

# Town of Leeds

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## Agenda Town of Leeds Planning Commission Wednesday, May 3, 2023

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, May 3, 2023, at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

### Regular Meeting 7:00 pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda: (These items will be a single motion unless removed at the request of the chairman or board Members)
  - a. Tonight's Agenda
  - b. Meeting Minutes of April 5, 2023
  - c. Meeting Minutes of Work Session April 26, 2023
6. Announcements:
  - a. Public Notice for Town of Leeds 2024 Municipal Election for Two (2) Town Council Member- each a 4-year term. Candidate Packets available at Town Hall
7. Public Hearing: None
8. Action Items:
  - a. Discussion and possible action on the amended Washington County Code, which includes modifications to various zoning regulations, definitions, and rules for Accessory Dwelling Units (ADUs) and Short-Term Rentals (STRs). The revised code also determines the conditions under which an STR license can be obtained and removes "Tourist Homes" and "Planned Development Rural Recreation Grounds and Facilities" from the ordinances.
9. Discussion Items:
10. Staff Reports
11. 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 May 1, 2023, at these public places being **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmmutah.gov> and the **Town of Leeds website** [www.leedstown.org](http://www.leedstown.org).



Aseneth Steed, Clerk/Recorder

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allowed to update the Capital Improvement Plan so when we do it, we are not taking action on it tonight, this is discussion with possible action at a future meeting. What we would be doing is trying to list items we currently see that might be utilizing this money. I would also suggest repairs to Town Hall. We have a roof that we have been deferring while we try to get a final word from the State Historic Preservation Office regarding perhaps future status as a historic landmark. If that is the case, we would probably change how we would go about making repairs to things like the roof and how we could go about getting funding for them as well. Those are the 3 areas that I can think of and I just wanted to find out if Council has some others. I think it would be very reasonable to include \$100,000 towards cemetery, \$200,000 towards park and then I would suggest we could put \$50,000 towards Town Hall repairs, not that they all have to be done immediately, but just recognizing these types of things that may be needed over time.

Councilmember Sheltman said how much for the cemetery?

Mayor Peterson said \$100,000 for cemetery. We could say more if we thought that was an appropriate thing.

Councilmember Sheltman said are you talking about land purchase?

Mayor Peterson said land purchase, yes. It cannot be used for things like maintenance such as paying Antonio his wages or water bills or anything like that. It has to be an actual capital improvement.

Mayor Peterson said again, it is not action tonight. If people disagree with that please let me know or if you have some other ideas, you can certainly come forward at other points as well.

Mayor Peterson said if there is nothing further to add this evening, I would ask that people please let me know and also members of the public if you know of things please bring them up so we can discuss them at a future point before we actually go about adopting an update to this Capital Improvement Plan. After we do an update to the Capital Improvement Plan, we will reopen the budget for that in order to transfer some money into it that is accumulating from previous years. The roof that I mentioned was in our budget last year, but we did not end up spending it. But from a State standpoint, you are not able to just continue to carry it that way. You are allowed to move it into this type of fund, and it would seem to be the better thing for us to do with regard to that. If there is nothing further, I would suggest that we move on to Discussion Item 9b.

→ b. Short-Term Rentals

JULY 10, 2019 MINUTES

Mayor Peterson said we discussed this a month ago at the first meeting in June and we agreed that we would bring it back on the agenda here this evening, our July 10<sup>th</sup> meeting. We were starting to agree at that meeting a month ago that we should start with Chapter 30. There were some edits that had been proposed and people were going to give thought to additional edits that they believed would be appropriate to the actual language there. Is there anything that the Councilmembers would like to raise this evening relative to this draft on short-term rentals? Chapter 30, as it is currently known, obviously it will become a different numbering if we adopt it into the Town of Leeds at a future date.

Councilmember Stirling said after reviewing this versus what I brought up the last time we spoke about this, most of that is included in this version as well. I do not think I will change anything. I think it has been done quite extensively. I do not have anything else to add at this point.

Mayor Peterson said one alternative that I would suggest that we might want to address, and I'm not sure this would be something that would pass muster, but we could certainly ask our attorney about it, but as we discussed, we want to try to have a direction to give to our attorney as opposed to going back and forth repeatedly to try to do it in as economical way as possible, is whether or not we would permit somebody who has it as a second home to do the short-term rental. If they are not declaring it, how do you know if it is a second home or not. I would suggest the Assessor's office where you declare it as your primary residence. In Utah, you get the 45% , I believe it is, relief on your assessed value. Would we want it to be people who are not considering this their primary home to be actually renting them? This is the one additional thought that I thought we might want to incorporate.

Councilmember Roberts said from my viewpoint, primary residence only. Make sure they are here. They may not be here physically, but this is their residence.

Mayor Peterson said my thinking is they are much more committed to the community if they view this as primary. Not that we do not have people with secondary residences who are very involved and very supportive of the community, but there could be instances where people have very limited time that they spend here, but maintain ownership of a secondary residence. I believe the Assessor calls it a non-primary residence.

Mayor Peterson said anything further from others?

Councilmember Sheltman said I have a question on the actual number of guests that can stay. If you look at 30.2.3b, it says 4 guests and 10 occupants, including the owner and their family.

