submit the following information on a town approved RHF Permit application form:

30.2.3.B.i All applicable and current contact information of the owner of the proposed RHF residence. The owner must be available 24 hours a day, 7 days a week and 365 days a year to address complaints or issues. ~~W A V~~

30.2.3.B.ii The street address of the proposed RH residence.

30.2.3.B.iii the number of ~~bedroom~~bedrooms and the applicable occupancy limits of the ~~p~~Proposed RHF Residence is established by local health and fire safety codes and verified by the ~~Southwest Utah Public Health Department~~ ~~Washington County Health Department~~ and the local fire authority (Maximum occupancy is

~~www~~

commonly determined by square footage and bedrooms of a Dwelling Unit). Notwithstanding the foregoing, no more than two rooms may be rented to no more than four people at any time.

30.2.3.B.iv A diagram of the ~~p~~Proposed RH ~~FR~~residence which clearly depict each bedroom or sleeping area and bathroom ("RH residence Guest Quarter(s)") of the Dwelling Unit where guests will privately reside.

30.2.3.B.v The maximum number of guests that can stay in each RH residence ~~g~~Guest ~~q~~Quarter while taking into consideration the overall maximum occupancy of the RH residence (4 Guests and a total of 10 occupants - including the Owner and his/her family unit).

**Commented [HB1]:** Does this violate any constitutional or FHA standards? We need to be careful that we are not restricting blood families from having more than six individuals.

30.2.3.B.vi The Owner's Social Security Number (if an individual/sole proprietorship) or Federal Employer Identification Number (EIN) (if a business entity).

30.2.3.B.vii The Transient Room Tax and Sales Tax Account Number obtained from the Utah State Tax Commission.

30.2.3.B.viii Proof of Homeowner's Insurance with an attestation from the Insurer that operating an RH facility is covered from a liability standpoint.

30.2.3.B.ix A safety inspection report from the Hurricane Valley Fire Special Service District, ~~de~~monstrating that the Proposed RH Residence is free of any deficiencies.

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30.2.4.B.i The Owner (or their contact information) has changed.

30.2.4.B.ii The Owner has made modifications to the RH residence or re-designation of the RH residence Guest Quarters of such that a higher number of maximum occupants is requested. In this instance, the Owner shall provide the Town with written current certification from the local health department and the local fire authority indicating the increased maximum number of occupants desired in the RH residence complies with local health and fire safety codes, or

30.2.4.B.iii The Owner has changed its Transient Room Tax and Sales Tax Account Number with the Utah State Tax Commission.

30.2.4.C The Town confirms with the Utah State Tax Commission that the Owner is current on the Owner's remittance of transient room tax and sales tax.

30.2.4.D The Town has not received more than two unresolved complaints stemming directly from the subject RHF during the previous license period.

~~From the Owner's RH Residence Residential Hosting during the previous RH Residence Permit period~~  
~~in or within~~ Two unresolved complaints stemming from an RHF ~~residence~~ exists, the Town Staff may deny the renewal request or may place additional requirements upon the issuance of a renewed RHF ~~residence~~ Permit that reasonably resolves the existing issues and prevents future problems and that are roughly proportional to the magnitude of the problem.

30.2.4.E If an Owner has had their RHF residence ~~p~~Permit renewed with additional conditions and/or requirements pursuant to the preceding section, they may appeal the Town Staff's decision to the Town's Appeal Authority in compliance with Chapter 3 of Ordinance 2008-04 and Utah Code Ann S 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

**30.2.5.2.5 STANDARDS AND REQUIREMENTS FOR RESIDENTIAL HOSTING FACILITIES RESIDENCES.**

In addition to any other requirement of this Section, Residential Hosting and an RHF ~~residence~~ ~~p~~Permit may be approved by Town Staff only if:

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30.2.5.A The proposed RHF ~~Then~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~Residential~~ ~~or~~ ~~Rural~~ ~~Residential~~ ~~Zone~~ ~~of~~ ~~the~~ ~~Town~~.

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30.2.5.B The pProposed RHF-Rresidence is a Dwelling Unit that has been issued a certificate of occupancy by the Town.	Formatted	... [123]
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30.2.5.C Standards for number of guests, number of vehicles, parking, noise restrictions, and all other applicable standards already set by the Town, the State of Utah, the local health department and the local fire authority are complied with by the Owner.	Formatted	... [126]
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30.2.5.D The pProposed RHF-FR residence has no more than two separate RH residence Guest Quarters within it and the total number of occupants within the RH residence does not exceed four Guests and 10 persons including the Owner and the Owner's family unit dwelling within and upon the RH residence. Maximum occupancy must be posted in each individual RH residence Guest Quarter.	Formatted	... [129]
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30.2.5.E There are no "on premise" or "off premises" exterior signage or display advertising the pProposed RHF-Rresidence or its use as Residential Hosting Facility regardless of the Town's regulations found in Chapter 22 of Ordinance 2008-04(Signs).	Formatted	... [132]
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30.2.5.F The p Proposed RH #Residence (including all RH residence Guest Quarters) has fully functioning smoke alarins and carbon monoxide detectors meeting the Underwriters Laboratory (UL) 217 standards, installed in the number and location required by the current uniform building, safety and fire codes adopted by the Town.	Formatted	... [135]
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30.2.5.G The Pproposed RHF-ResidenceF has sufficient Off Street Parking on site in compliance with Chapter 6 of Ordinance 2008-04 (Parking Requirements). Off Street Parking may not be provided within the front yard setback other than the existing driveway.	Formatted	... [138]
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30.2.5.1 The principal renter of an RHF-residence Guest Quarter shall be of legal adult age ((18 Years Old).	Formatted	... [141]
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30.2.5.1 The Owner shall have set up a Transient Room Tax and Sales Tax Account with the Utah State Tax Commission and agree to be fully responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by Utah law, Ordinance 2008-04 or other Town Ordinances.	Formatted	... [143]
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30.2.5.J The Owner agrees to provide guests with a summary of all laws and regulations of the Town that is applicable to Residential Hosting uses.	Formatted	... [146]
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30.2.5.K The Owner shall provide a brochure or other alternative publication to guests of their RH residence containing basic, minimum, standards of personal conduct during their visit to the Town.	Formatted	... [147]
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30.2.5.L The pProposed RHF-FResidence or RH-residence Guest Quarter(s) are not comprised of, a part of, or a conglomerate of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground Cabin, Travel Trailer, Recreational Vehicle ("RV"), Mobile Home or a Congregate Living Facility.	Formatted	... [147]
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30.2.5.M The pProposed RHF-Rresidence is located on a dedicated street that meets all requirements of the current version of the International Fire Code adopted by the Town.

