

Town of Leeds

Work Session Agenda Town of Leeds Planning Commission Wednesday, December 06, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **WORK SESSION** on Wednesday, **December 6, 2023, at 5:30pm**. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

The purpose of this work session is to facilitate open dialogue among the Planning Commission, Town Council members (should a quorum be present) and Staff, regarding agenda items. Public comment will not be taken in this session. Decision-related discussions will be scheduled for a future Planning Commission meeting. This session prioritizes candid idea exchange, with no formal action taken.

Work Session 5:30pm

1. Work Session
 - a. Finalize the Fee schedule update
 - a. Discussion on State Code regulation changes with Scott Messel and Short-Term Rental (STR) draft proposal by Commissioner Darton
2. 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 December 4, 2023 at these public places being at **Leeds Town Hall, Leeds Post Office**, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leadstown.org.



Aseneth Steed, Clerk/Recorder

DRAFT OF PROPOSED ORDINANCE FOR THE TOWN OF LEEDS
REGULATION OF SHORT-TERM RENTALS AND ACCESSORY
DWELLING UNITS

DEFINITIONS

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

DETACHED RESIDENTIAL UNITS: Resident dwellings, not attached to one another, including standard single-family detached residences, zero lot line residences, cluster housing, or housing approved through density transfer.

DWELLING: Any building or portion thereof containing one dwelling unit occupied, designed or intended as a residence for one family, excluding short-term residential rental use unless the owner of the Dwelling has obtained a Short-Term Rental License.

DWELLING, GROUP: Two (2) or more dwellings located in more than one building placed upon a single lot.

DWELLING UNIT, ACCESSORY (ADU): A subordinate residential living area with sleeping, bathroom and kitchen facilities created within a single-family dwelling, or a detached building on the same residential lot or parcel as the single-family dwelling, which meets the requirements of (Statute/Ordinance reference), not used for short term rental absent a Short-Term Rental License. This term includes, but is not limited to, a casita, guesthouse or mother-in-law apartment/suite.

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

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL CHARACTER: The characteristics of a neighborhood that make it residential, i.e., having the feel of being a neighborhood, as opposed to an area that has a commercial, industrial, or manufacturing feel. These characteristics include, but are not limited to, the intent of the zone, with careful consideration being given to the permitted and conditional uses allowed within the zone; the population density of the surrounding area; safety, with particular weight being given to the safety of children residing nearby; peacefulness that is consistent with a residential area; whether the home occupation is one generally conducted within a residential neighborhood; low traffic density; and any other factor that may impact the quality of life that is

customary within the neighborhood.

RESIDENTIAL USE: Customarily includes overnight use of a room or rooms with independent facilities for sleeping combined with a private bath and/or a kitchen.

SHORT-TERM RENTAL (STR): Property that is occupied, possessed or used by any person or entity for transient lodging where the term of occupancy, possession, or use is offered for twenty-nine (29) consecutive calendar days or less, for direct or indirect compensation or other consideration.

SHORT-TERM RENTAL LICENSE (STR License): An STR License is a license obtained from the Town of Leeds pursuant to Section _____ which authorizes the owner of the STR to operate an STR within the Town boundaries.

TRANSIENT ROOM TAX (TRT): The TRT shall be imposed on amounts paid or charged for short term rental, hotel, motel, or trailer court accommodations and services that are regularly rented for less than thirty (30) consecutive days, as defined and set forth in Utah Code Annotated, section 59-12-103(1)(i) (1953, as amended), and as amended by the Utah state legislature. (Ord. 2007-930-O, 2-6-2007).

TRANSIENT ROOM TAX RATE (TRT Rate): The TRT Rate shall be the sum of 4.25 percent for the County of Washington TRT, and the sum of 1.0 percent for the Town of Leeds TRT as set forth in Utah Code Annotated, section 59-12-103(1)(i) (1953, as amended), and Utah Code Annotated, section 59-12-352(1)(a) (1953, as amended).

SECTION _____:

The Transient Room Tax Rate levied for the benefit of the Town of Leeds shall be the sum of 1.0 percent as authorized in Utah Code Annotated, section 59-12-352(1)(a) (1953, as amended).