Mayor Peterson said the reasoning behind that was if we are going to limit it to 4 guests, there is also a fire code with regard to if it is a non-pure residential property, if it is a rental property, if it goes beyond 10, you need to have sprinklers is my understanding. As a result, this is why that additional cap was put in there just to make sure we do not have people get into a situation that would not be properly addressing the sprinkler portion of the fire code.

Mayor Peterson said have we reached a point where it would make sense, and perhaps be economical, to turn this over to our attorney and ask him to draft it into a format that would be consistent with Leeds Land Use Ordinance and allow us to discuss that at a future meeting? Ultimately, because it is part of the land use area, I believe we will need to schedule a Public Hearing and that should be done at the Planning Commission level as a starting point. But I think we want to make sure, in order to not spend a lot of time and money on revisions, to try to do the discussion before we actually begin that process. Would it be appropriate for me to take this to the Town Attorney and ask him to bring it into a format that would be appropriate for the Town of Leeds for further consideration?

Councilmember Roberts said yes.

Councilmember Sheltman said as far as enforcement requirements, are we going to have it listed as part of the ordinance since we do not have anything like this in the Town and never have?

Mayor Peterson said I think we need to come up with some language that describes how we intend to enforce it. I know this has been a major concern of yours that we have something stated as to how we would go about enforcing it. I know it is very important to have that. As we have learned with other

ordinances, our prosecutor needs to review this as well, and make sure that when we talk about enforcement, they could successfully prosecute against that and not be challenged in any way. So, yes, I do think we need to spell it out and pay particular attention to it and make sure it is something that would stand the test of any challenge on a court basis from our prosecutor's standpoint as well as our attorney.

Councilmember Sheltman said another question. Are we going to call it short-term rentals in the ordinance or will we call it something else?

Councilmember Roberts said no.

Mayor Peterson said I believe what we are doing here is calling it residential hosting facility, and under the short-term rental section, we declare they are not permitted and that there is a prohibition for the leasing of them on a short-term.

Councilmember Roberts said that is what we discussed.

Councilmember Sheltman said so owner occupied and all that will be clearly written.

Mayor Peterson said clearly written so it would only be residential hosting facilities or if we come up with a different term.

Councilmember Sheltman said is that a legal term? One of my questions for the attorney, is there a legal term that we should use?

Councilmember Stirling said does it have to go to Planning Commission? Elliott, the portion that you want to make sure everybody has in way of how we facilitate if something goes wrong, does that go to Planning Commission as well? Or is it just Town Council?

Mayor Peterson said the entire ordinance would go to the Planning Commission for recommendation to the Town Council, but the action is actually, as with all the others, taken by Town Council. I am not suggesting that we send it on its way at this point. I am suggesting that we have our attorney draw it up and send it back to us to go over and make sure it is complete enough and then the Planning Commission can do their work on it and bring it back to us for final action and follow that path.

Councilmember Stirling said the enforcement part of it as well?

Councilmember Roberts said enforcement will be a part of it.

Mayor Peterson said I believe it needs to be in order for it to be effective. I do not think it needs to be from a legal standpoint. For effectiveness, I believe it needs to be.

Mayor Peterson said is there anything further?

#### 10. Citizen Comments:

Alan Cohn said I would like to reiterate some things said at way too many meetings. In allowing these, they are a business and you should be considerate of the fact of zoning. In other words, if it is a

residential zoning, the business should not be allowed. As far as enforcement, if this is going to be more work for the Town and all, tax them. It is a business, pass an occupancy tax. Every state and every county charge a pretty significant occupancy tax on top of room charges and all. There is no reason for the Town not getting some money back on this if they are going through all the trouble. A lot of the Town's time has been spent on this. And I think this could help with the enforcement. The Town should be able to get something from this.

Doris McNally said regarding the owner inhabited short-term rental, have you considered something about pets? You might want to include that because if any activity that happens because of the pets that are taken in by these people, if they injure any other pet in the neighborhood or if they injure a person, there could be liability so you might want to include that in your discussion with the lawyers.

Councilmember Sheltman said just to comment on that, we talked about this a little bit. If you look at these, there is usually homeowner's insurance required for protection. This is probably a question for the attorney. Can we pass this off on a homeowner based on the fact that they have to show proof of insurance to cover pretty much anything that can come up?

Mayor Peterson said I will ask our attorney about it.

Ron Cundick said what chance will the public get to comment on this? Will you wait for the final hearing or will they get a crack at it early on because if you spend all the time running this through your attorney, something could then come up that you had not planned on. I am just curious about when we get a shot at it.

Mayor Peterson said I would envision that we bring it forward with the language of Town Council. We always encourage and allow public input. It is not an official Public Hearing. The official Public Hearing would be set by the Planning Commission, but I would be in favor of making sure we were putting forward a document to our Planning Commission that had as much public input as we could.

Councilmember Roberts said like any other document that is being drafted, there are many phases of that drafting process. You understand that. At the same point that we would present it to the Planning Commission, after it comes back from our legal staff, it should be out there for the public to see at that time so they have sufficient time to read the document before a Public Hearing.

Ron Cundick said I assumed this would happen, but it has been lingering for a long time and I just wanted to make sure.

Lynn Potter said are you saying it is not on the website? Because I have searched for it.

Mayor Peterson said this has not been put on the website at this point as we are going around with this draft. We will get it to a point when it will be.