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30.2.5.N-2.5.N The pProposed RH rFRresidence possesses landscaping that is maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip, if available.

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30.2.5.O If animals are allowed by the Owner, pets must be boarded inside the residence and may not be allowed outside unless accompanied by an adult.

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**30.2.6 RH RESIDENCE COMPLIANCE AND LIABILITIES.**

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30.2.6.A Owners may be held liable for violation of Town ordinances that happen on their property.

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30.2.6.B Complaints from an adjacent or nearby property owners about an RHF-residence must be in writing to the Town office and will be responded to by the Town within a reasonable time period.

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30.2.6.C A complaint received will not be considered a violation, or an unresolved complaint to be considered grounds for revocation or non-renewal of the RHF Permit, until proper notification to the Owner and investigation by the Town or law enforcement authorities have been completed.

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30.2.6.D Two or more citations issued in violation of Town ordinance, State, County or Federal laws, if they are not resolved in a timely manner by the Owner, may be cause for revocation or non-renewal of the RHF residence-Permit in compliance with Subsections 30.2.2.D & E and 30.2.5.

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30.2.6.E Residential Hosting and RHFf residences are subject to Leeds's Transient Room Tax Ordinance, therefore Owners must collect said tax and all applicable sales tax and remit the same to the Utah State Tax Commission as required by State Law.

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30.2.6.F This Section 2 of this Ordinance-Ordinance does not supersede the CC&Rs or any other privately negotiated restrictive covenants established by private subdivisions. The Town does not have authority, and will not enforce CC&Rs or any other privately negotiated restrictive covenant.

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**30.2.7 ENFORCEMENT.**

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An RHF-residence Permit may be revoked or not-renewed by the Town if:

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30.2.7. A The RHF-residence that was originally constructed as residential Dwelling Unit has been repurposed for a use other than that of a residential Dwelling Unit;

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30.2.7.B The Owner fails to pay any annual RHF-residence Permit fee after sufficient notice:

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30.2.7.C The RH residence and/or ancillary structures on the property fails to comply with applicable health, safety, or building codes and the Owner will not comply in a timely manner to bring the property into compliance with said code; or

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30.2.7.D Other illegal activities have occurred at, or related to the RH residence, which the Town reasonably determines is clearly contrary to the purpose and intent of this Ordinance.

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30.2.8 VIOLATIONS AND PENALTIES

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30.2.8.A A person commits an offense under this chapter if that person owns, rents, or operates a short-term rental outside the limitations set forth in this chapter. This includes but is not limited to the following:

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(a) renting and/or leasing an entire residential dwelling unit for a period of less than thirty (30) consecutive days;

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(b) renting and/or leasing a portion of a residential dwelling unit for a period of less than thirty (30) consecutive days without a valid RHF Permit;

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(b) renting/or leasing a portion of a residential dwelling unit for a period of less than thirty (30) consecutive days when the Owner is not residing at and physically present in the RHF residence during the rental period;

(c) exceeding the maximum number of guests permitted under section 30.2.3.B.v; or

(d) exceeding the maximum occupancy of the RH residence permitted under section 30.2.3.B.v.

30.2.8.B Each violation of this Chapter shall be punishable by a civil penalty of \$500 per day. In addition to civil penalties, any person who violates this Chapter shall be guilty of an Infraction.

30.2.8.C Each day of violation under this Chapter shall constitute a separate offense and shall be separately punishable, but may be joined in a single prosecution.

## TITLE 1 CHAPTER 4

### DEFINITIONS

#### 10-4-1: TERMS DEFINED:

##### 10-4-1: TERMS DEFINED:

ACCESSORY BUILDING: A detached subordinate building, customarily incidental and subordinate to, and located on the same lot as the main or primary building. Accessory building includes workshop, garage, barn, pool house, shed, gazebo, pavilion, or similar building without habitable space, as defined in the international building code (IBC); a wash sink and/or toilet may be permitted within an accessory building. An accessory building may be permitted concurrently with, but not prior to, the a main or primary residential building, but not prior to the main dwelling.

ACCESSORY DWELLING UNIT: Any building or portion thereof designed, occupied, or intended to have a residential use, containing any habitable space, that is separated from the main dwelling by detachment or a garage, carport, breezeway, wall or other similar means. This term includes, but is not limited to, casita, guesthouse and mother-in-law apartment/suite. This customarily includes areas for living, sleeping, bathroom or kitchen. An accessory dwelling unit may be part of an existing house, detached or attached garage, or similar building that meets the minimum requirements for occupiable space as defined in the building code adopted by the county. An accessory dwelling unit may be occupied solely by family members of the main dwelling owner/occupant or temporary guests. Such facilities shall not be rented independently from the main dwelling unit.

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