(Chapter or Section/Ordinance citation): ACCESSORY DWELLING UNIT (ADU):

A. Purpose and Intent:

The purpose of this chapter is to provide regulations for Accessory Dwelling Units that are incidental and accessory to a single-family dwelling, where permitted in the zone. Accessory Dwelling Units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the Town of Leeds. Accessory

Dwelling Units created in accordance with this section will assist in providing for this need.

B. General Provisions:

1. Number of ADUs per parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot or parcel that is zoned less than five (5) acres. On a lot or parcel that is zoned five (5) acres or more, one additional ADU may be approved for each additional five (5) acres above the base five (5) acres, in the sole discretion of the Town of Leeds. No more than four (4) ADUs shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable ordinances. Only one ADU on the property may be licensed as an ADU.
2. Amenities. An accessory dwelling unit shall contain sufficient amenities to be meet the definition of an ADU. An ADU shall not have more than one kitchen.
3. Parking. Two parking spaces shall be provided on site for each ADU, and it shall be on a hard-surface, or graveled area. Only one parking space is required for an Internal ADU, and it shall be on a hard-surface, or graveled area.
4. Occupancy. Either the ADU or the single-family dwelling shall be owner-occupied, and be the primary Residence of the owner-occupant with the primary residential exemption as determined by the Washington County assessor's office, in order to utilize the other dwelling as a long-term rental dwelling, or if the owner has obtained an STR Licence, as an STR. The non-owner-occupied unit is limited to no more than one family if it is a long-term rental, or if it is an STR, it is limited per (cite Statute/Ordinance). For the purposes of this subsection "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year, except temporary leave for religious, military, or other legitimate purposes qualifies as owner occupancy if not exceeding two years. While away, the owner shall not offer the owner-occupied dwelling unit for rent separately from the ADU.
5. Short-term rentals not permitted. Neither the single-family dwelling unit, nor the ADU, shall be used or licensed as a short-term rental unless specifically permitted in accordance with section (cite the STR Statue/Ordinance).
6. Relevant authority approvals. The ADU shall comply with regulations, ordinances and building codes for a single family dwelling. Approval is required from all utility and service providers and the **Building Official**.

C. Standards And Requirements:

1. Standards same as single family Dwellings. If new construction for an ADU is proposed or will occur, the standards for single family Dwellings shall apply. An ADU shall comply with the same permit standards, lot development standards, and setbacks as required in the respective zone. **No travel trailer, boat, recreational vehicle, or similar item shall be used as an ADU.**
2. Size and height. The size and height regulations for an accessory dwelling unit are as follows:

- a. 1500 sq. ft. maximum: For all lots or parcels in zones designated as one-half (1/2) acre minimum lot size or less, the ADU shall not exceed 1500 sq. ft. or be less than 400 sq. ft. The height shall not exceed 25 ft.
 - b. 2500 sq. ft. maximum: For all lots or parcels in zones designated as 40,000 sq. ft. minimum lot size up to 2 acre minimum lot size, the ADU shall not exceed 2500 sq. ft. or be less than 400 sq. ft. The height shall not exceed 35 ft.
 - c. 3500 sq. ft. maximum: For all lots or parcels in zones designated as more than 2 acre minimum lot size, the ADU shall not exceed 3500 sq. ft. or be less than 400 sq. ft. The height shall not exceed 35 ft.
 - d. For an Internal ADU, the ADU shall not exceed the size permitted in state law, or the height in any applicable statute or ordinance of the Town of Leeds. For an Internal ADU located entirely within the basement of a single-family dwelling, it may include the entire basement area regardless of square footage.
3. Relationship to the single-family dwelling; appearance. The exterior design of an ADU, or the building that contains an ADU, shall compliment the single-family dwelling in a manner that preserves the appearance of the lot's single-family use.
 - a. The exterior of the ADU shall either:
 - i. Conform to the single-family dwelling in architectural style and materials on all sides of the building and roof; or
 - ii. Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
 - iii. Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
 - b. An ADU located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall not be determined to be an Internal ADU if the distance between them is 15 feet or greater.
 4. Access. The main access into an Internal ADU shall be on the side or rear of the primary dwelling, as viewed from the front lot line. Each ADU shall have direct access to the exterior of the building in a manner that does not require passage through any other part of a building.
 5. Undivided ownership. Ownership of an ADU shall not be transferred separately from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable ordinances. The primary residence and the ADU(s) shall have the same physical and mailing address.
 6. Site layout approval. The ADU shall be constructed at a location on the lot or parcel approved by the Town of Leeds and service providers to take into account drainage, topography, setbacks, parking, utilities, easements and all other applicable standards.
 7. Utilities. All utilities shall be sized and constructed to accommodate the primary dwelling and the ADU, as well as any other structures or uses on the lot or parcel.
 8. Building department compliance. No ADU shall be constructed, converted or remodeled without a building permit issued at the time of the act. No permit shall be issued if there is an outstanding code violation on the parcel. If no building permit was issued at the time of construction, conversion or remodeling, the applicant shall apply for a building permit and pay all applicable fees to the Town of Leeds and