Councilmember Roberts said a lot of citizens think as documents are drafted every little bit should be put out there for them. I can tell you from past experience that it can create a lot of misinformation from the public. Until you get that draft to the point of bringing it up to a Public Hearing, it is still a draft. And, truly, it is still a draft when it comes to a Public Hearing, but, hopefully, most things have been resolved. What I will tell the public is if you want to be involved from Point A to Point Z on any drafts on anything

# Town of Leeds

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## Town Council Meeting for Wednesday, April 26, 2023

### Joint Meeting 6:02 PM

#### Town Council

##### ROLL CALL:

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

#### Planning Commission

##### ROLL CALL:

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

#### LDWA MEMBERS:

	<u>Present</u>	<u>Absent</u>
ALAN COHN	<u>X</u>	<u>          </u>
DORIS MCNALLY	<u>X</u>	<u>          </u>
KURT ALLEN	<u>X</u>	<u>          </u>
DON FAWSON	<u>X</u>	<u>          </u>

Scott Messel, Town planner present

Invocation: Commissioner Darton

Pledge of Allegiance: Mayor Hoster

Commissioner Darton made a motion to approve the agenda for the April 26, 2023 work meeting. Commissioner Rosenfield seconded the motion. Motion carried.

provider and provides an exclusive right to it, making it easier for developers to know where to go for decisions. Mayor Hoster addressed the concerns expressed about creating a monopoly and suggested that LDWA should be the moderator of the utility, which would allow the town to seek water from the Washington County Conservancy District if necessary. The ordinance would strengthen LDWA's role and provide consistency in policies.

The consensus was it would be more flexible to have an MOU in place rather than trying to cover everything in a statute. An MOU would allow for easier changes and modifications if needed in the future, without having to go through the process of amending a statute. However, it's important to ensure that the MOU includes all necessary details and provisions to protect the interests of the town and LDWA.

Doris McNally, a member of the water board, suggests that the original ordinance from 2009 is on weak legal grounds because their company is privately held and not a governmental entity. However, the mayor argues that it is not illegal for a municipality to regulate a private company that has a monopoly within its jurisdiction. McNally expresses frustration with the lack of collaboration between the town and water company and believes there needs to be a discussion about the master plan for the future. The mayor explains that the purpose of the ordinance is to avoid competition with another water company, which would diminish services to shareholders.

Don Fawson, a member of the Water Board, thanked Councilmember Cundick for interceding in a recent issue and getting a loan to bring things up to standard. He also mentioned that the Water Board's attorneys are some of the best in the state and provided their opinion on the town's ability to regulate the LDWA, a nonprofit mutual water company. According to the attorneys, the town does not have the authority to regulate the LDWA but can approve new development and enter into an agreement to be the water provider. Additionally, the attorneys noted that an ordinance would not accomplish its intended purpose and that the town may build its own water system if it chooses. Fawson suggested that the town sit down with LDWA to work out the terms of an agreement and warned that passing the ordinance would be of no legal effect and could lead to litigation. Mayor Hoster clarified that the town is not trying to take over the water company, but wants to protect the town's obligation to health, safety, and welfare for all citizens. Alan Cohn of the Water Board asked what the vulnerabilities facing the town were regarding the developers, but the mayor felt the relevance to this discussion was not clear.

resources to supply them, so they were told they had to bring the water rights. He mentioned that the town is currently working through concerns with a new development called Silver Eagle and he stated that SITLA has water rights for development. Mayor Hoster brings up Grapevine as a recent development that had been proposed and notes that the town cannot simply deny the development but must have legal justification for doing so. They discussed the possibility of an agreement between the town and LDWA to provide first right of refusal throughout the town, which would allow the town to deny Grapevine and other developments that did not receive water from LDWA. Doris McNally suggests that a Memorandum of Understanding would be appropriate for this type of agreement. Cohn noted that a contract would not be binding with third parties, but it would still be a legal document. Don Fawson expressed his desire to understand the situation, noting that the water board is not in the business of stopping growth.

Mayor Hoster explained that an agreement with a utility provider would enable the town to deny other providers that would compete against the existing utility, and that the town has the right to refer to such an agreement.

Fawson says the thing the board is struggling with right now is the idea that we have enough capacity to handle the town's infill as well as potential developments in other areas including SITLA, Silver Eagle Estates, Silver Pointe estates, and the Sullivan property if they choose to develop. The LDWA board are currently trying to determine if they want to expand their water rights to encompass the other areas or leave it to the Washington County Water Conservancy District to deal with.

Mayor Hoster asked if that meant that developers were being approved only if they brought the wet water with them.

Fawson said that was not necessarily true. He explained that having water rights does not necessarily mean having access to water. Infrastructure such as equipment, pipelines, and aquifers are also needed to supply water. If a developer wants to bring in water, they will need to drill a well, obtain water rights, and put in the necessary infrastructure. However, this is not always economically feasible. The Washington County Water Conservancy District has the duty to bring water to people in the county, but not the obligation to have water brought to them. The town can regulate new development, but existing developments may have different water rates depending on their water source. The Washington County Water Conservancy District can deliver water to a certain point and charge a set amount, but the town would need to charge



designates the town is in charge is important. This way, when a developer tries to avoid certain requirements, the town can refer to the ordinance and ensure compliance. Councilmember Cundick suggests that LDWA could be designated as the primary provider rather than the exclusive provider under the ordinance.

