

Town of Leeds

Agenda

Town of Leeds Planning Commission

Wednesday, October 4, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **Work Session** on Wednesday October 4, 2023, at **5:30 P.M.**

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** scheduled for Wednesday, October 4, 2023, at **7:00 P.M.** Both meetings will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

Work Session 5:30pm

The purpose of this work session is to facilitate open dialogue among the Planning Commission, Town Council members (should a quorum be present) Staff, and residents regarding the 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

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 September 6, 2023, work session & regular meeting
6. Announcements:
 - a. Reminder of Huntsman Senior Games Cycling event scheduled October 12, 2023
 - b. Beautification and Leeds Outreach cOMmittee (BLOOM) scheduled Fall Events update
7. Public Hearing:
 - a. Ordinance No. 2023-03, An Ordinance Amending Chapter 21, Section 14, Related To Vacating, Altering, Or Amending A Subdivision Plat/Map
 - b. Proposed Ordinance 2023-04, amendment to Ordinance 2013-03, Street Tree Ordinance
8. Action Items:
 - a. Action regarding Ordinance No. 2023-03, An Ordinance Amending Chapter 21, Section 14, Related To Vacating, Altering, Or Amending A Subdivision Plat/Map
 - b. Action regarding proposed Ordinance 2023-04, Amendment to ORD 2013-03, Street Tree Ordinance
 - c. Discussion possible action regarding updated Amended Subdivision Preliminary Plat Application for Silver Creek Estates, A Planned Development Community with SITLA /Aaron Langston
 - d. Action regarding Conditional Use Permit application for Owner Occupied B&B at 825 N Bonanza Rd
 - e. Action regarding Conditional Use Permit application for Owner Occupied B&B at 195 S. Main Street
 - f. Action regarding finalized Consolidated Fee Schedule update and presentation to Town Council
9. Discussion Items:
 - a. Discussion regarding request of Craig and Barbara Rentle to disconnect parcel number L-3181
10. Staff Reports
11. Adjournment

The Town of Leeds will provide 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 October 2, 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.leadstown.org.

Aseneth Steed, Clerk/Recorder

LAND USE ORDINANCE 2008-04

CHAPTER 24

HOME OCCUPATIONS

Chapter created by Ordinance 2009-01

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 occupation business licenses shall be approved by the Town Planner and/or the

Town Staff before a structure on the residential premises may be used for business purposes. Application for the home occupation business license shall be obtained from the Town offices.

24.2.4. Procedure.

Town of Leeds staff may, upon application, issue a home occupation business license, which shall state the in-home occupation use permitted and any limitations imposed thereon. The license shall not be issued until the applicant represents that the applied for use will not violate covenants, conditions and restrictions or other deed restrictions affecting the use of the property involved. The license shall not be issued unless the Town staff is satisfied that the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions. In addition to the foregoing, a license for a home occupation requiring a conditional use permit pursuant to Section 24.2.5.2 below shall not be issued until the applicant for such license has received a conditional use permit pursuant to Chapter 7 of this Land Use Ordinance.

24.2.5. Application for Home Occupation Business License.

All applications for a home occupation business license shall include:

- a). The name, social security number, date of birth, and home address of the person applying for the license;
- b). The registered name of the business, if applicable;
- c). The Federal Tax No. of the corporation, if applicable;
- d). The type of business to be engaged in;
- e). The location of the place of business;
- f). A State tax number, if applicable;
- g). A State contractor's number, if applicable;
- h). Proof that the business is State licensed or registered, if applicable;
- i). A space for the applicant or applicant's authorized agent to sign under penalty of law that all the information contained therein is true; and
- 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.
13. Handyman.

14. Home crafts.
15. Insurance sales or broker.
16. Interior design.
17. Janitorial, housekeeping.
18. Musicians.
19. Real estate sales, broker, or appraiser.
20. Yard care.

24.2.5.2. Home occupations which shall require the applicant to obtain a conditional use permit, as set out in Chapter 7 of the Land Use Ordinance, shall include:

1. Auto body services.
2. Automobile repair and maintenance.
3. Automotive spray painting.
4. Commercial kennels.
5. Bed and Breakfast establishments.
6. Commercial stables.
7. Commercial Welding.
8. Medical, Dental, Chiropractic and other medical professionals.
9. Repair of household appliances.
10. Tattoo parlors.