applicable utility service providers. It is the applicant's responsibility to provide a certification of compliance from a qualified and licensed engineer to the **Building Official** that the ADU complies with all regulations, ordinances and building codes, and the Town shall make a determination of adequacy of the certification of compliance, in its sole discretion.

D. Application Procedure

Approval of an ADU requires a land use permit. The application and review procedure for a land use permit is as follows:

1. Application submittal requirements.
 - a. A completed application form signed by the property owner or assigned agent.
 - b. An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
 - c. A site plan drawn accurately to scale that shows property lines and dimensions, setbacks, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
 - d. Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating proposed uses.
 - e. Detailed utility plans, drawn to scale showing the location of private and public utility infrastructure on the lot or parcel, and the connections to any public utilities.
2. Review procedure.
 - a. Upon submittal of a complete ADU application, Town staff will review the application to verify compliance with this chapter and any other relevant component of Town ordinances.
 - b. Town staff will route the application to the local fire authority, local health department, the County Building Division, Public Works and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an ADU.
 - c. If the land use permit application complies with relevant land use laws, and receives all required approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval, conditioned on approval of other reviewers. The owner of the ADU shall maintain compliance with the approved permit.
 - d. If the application does not comply, Town staff shall notify the applicant in writing, using the notification method typical for similar correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the application shall be denied. A denial by the Town staff is an administrative

- decision. Alternatively, the applicant may withdraw the application, forfeiting the fee.
- e. Upon receipt of an approved land use permit, the applicant shall submit for a building permit, prior to construction or use of the space as an ADU.
 - f. If the ADU is rented, a business license is required. License renewal requires owner's proof of continued compliance with the requirements in this section.
3. Use as a long-term rental dwelling. The primary dwelling or the ADU may be long term rented on the parcel or lot if the owner provides proof that the property has the primary residential exemption as determined by the Washington County assessor's office, and that the primary residence or the ADU is owner-occupied. A deed restriction, recorded against the property on a form acceptable to the Town, acknowledging that the lot or parcel will remain owner-occupied, is required in order for one ADU on the property to be long-term rented.
- E. Enforcement: Violations of this chapter are subject to enforcement and penalties as outlined in _____. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allowed the ADU.

(Chapter or Statute/Ordinance citation) SHORT TERM RENTAL (STR):

- A. Purpose.
- 1. Create a process for the application and licensing of a Residence for transient use as an STR. Address the granting, enforcement, and revocation of a Short-Term Rental License.
 - 2. Establish that the short-term rental of a Residence is a transient use only permitted by a valid Town of Leeds license. It is not a dwelling type, zone or entitlement. Also establish that a license only will be granted where the utility infrastructure, size limitations, setbacks, parking requirements, and all other licensing requirements are strictly complied with, and all ~~town~~Town, county, state and federal laws.
 - 3. Establish regulations to safeguard the public health, safety and welfare by providing for the licensing and maintenance of an STR in the Town of Leeds.
 - 4. Ensure that transient use of a Residence for an STR is operated in a manner that complies with the code and policies.
 - 5. Ensure that an STR license is only granted when it is compatible with the surrounding neighborhood and protects the overall character of the community, mitigating the effects of a ~~short-short~~-term rental on neighborhoods from increased noise, light pollution, traffic, parking, trash, waste, and water use.
- B. Applicability. This section applies to the transient use of a Residence for an STR in the Town of Leeds as defined herein, where a valid license is maintained. It does not apply to

long-term rentals. It does not apply to hotels, condotels, motels, timeshares, fractional ownership units, or other similar facilities with central check-in locations.