Mayor Hoster stated that he had discussed the matter with Don Fawson, and he agrees with the points made. The mayor then brought up a hypothetical situation in which a company sues the town for damages caused by the waterline they installed in Silver Pointe, which has led to radiation contamination. If the lawsuit is successful, the town's assets would be owned by the company, and the town would be exclusively tied to that provider. However, if the town has an ordinance that allows for another company to become the provider, the town could argue that the assets have no value and switch to a different provider. LDWA II would then become the provider of the water.

Kurt Allen asked if he can comment on Mayor Hoster's statement, saying that he believes it is unlikely that such a catastrophic scenario would happen. He believes that LDWA is a well-run water company and that the state and insurance would prevent a private company from taking over. Mayor Hoster clarified that the Washington County Water Conservancy District, not he, came to them with the concern about a private entity taking over. He suggested that if LDWA were to lose all its value due to a lawsuit, the town should have the ability to switch to another provider. This would provide an "umbrella of protection" for LDWA, but not the town. Kurt asked the Mayor to confirm that the ordinance would provide government protection, but Mayor Hoster clarified that it would simply allow the town to switch providers in case of emergency. Cundick and Allen agreed that the ordinance would not provide protection, but Mayor Hoster emphasized that what it does is provide the town with the capability to switch from LDWA to another provider if something were to happen to LDWA.

Kurt Allen suggested that the community should start using the Washington County Conservancy District water as it is the smartest thing to do since the LDWA cannot service all the geographic areas. They all agree that they need additional water and have a relationship with the Washington County Water Conservancy District. Allen believes that the ordinance can be simple and that the trilateral relationship with the town, LDWA, and the Washington County Water Conservancy District can meet all the needs of the community while keeping control of the water. Mayor Hoster talked about the wording of the ordinance and how it can protect the LDWA from accusations of bias and

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Danny Swenson, Chairman

ATTEST:

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Aseneth Steed, Clerk/Recorder

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30.1.3.C.ii Name and address of applicant and property owner;

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30.1.3.C.iii The locations, dimensions and setbacks of all existing and proposed uses, activities, buildings, fences and/or walls, and other structures to be included in the proposed development;

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30.1.3.C.iv The proposed signage and lighting plan (where applicable);

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30.1.3.C.v The locations and dimensions of existing and proposed roads, parking areas and traffic circulation patterns; and roads and driveways adjoining and access from the development;

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30.1.3.C.vi The locations and dimensions of existing and proposed drainage facilities, utilities, easements and fire hydrants;

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30.1.3.C.vii The proposed area dimensions, setbacks and proposed elevation contours, and earth areas; and

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30.1.3.C.viii Necessary explanatory notes, if any, appropriate.

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30.1.3.D The Town shall comply with all provisions of V.L. Code and Ohio Code Ann. Title 171 Chapter 94, Part 5, in receiving and reviewing an application for an STR Development Overlay Zone, just as it would under any other form of zoning or land use ordinance amendment.

30.1.3.E The Town Council shall refer all applications for STR Development Overlay Zone designations from the Planning and Zoning Commission approval, modify, and possibly deny any application for a STR Development Overlay Zone designation.

30.1.3.F In approving any application for a STR Development Overlay Zone designation, the Town shall impose such requirements and conditions as required by law and any additional conditions that may be necessary for the protection of adjacent properties and the public health, safety and general welfare and aesthetics of the Town.

30.1.3.G Such conditions that may include, but shall not be limited to, specifications concerning structures to be proposed; landscaping; density; ingress; egress; fencing; parking; lighting; or other possible nuisances.

30.1.3.H The Town shall not approve a STR Development Overlay Zone designation for a Development unless it finds the following:

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30.1.3.H.i That the proposed zoning designation and development of Dwelling Units

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as STR Units on a Development wide basis, at this particular location, is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and community; and

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30.1.3.H.ii That a Development wide Short-Term Rental use of Dwelling Units will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; and

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30.1.3.H.iii That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis will comply with all other

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## CHAPTER 30: SHORT TERM RENTALS (STR) AND RESIDENTIAL HOSTING FACILITIES (RHF)

### 30.1 SHORT TERM RENTAL (STR) PURPOSE PROHIBITION:

The purpose of Section 30.1 of this Chapter is to describe the process and set forth standards ~~state the prohibition~~ for the leasing of entire residential dwelling units for periods of less than thirty (30) consecutive days - also known as "short-term rentals."

#### ~~30.1.1 DEFINITIONS:~~

For the purposes of this Chapter all of the definitions contained in VLLC Chapter 1 including the definitions of Short Term Rentals (STR) and throughout the various chapters of VLLC are incorporated herein. Commonly words or terms that are capitalized are defined in VLLC Chapter 1 but they can also be embedded into the body of various VLLC chapters.

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#### ~~30.1.2 NATURE OF USE - SHORT TERM RENTAL OR STR:~~

The Short Term Rental of all of a residential Dwelling Units a condition of use in all STR Development Overlay Zones of the Town, subject to the Owner obtaining and maintaining a STR Permit.