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.)
- 24.2.6.6.** The home occupation business shall not create noise in excess of that which is customary to the immediate neighborhood.
- 24.2.6.7.** The home occupation business shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the residential neighborhood in which the use is located.
- 24.2.6.8.** There shall be complete conformity with fire, building, plumbing, electrical, and health codes, and with all state and city laws and ordinances.

24.2.6.9. There shall be complete conformity with any special condition established and made of record in the home occupation business license by the Town Staff and/or the Planning Commission, as they may deem necessary to carry out the intent of this Chapter.

24.2.6.10. The residential premises shall be subject to inspection by the Town of Leeds for compliance purposes upon 48 hours prior notice.

24.2.7. Fees.

Fees will be charged in accordance with the Town of Leeds Consolidated Fee Schedule.

24.2.8. Utah Sales Tax License.

If required by the State of Utah, a Utah State Sales Tax License will be required with the Town of Leeds listed as a business location.

24.2.9. Renewal.

All home occupation business licenses shall be valid for the period of time specified on the license application, and shall be renewed annually in January, provided there have been no reported violations, or detrimental characteristics which may, by the decision of the Town Staff, require revocation of the home occupation business license and termination of said home occupation business.

24.2.10. Revocation or Denial of Home Occupation License.

Any license issued pursuant to the provisions of this chapter may be revoked and any application denied by the Town Staff because of:

24.2.10.1. The failure of the licensee or applicant to comply with the conditions and requirement of this Chapter or any ordinance of the municipality.

24.2.10.2. Unlawful activities conducted or permitted on the premises where the business is conducted.

24.2.10.3. The license was obtained by fraud or deceit.

24.2.10.4. If business license is not renewed by July 1 of the current year.

24.2.10.5. If the use of the original license has been abandoned for a period of at least one (1) year.

24.2.11 Notice of Denial or Revocation of Home Occupation License.

The Town shall notify the applicant of the denial or revocation of a license and the reason for such denial or revocation.

24.2.12. Appeal.

A Home Occupation Business License denial or revocation may be appealed to the Town Council by filing written notice of appeal with the Town Recorder within ten (10) days of the notice of denial or revocation. The Town Council shall hear the appeal within thirty (30) days of the notice of appeal.

**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 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 Keesds 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 ("RH") 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 RH PERMIT APPLICATION AND FEES.

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

30.2.3.A Obtain, complete and provide an RH 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 Permit application form:

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

30.2.3.B.ii The street address of the proposed RH 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 pProposed RH rResidence 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 a total of 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 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, demonstrating that the Proposed RH Residence is free of any deficiencies.

30.2.3.B.x 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 rResidence is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the pProposed RH rResidence 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 rResidences must comply with, and how violations should be reported to the Town.

30.2.3.D RH ~~residence~~ Permit A 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 Land Use Ordinance 2008-04 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

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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 being 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.

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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 RH-residence 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 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 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 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 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 Rural Residential

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Zone of the Town.

- 30.2.5.B The ~~p~~Proposed RH ~~R~~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 Proposed RH ~~R~~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.
- 30.2.5.E There are no "on premise" or "off premises" exterior signage or display advertising the ~~p~~Proposed RH ~~R~~Residence or its use as Residential Hosting Facility regardless of the Town's regulations found in Chapter 22 of Ordinance 2008-04(Signs).
- 30.2.5.F The ~~p~~Proposed RH ~~R~~Residence (including all RH residence Guest Quarters) has fully functioning smoke alarms 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.
- 30.2.5.G The ~~P~~Proposed RH ~~R~~Residence~~F~~ 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.
- 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, Ordinance 2008-04 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 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 Proposed RH ~~R~~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 Proposed 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 Proposed 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, if available.

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.

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 an unresolved complaint to be considered grounds for revocation or non-renewal of the RH F Permitt_; 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 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.

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.

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.

30.2.8 VIOLATIONS AND PENALTIES

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:

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

(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 RH Permit;

(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 RH 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.