C. General provisions.

1. Only one STR. Only one Residence on a lot or parcel may obtain a license as an STR, and only if the Residence legally exists. In the event the STR is an ADU, the primary Residence and the ADU must both legally exist. All provisions in this code shall be met, including the size limitations and setbacks for the dwelling as applicable in the zone.
2. Owner-occupancy required. An STR License shall not be issued for a Residence on a lot or parcel unless the Residence, or the ADU, is owner-occupied, or the STR owner occupies a Residence or an ADU on an adjoining lot, and the dwelling that the STR owner occupies qualifies for the owners's primary residential exemption. For the purposes of this section, an "owner" shall have a primary residential exemption on the lot or parcel as determined by the Washington County Assessor's office, and shall reside on the lot or parcel for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year. An STR License is deemed revoked if the owner-occupant temporarily leaves the lot or parcel for a period that exceeds one hundred eighty-two consecutive calendar days.
3. Advertising. All advertising for short term rental of a dwelling shall include the Town of Leeds STR License number and relevant limitations (i.e. dwelling size, parking).
4. Taxes collected and remitted. All taxes, including transient room tax, shall be collected at the time of rental and relevant portions shall be remitted to the Town of Leeds and to Washington County via the State of Utah. Non-compliance may result in suspension, revocation, non-renewal, or denial of an STR ~~License~~License, in the discretion of the ~~county~~Town.

Commented [TD1]: This is replacing the B&B provisions. B&B's generally have several separate rooms that guests can rent. Why should we care now

D. Application required. At least thirty (30) days prior to advertising a Dwelling for short term rental, the owner shall file a written application with the Town of Leeds on its approved form seeking a Short-Term Rental License. The application shall not be deemed complete until all required information is submitted.

1. Application materials:
 - a. The exact address, and proof of ownership of the subject lot or parcel. Any proposed license shall be issued in the name of the owner. If the owner is an entity, the name, address, email and phone number of all of the principals and the registered agent for the purposes of acceptance of service.
 - b. The exact Dwelling on the lot or parcel that is the subject of the application for an STR License, with pictures of the exterior of the Dwelling. If the STR includes amenities outside the Dwelling (e.g., a pool, etc.) a detailed statement of the amenities included and the hours and conditions under which guests will be permitted to use said amenities.
 - c. Proof of one (1) graveled or paved parking stall per bedroom, and pictures of the required parking stalls.

- d. The site plan showing, setbacks, dwelling size limitations, number of bedrooms, required parking stalls, pull through lane for large vehicles or trailers, and trash disposal details.
- e. Payment of the application fee.
- f. Proof that the applicant has the primary residential exemption on an applicable lot or parcel as determined by the Washington County assessor's office, and is an owner-occupant satisfactory to the Town of Leeds.
- g. If a local property manager is proposed by the owner-occupant, the contact information showing availability 24 hours a day, 7 days a week and 365 days a year. The local property manager shall be able to be on site at the license address within two hours of a guest, Town of Leeds, county, or emergency services call. If the local property manager is an entity, the name, address, email and phone number of all of the principals and the registered agent for the purposes of acceptance of service.
- h. A Compliance Affidavit signed by the owner-occupant under penalty of law, certifying that the applicant, the Dwelling, and the lot or parcel comply with the licensing requirements of this Chapter, including, but not limited to:
 - I. The dwelling for transient use as an STR is in habitable condition and complies with the health and safety standards set forth in the building and fire codes adopted by Washington County, and if applicable, the Town of Leeds. Additionally, the Dwelling and its appurtenances are capable of resisting all forces and loads to which they are normally subjected, and they shall be kept in sound condition and good repair.
 - II. The Dwelling for transient use as an STR is insured.
 - III. The owner-occupant, local property manager and the guests will comply with the responsible use and Good Neighbor Policy adopted by the Washington County Community Development Department.
 - IV. The pictures of the required notices posted on the exterior and interior of the dwelling for transient use as an STR, and the pictures of the exterior of the Dwelling that is the subject of the licensing application, are accurate.
- i. Proof that smoke detectors, carbon monoxide detectors and fire extinguishers are installed and operable per adopted IRC (International Residential Code). Yearly assurance of compliance at time of licensing renewal.
- j. If the STR unit is connected to an on-site or community wastewater system for sewer service, or a septic tank, proof of system pumping by a licensed service provider every three (3) years, or more frequently as determined by a licensed service provider. Upon initial application, a pumping report will be accepted within two (2) years of the date of the report.