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#### ~~30.1.3 STR DEVELOPMENT OVERLAY ZONE:~~

The purpose and intent of this Subsection is to establish procedures designating an entire subdivision and a phase of a master planned development within the Town where all of the Dwelling Units within the subdivision or phase are suitable or designed as Short Term Rental.

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30.1.3.A Subject to the requirements set forth in this subsection, an Owner of real property may apply for and obtain simultaneous approval for the Final Plat approval for a Subdivision or Subdivision phase an overlay zoning designation where, in addition to any permitted and conditional uses allowed in the underlying zoning of the property, subject to the Development (whether it be an entire Subdivision or a phase of a subdivision) may be developed, constructed, marketed and sold as a Development where Short Term Rental are allowed. Such approval shall be referred to as a "STR Development Overlay Zone" designation.

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30.1.3.B The right to seek an STR Development Overlay Zone designation ONLY applies to NEW Developments for which a Final Plat is recorded, after the effective date of this Section, that contains more than 5 lots upon which residential Dwelling Units can be constructed and which comprises at least five (5) acres (including dedicated streets, trails and public rights of way).

#### 30.1.3.C Application Approval Process:

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#### 30.1.3.C.1 At the Subdivision Concept Plan review stage of the approval process

described in VLLC Chapter 4 (Division of Land), an applicant shall submit with their Concept Plan a narrative indicating that a STR Development Overlay Zone designation is being requested and the Concept Plan shall include (in addition to any other requirements of VLLC Chapter 4) the following information:

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regulations and conditions specified in this chapter including individual licenses of STR Units, obtaining and renewing a STR Permit, and

30.1.3.H.iv That the proposed zoning designation and the development of Dwelling Units as STR Units on a Development-wide basis is expressly authorized by the governing documents of the Development (i.e. CC&Rs and By-Laws of a Homeowners Association), and

30.1.3.H.v That the governing documents of the Development require Owners of an STR Unit to utilize one singular property management company (determined by the Homeowners Association) to handle all STR rental of the STR Units within the Development. The designated property management company must be licensed and bonded in the State of Utah and need not have its principal place of business within the Town, but shall have a physical office and employees located within Washington County. The designated property management company shall maintain current contact information for persons within the company who are capable of being contacted 24 hours a day, 7 days a week, in the event the Town or local law enforcement are notified of an issue or a complaint that needs resolution; and

30.1.3.H.vi That the proposed zoning designation and development of Dwelling Units as STR Units on a Development-wide basis conforms to, and does not contradict with, the intent of the General Plan.

#### 30.1.4 STR PERMIT APPLICATION AND FEES

In order to obtain and maintain a STR Permit, Owners of proposed STR Units must do the following:

30.1.4.A Obtain, complete and provide a complete application and any other required documents to the Town.

30.1.4.B The owner must submit the following information to Town-approved STR Permit application form:

30.1.4.B.i All applicable and relevant owner information of the Owner of the proposed

STR Unit.

30.1.4.B.ii The name and current contact information for the management company

designated to handle STR rentals within the Development where the applicable STR Unit is located. The management company must be given unqualified written authority by the Owner to address and correct all maintenance, on-site operations and nuisance concerns relating to the proposed STR Unit.

30.1.4.B.iii The street address of the proposed STR Unit.

30.1.4.B.iv The number of bedrooms and the applicable occupancy limits of the proposed STR Unit as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority. Maximum occupancy is commonly determined by square footage and bedrooms of a Dwelling Unit.

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30.1.4.B.v The Owner's Social Security Number (if an individual) or the organization's

or Federal Employer Identification Number (EIN) if a business entity.

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

30.1.4.B.vii Any other information deemed necessary to inform the Town and the public about the intended use of the property as a Short-Term Rental.

30.1.4.C All applications for STR Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which STR Units is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed STR Unit and to provide them with contact information for the Owner or the management company for the STR Unit in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all STR Units must comply with and information about how problems should first be addressed with the Owner or applicable management company and, if not resolved, then reported to the Town.

30.1.4.D STR Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it shall deny the same.

30.1.4.E A person applying for or holding a STR Permit who receives notice from the Town of denial of their STR Permit application or if their permit or their existing STR Permit may appeal said decision to the Town's Appeal Authority, in compliance with the LLC Chapter and Utah Code Ann. § 13-11-11, Title et seq. Said appeal must be made within 30 days of the adverse decision being issued.

30.1.4.F An applicant must pay a STR Permit fee at the time application is submitted. The STR Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All STR Permit applications will be deemed automatically incomplete until the STR Permit Fee has been paid.

30.1.4.G An updated application is required to be provided to the Town if any of the contact information of the Owner or management company handling STR renting for the Development is changed throughout the permit year.

### 30.1.5 STR PERMIT RENEWAL AND TRANSFER

STR Permits are good for 12 months after the date of issuance. A STR Permit may be renewed upon the occurrence of the following:

30.1.5.A Payment to the Town of the annual STR Permit fee. 30.1.5.B Submittal to the Town of an updated application if:

30.1.5.B.i The Owner or management company handling STR renting for the applicable Development (or their contact information) has changed.

30.1.5.B.ii The Owner has made modifications to the STR Unit 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 STR Unit complies with local health and fire safety codes.

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30.1.5.B.iii) The owner has engaged its best and brightest tax and sales tax accountants to work with the Utah State Tax Commission.

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30.1.5.C) The Town confirms with the Utah State Tax Commission that the Owner or its management company, pending STR renewal of the applicable STR Unit pursuant to the Owner's compliance of transient room tax and sales tax.

30.1.5.D) The Town has not received more than two unresolved complaints stemming directly from the Owner's Short Term Rental during the previous STR Permit period. If more than 2 unresolved complaints stemming from an STR Unit exists the Town Staff may deny the renewal request of any piece additional requirements upon the issuance of a renewed STR Permit that are reasonably calculated to resolve the existing issues and prevent future problems and that are roughly proportional to the magnitude of the problem(s).

30.1.5.E) If an Owner has had their STR 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 U.C.L.L. and Utah Code Ann. §10-6-4.71 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

30.1.5.F) In the event of a sale or other transfer (except involuntary transfers such as foreclosure or sheriff's sale) of any property containing a Dwelling Unit with a STR Permit, the purchaser or transferee of the property shall be required to apply for a new STR Permit within forty-five (45) days of the date of purchase or transfer. In the event the purchaser or transferee fails to apply for a new STR Permit within said forty-five (45) days, the STR Permit will be forfeited and the Owner must re-apply.

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### 30.1.6 STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS.

In addition to any other requirement of any Section, a Short Term Rental and a STR Permit may be approved by Town Staff only if:

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30.1.6.A) The proposed STR Unit is located in a STR Development Overlay Zone.

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30.1.6.B) The proposed STR Unit is an entire Dwelling Unit that has been issued a certificate of occupancy by the Town. Portions of a Dwelling Unit may not be used as a Short Term Rental with the remainder being occupied by the Owner or a tenant under a long term lease of more than thirty (30) days—this type of use is considered Residential Housing and the Owner must obtain an RHP Permit pursuant to Section 2 of this Chapter.

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30.1.6.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 must be complied with by the Owner and/or their management company.

30.1.6.D) There are no "on premise" or "off premises" exterior signs or display advertising the proposed STR Unit or its use as a Short Term Rental regardless of the Town's regulations found in Chapter 20 of U.C.L.L. (Sign Regulations).

30.1.6.E The proposed STR Unit has fully functioning smoke alarms and carbon monoxide detectors which meet or exceed every requirement of ULF standards, installed in the number and location required by the current uniform building, safety, and fire codes adopted by the Town.

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30.1.6.F The proposed STR Unit has sufficient Off Street Parking in compliance with Chapter 7 of V.L.L.U. Off Street Parking Requirements. Off Street Parking may not be provided within the front and setback other than the existing driveway.

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30.1.6.G The principal center of a STR Unit shall be of legal adult age (18 Years Old).

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30.1.6.H The maximum number of paying adult and children guests permitted in a STR Unit shall not exceed local health department and fire authority regulations.

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30.1.6.I The Owner or its management company handling STR rentals 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 event, occupancy, and sales tax as required by Utah law, V.L.L.U. or other Town Ordinances.

30.1.6.J The Owner and/or its management company handling STR rentals shall agree to provide guests with a summary of all laws and regulations that apply to applicable Short Term Rental uses.

30.1.6.K The Owner and/or its management company handling STR rentals shall provide a summary of other alternative accommodations to guests. The STR Unit containing a minimum standards of personal conduct during their visit to the STR.

30.1.6.L The STR Unit is not considered a part of an accessory use of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground, Cabin, Trailer, Trailer, Recreational Vehicle ("RV"), Mobile Home or a non-tourist based or private living facility.

30.1.6.M The STR Unit is located on a dedicated street that meets all requirements of the current version of the International Street Code adopted by the Town.

30.1.6.N The STR Unit 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.

### 30.1.7 STR COMPLIANCE AND LIABILITIES.

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It is recognized that the Owner of an STR Unit shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of their Dwelling Unit as a STR Unit, regardless of whether such noncompliance was committed by the Owner, their management company, or the occupants of the STR Unit or their guests. In furtherance of the above, applicants for an STR Permit expressly acknowledge and consent to the following:

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

30.1.7.B Complaints from adjacent or nearby property owners about the STR Unit must be in writing to the Town office and will be responded to by the Town within a reasonable time period.



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

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30.1.7.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 or their management company may be cause for revocation or non-renewal of the STR Permit in compliance with Subsections 30.1.3.D & E and 30.1.8.

30.1.7.E Short-Term Rental of a Dwelling Unit is subject to Virginia's Transient Room Tax Ordinance; therefore Owners, or their management company must collect said tax and an applicable sales tax and remit the same to the Utah State Tax Commission as required by State Law.

30.1.7.F This Subsection of Chapter 30 Special Lodgings of VLLU does not supersede the CC&Rs or any other privately negotiated restrictive covenants established by prior subdivisions. The Town does not have authority and will not enforce CC&Rs or any other privately negotiated restrictive covenant.

### 30.1.8 STR ENFORCEMENT

A STR Permit may be revoked or not renewed by the Town.

30.1.8.A The STR Permit may be immediately suspended or revoked if the following conditions have been met: (a) the STR Permit is used for a residential dwelling unit.

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30.1.8.B There is a change of ownership of the STR Unit and the purchaser or transferee fails to apply for a new STR Permit within 30 days of the transfer or time as prescribed by Subsection 30.1.5.B.