- k. If the STR unit is serviced by an on-site or community well or culinary water provider, proof of sufficient water rights for culinary, sewer and fire protection for all uses on the lot or parcel.
2. Application process:
- a. Processing. A complete application shall be processed by the Town of Leeds in accordance with applicable criteria set forth in Town of Leeds, state and federal laws.
 - b. Decision. The Town Council of Leeds shall determine if all the criteria are met, and make a decision whether to issue or deny a Short-Term Rental License. The decision of the Town Council is an administrative decision.
3. License validity, ~~and renewal, and expiration~~:
- a. An STR License shall be renewed annually, or when the property is transferred to a new owner, whichever occurs first. Each change in ownership of the property where a license exists requires a new license within thirty (30) days of the transfer.
 - b. At the time of each renewal, the owner shall verify that the STR remains in compliance with the requirements needed to operate (i.e. habitability, posted notices, operable fire detectors, proof of sewer servicing, etc.). All license information shall be updated by the owner at least annually at the time of renewal.
 - b.c. If the owner resides in a Residence or an ADU on a parcel adjoining the parcel on which the STR is located, and the owner sells the parcel on which the owner resides, the owner has thirty (30) days to file an amendment to the STR License demonstrating either 1) the owner has moved into a Residence or an ADU on the same parcel as the STR is located and that Residence or ADU now qualifies for the owner's primary residence as required in Section C.2 above; or 2) the owner has moved into a Residence or an ADU on a lot adjoining the lot on which the STR is located and said Residence or ADU now qualifies for the owner's primary residence as required in Section C.2 above. If an amendment to the STR License is not filed with the Town within 30 days of the closing of the sale of the lot on which the STR owner's primary residential exemption existed at the time of the original STR License application and/or the most recent renewal, then the STR License is deemed expired.
 - e.d. If an STR License is not renewed, or is not in the name of the current property owner within the requisite thirty (30) days, it is deemed expired.
4. Appeal process:
- a. Appeal of a denial decision. If the Town Council denies an application for a Short-Term Rental License, the applicant may appeal the decision to the Planning Commission, in writing stating all grounds to assert that the administrative decision violated a law or ordinance, or the decision was not based on substantial evidence. The written appeal shall be delivered to the Town of Leeds administrative office within ten (10) days of the denial decision, or the appeal is untimely. The Town Council shall submit a written response to the appeal. Thereafter, the Planning Commission shall

review the record and determine at a public meeting whether to uphold or reverse the administrative decision of the Town Council. The applicant shall be given notice of the public meeting, and may appear and be heard. Failure to appear is not grounds for a continuance or postponement of the meeting or a ruling by the Planning Commission. The Planning Commission shall determine whether the Town Council correctly interpreted and applied the plain meaning of the land use regulations, and whether there was substantial evidence to support the decision. The Planning Commission shall issue a written appeal decision.

- b. Appeal decision of the Planning Commission. The Planning Commission's written appeal decision is final.