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30.1.8.C The Owner or his management company fails to pay any renewal STR Permit fee after sufficient notice.

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30.1.8.D The STR Unit and/or auxiliary 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 codes or

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30.1.8.E Other illegal activity has occurred at, or related to the STR Unit, which the Town reasonably determines is disruptive to the purpose and intent of this Section.

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## 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 leasing of portions of a 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 VLLU-Locally Led Land Use Ordinance 2018-04, Chapter 1 (including the definition Residential Hosting Facilities ("RHF") as amended) and throughout the various chapters of

~~4-1-1-1~~ are incorporated herein. Commonly words or terms that are capitalized are defined in ~~4-1-1-1~~ Chapter 1, but they can also be imbedded into the body of various ~~4-1-1-1~~ Ordinance 2008-14 chapters.

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### 30.2.2 NATURE OF USE - RESIDENTIAL HOSTING OR RH~~F~~.

The short term renting of portions of a residential Dwelling Unit (aka Residential Hosting) ~~is~~ ~~a Conditional Use in all Residential (R) and Agricultural (A) zones requires an annual Residential Hosting ("RH") permit issued by the Town, subject to the Owner obtaining and maintaining a RH~~F~~ Permit.~~

### 30.2.3 RH~~F~~ PERMIT APPLICATION AND FEES.

In order to obtain and maintain an RH~~F~~ Permit an Owner of a proposed residential Dwelling Unit where Residential Hosting will occur must do the following:

**30.2.3.A** Obtain, complete and provide a ~~a~~ RH~~F~~ Permit application and any other required documents to the Town.

**30.2.3.B** The Owner must submit the following information on a Town approved RH~~F~~ Permit application form:

**30.2.3.B.i** All applicable and current contact information of the Owner of the proposed RH~~F~~ ~~residence~~.

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

**30.2.3.B.iii** The number of bedrooms and the applicable occupancy limits of the proposed RH ~~residence~~ as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority (Maximum occupancy is 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 proposed RH ~~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~~ Guest Quarter while taking into consideration the overall maximum occupancy of the RH ~~residence~~ (~~4~~ Guests and 10 occupants - including the Owner and his/her family unit).

**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** Any other information deemed necessary to inform the Town and the public about the intended use of the property as an RH ~~residence~~ Unit.

30.2.3.C All applications for RH residence Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which the RH residence is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed RH residence.

and to provide them with contact information for the Owner in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all RH residence Permits must comply with. ~~Any problems should first be addressed with the Owner and said list and if not resolved, then and how violations should be reported to the Town.~~

**30.2.3.D** RH residence Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it shall deny the same.

**30.2.3.E** An applicant or Owner holding an RH residence Permit who receives notice from the Town of denial of their RH residence Permit application or the non-renewal of their existing RH residence Permit may appeal said decision to the Town's Appeal Authority in compliance with ~~Utah Land Use Ordinance 2003-04~~ Chapter 3 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

**30.2.3.F** An applicant must pay an RH residence Permit fee at time of application submittal. The RH residence Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All RH residence Permit applications will be deemed automatically incomplete until the RH residence Permit Fee has been paid.

**30.2.3.G** An updated application is required to be provided to the Town if any of the contact information of the Owner is changed throughout the permit year

**30.2.4. RHF PERMIT RENEWAL.**

RH residence Permits are good for 365 days after ~~submittal~~ issued. An RH residence Permit may be renewed upon the occurrence of the following:

**30.2.4.A** Payment to the Town of a new annual RH residence Permit fee.

**30.2.4.B** Submittal to the Town of an updated application if:

**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 Owner's Residential Hosting during the previous RH residence Permit period. If more than 2 unresolved complaints stemming from an RH residence exists the Town Staff may deny the renewal request or may place additional requirements upon the

issuance of a renewed RH residence Permit that reasonably ~~circumvents~~ resolve the existing issues and prevent future problems and that are roughly proportional to the magnitude of the problem.

**30.2.4.E** If an Owner has had their RH residence 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 ~~V.L.L.L. Ordinance 2008-04~~ and Utah Code Ann § 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 STANDARDS AND REQUIREMENTS FOR RESIDENTIAL HOSTING FACILITIES RESIDENCES.**

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

**30.2.5.A** The proposed RH residence is located in a Residential or ~~Agricultural~~ Rural Residential Zone of the Town.

**30.2.5.B** The proposed RH residence is a Dwelling Unit that has been issued a certificate of occupancy by the Town.

**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.

**30.2.5.D** The RH residence has no more than ~~five~~ 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.

**30.2.5.E** There are no "on premises" or "off premises" exterior signage or display advertising the proposed RH residence or its use as Residential Hosting Facility regardless of the Town's regulations found in Chapter 2~~9~~ of ~~V.L.L.L. Ordinance 2008-04~~ (Sign Regulations).

**30.2.5.F** The proposed RH residence (including all RH residence Guest Quarters) has fully functioning smoke alarms and carbon monoxide detectors ~~which~~ 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.

**30.2.5.G** The proposed RH residence has sufficient Off Street Parking on site in compliance with Chapter ~~27~~ of ~~V.L.L.L. Ordinance 2008-04~~ (Off Street Parking Requirements). Off Street Parking may not be provided within the front yard setback other than the existing driveway.

**30.2.5.H** The principal renter of an RH residence Guest Quarter shall be of legal adult age (18 Years Old).

**30.2.5.I** 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, ~~Ordinances 2003-43-44~~ or other Town Ordinances.

**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 ~~Short-Term Rental and~~ Residential Hosting uses.

**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.

**30.2.5.L** The RH ~~residence~~ 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.

**30.2.5.M** The RH ~~residence~~ is located on a dedicated street that meets all requirements of the current version of the International Fire Code adopted by the Town.

**30.2.5.N** The RH ~~residence~~ 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.

### **30.2.6 RH ~~RESIDENCE~~ COMPLIANCE AND LIABILITIES.**

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

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

**30.2.6.C** A complaint received will not be considered a violation or 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.

**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 RH ~~residence~~ Permit in compliance with Subsections 30.2.2.D & E and 30.2.5.

**30.2.6.E** Residential Hosting and RH ~~residence~~s are subject to ~~Leeds-Virgin'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.

**30.2.6.F** This Section 2 of ~~Chapter 301 Special Landings of VLLL this 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.

### **30.2.7 ENFORCEMENT.**

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



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

30.2.7.B The Owner fails to pay any annual RH residence Permit fee after sufficient notice,

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

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.

Trial Version  
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# LAND USE ORDINANCE 2008-04

## CHAPTER 24

### HOME OCCUPATIONS

Chapter created by Ordinance 2009-01  
Amended By Ordinance 2018-02

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#### **24.1. DEFINITION.**

A home occupation shall mean the conduction of any business, transaction or activity for which compensation of any nature is received, in any zone classified as residential under the zoning ordinances. Garage sales, yard sales, moving sales, or estate sales, do not constitute a home occupation.

#### **24.2. PURPOSE AND INTENT.**

The purpose and intent of this Chapter is to allow the residents of the Town of Leeds, who comply with the requirements of this section and are issued a license, to utilize a portion of their residential premises as a place of business. Such business shall only be operated by residents in the home, and shall not be of such nature or scope that the operation of the business disrupts neighbors or detracts from the residential character of the neighborhood in which it is located.

##### **24.2.1 Home Occupation Advertising/Resident Manager**

In all cases where a home occupation is engaged in, there shall be no advertising of such occupation, including, but not limited to, window displays or signs, on or about the premises where such occupation is engaged in except as hereinafter permitted. The property owner/resident or a family member of the property owner/resident must be the on-site manager of the home occupation business.

##### **24.2.2. Home Occupation Business License Required.**

It shall be a Class B misdemeanor for any person to utilize any portion of their residence as a place of business without first receiving a home occupation business license as required by the Town of Leeds.

##### **24.2.3. Home Occupation Business License Compliance.**

To assure compliance with the provisions of this Chapter and to protect the character of residential neighborhoods in Leeds, a home occupation business license for an In-Home Occupation shall be approved by the Town. Home

- j). Other information that may be required on a case-by-case basis.
- k). If a license or permit other than a business license is required for the home occupation, then proof of that license shall be provided

**24.2.5.1. Home occupations that do not require a conditional use permit pursuant to Chapter 7 of the Land Use Ordinance may include the following:**

1. Artists, not using extreme hazardous materials, or activities that would create a fire hazard.
2. Authors, architectural services, advertising.
3. Bakeries, catering, and home kitchens with no commercial equipment.
4. Barber and beauty shops.
5. Computer/internet sales/programming, data processing, mail order.
6. Consulting services, craft sales.
7. Contractors, provided there is no outside storage of equipment, and no more than two company vehicles stored on site (which may not include vehicles which have a gross vehicle rating of more than 26,000 pounds, capable of transport of 16 or more occupants or require hazardous materials placards).
8. Direct sales distribution, desktop publishing.
9. Dance class, aerobics class, music lessons, swimming lessons, tennis lessons (not to exceed 10 students on premises at any one time)
10. Family daycare, preschool, not to exceed 5 students, unless licensed by the State of Utah, to accommodate for greater enrollment.
11. Garden produce.
12. General administrative office.

Other uses similar to the above uses and recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of this Chapter, and therefore should be considered as a conditional use home occupation.

**24.2.5.3 Home occupations which are prohibited shall include any use not identified in Sections 24.2.5.1 and 24.2.5.2 above.**

**24.2.6. Conditions.**

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Business License:

- 24.2.6.1.** The home occupation business shall not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with area radio or television reception.
- 24.2.6.2.** Outside storage of equipment and/or materials associated with the home occupation business shall not be permitted.
- 24.2.6.3.** Only two vehicles may be used in association with the home occupation business. Any vehicles used for the home occupation business shall be limited to a maximum size of one ton gross vehicle weight.
- 24.2.6.4.** The home occupation business may be conducted in a garage attached to the residence subject to the following:
  - (a)** The garage may not be altered in any way that prevents the parking of vehicles within.
  - (b)** Sufficient off-street parking must be available for the vehicles temporarily displaced by using the garage to conduct the home occupation business.
- 24.2.6.5.** No business signs are to be displayed on the residential premises in connection with the home occupation business, except in compliance with the conditions of the Town's sign ordinance. (Ord 2008-04: 22.2.2.6.)