E. Short Term Rental License:

1. No dwelling shall be rented as a STR without a valid Town of Leeds Short Term Rental License.
2. The number of STRs authorized shall not exceed 10 percent of the number of Dwellings situated within the Town of Leeds.
3. All STR's are required to register with the State of Utah as a business and pay all applicable taxes, including TRT at the TRT Rate.
4. An STR may be either an ADU, or an Internal ADU.
5. An STR ADU is permitted in the following zones if in strict compliance with the following ADU dwelling size limits:
 - a. R-R-5 (Rural Residential, approximately 5 acre lot size) zone if the STR ADU is 3500 sq. ft. or less.
 - b. R-R-2 (Rural Residential, approximately 2 acre lot size) zone if the STR ADU is 2500 sq. ft. or less.
 - c. R-R-1 (Rural Residential, approximately 1 acre lot size) zone if the STR ADU is 1500 sq. ft. or less.
 - d. R-R-20 (Rural Residential, approximately 20,000 sq. ft. lot size) zone if the STR ADU is 1500 sq. ft. or less.
 - e. R-1-5 (Residential, approximately 5 acre lot size) zone if the STR ADU is 3500 sq. ft. or less.
 - f. R-1-2 (Residential, approximately 2 acre lot size) zone if the STR ADU is 2500 sq. ft. or less.
 - g. R-1-1 (Residential, approximately 1 acre lot size) zone if the STR ADU is 1500 sq. ft. or less.
 - h. R-1-20 (Residential, approximately 20,000 sq. ft. lot size) zone if the STR ADU is 1500 sq. ft. or less.
6. The owner of an STR must either occupy a Residence on the same lot as the STR, or on an adjacent lot. An adjacent lot shares a common lot line boundary with the lot on which the STR is situated. An owner of a proposed STR that does not comply with this requirement, may seek authorization to obtain an STR License through a conditional use permit application.
7. An owner of an STR may use a local property manager to manage the STR. The local property manager must be available 24 hours a day, 7 days a week and 365 days a year. If there is a local property manager s/he must be able to be physically

present at the STR to respond to emergencies and complaints within two (2) hours of being contacted. If the local property manager is not available 24/7/365 or cannot respond within the required two (2) hours of being contacted, the STR owner must be available and/or respond during any time the local property manager is not available. The contact information of the STR owner and local property manager, if one exists, must be permanently displayed in large, bold print on the exterior of the dwelling unit in which the STR is located next to the front door on a visible weather proof plaque.

8. All STR's shall have a clearly visible and legible notice posted in the dwelling unit on or near the front door, and in the kitchen, containing the following information:
 - a. The name, address and phone number of the owner of the STR, and the name, address and phone number of the local property manager who is available 24 hours a day, 7 days a week and 365 days a year, if there is a local property manager.
 - b. The 911 emergency address of the property.
 - c. The maximum number of all vehicles allowed for the STR and that all guest parking must be on the property in designated, graveled or paved parking areas and not on any private or public street right-of-ways or on any landscape areas on the property.
 - d. The trash pick-up day and notification that trash receptacle and refuse shall not be left on the street. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the STR.
 - e. Notification that a guest may be cited and fined for creating a disturbance or violating the Good Neighbor Policy or any provisions of local, state or federal law.
 - f. Notification that the STR guests are required to make the dwelling unit available for inspection by the Sheriff's Office, other law enforcement officer, or code enforcement officer upon request.
- F. All STR owners and local managers are required to share the "Good Neighbor Policy" brochure adopted by the Washington County Community Development Department with all prospective guests, and have it clearly displayed in the STR. The Good Neighbor Policy includes a list of general rules of conduct, best practices and standards of respect for the STR owner, the local manager, and their guests.
- G. Tents, recreational vehicles (RV's), campers and similar units that were not designed for permanent residential use are prohibited as STR's. Overnight occupancy of recreational vehicles, camp trailers and tents at the STR property is prohibited.
- H. A Short-Term Rental License is valid only for the dwelling identified in the license.
- I. Washington County in general and the Town of Leeds in particular are high risk areas for fire. Outdoor fire pits shall be permanently installed, and all guests shall comply with all Washington County and Town of Leeds fire restrictions.
- J. The STR shall not have any outside appearance indicating a change of use from the surrounding residential uses. Exterior advertising signs are not permitted, but a wayfaring

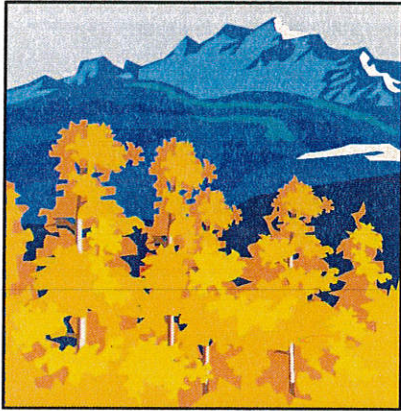
sign approved by the Washington County Community Development Department is permitted.

- K. Parking. All parking for STR use shall be graveled or paved and entirely on the lot or parcel. There shall be one (1) required parking stall per bedroom. No parking is permitted on the public or private street that provides access. If the STR will host guests with trailers or large vehicles, on-site parking and a pull-through is required, also on graveled or paved surfaces. Guests are not permitted to park vehicles or trailers on the adjacent public or private streets.
- L. Events. A residential dwelling with a Short-Term Rental License, and its lot or parcel, shall not be used by the STR guests for events. It is the intent of this section to strictly limit the use to short term lodging, and not to host events; such event use would change the nature of the Residential Character of the neighborhood to the detriment of the neighboring residents.
- M. Enforcement, Revocation, Fine, Prosecution

- 1. General enforcement.

- a. This section may be enforced by the Town of Leeds Code Enforcement Officer, and/or the Washington County Sheriff's office as deemed appropriate by the Town of Leeds.
 - b. Issuance of a Short-Term Rental License is strictly contingent on maintaining compliance with all requirements in this section, Town of Leeds, county, state and federal law.
 - c. All guest complaints shall first be directed to the STR owner and local manager, if one exists. The STR owner or local manager shall respond to the guest complaint and attempt to resolve it within two hours. Failure of the STR owner or local manager to respond within two hours of notification shall be considered a violation of this section.
 - d. All civil and criminal penalties can be enforced against the STR owner, the local property manager, or the guests.
- 2. Revocation. A Short-Term Rental License may be revoked by the Town of Leeds for any violation of this section, or Leeds, state or federal law if the STR owner or local agent have been cited by the department for a second offense in a six (6) month period, or for any additional offense thereafter. If revoked, a Short-Term Rental License shall not be issued for the same lot or parcel for a period of one (1) year. A license also may be revoked for:
 - a. Any action that endangers the public health, safety or welfare;
 - b. Failure to remit required taxes; or
 - c. Fraud, misrepresentation, or a false statement of material fact in the license application as determined by the Town of Leeds.
 - 3. Fines. An STR owner or local property manager, or both, may be assessed a fine if found in violation of this section. The Town of Leeds hereby adopts the following fine schedule:
 - a. First offense in a six (6) month period: warning letter.
 - b. Second offense in a six (6) month period: \$500 a day until compliance or license revocation.

- c. Any additional offense thereafter, regardless of the date: \$1000 a day until compliance or license revocation.
 - 4. Prosecution. Any additional offense thereafter (after the warning letter, and the second offense in a six (6) month period) also may be prosecuted as a Class B misdemeanor. Each additional offense is a separate Class B misdemeanor.
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THE UTAH LAND USE INSTITUTE

Short-Term Rentals

Utah Land Use Regulation Topical Series

Todd Sheeran, Author

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SHORT-TERM RENTALS

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Introduction

The Short-Term Rental phenomenon has recently become of significant interest to those engaged in the land use arena. Many of the concerns expressed by neighbors of “STR’s”, local lodging owners, and permanent housing proponents are met with resistance by those who appreciate the extra income that can come from renting a STR in one’s home and the thousands who enjoy the flexibility, privacy, and local flavor that staying in a STR provides.

The Utah Legislature has solidified the ability of local governments to regulate STR’s, but as with other aspects of land use regulation, it can be complicated, and the law has been changing at each recent session. It is hoped that this outline will assist all involved in better understanding the state code and how it relates to local attempts to manage this unique land use.

Those reviewing this may also be interested to read Melanie Clark’s summary of the law related to Accessory Dwelling Units, found in this same series of topical summaries at the Land Use Library at utahlanduse.org. A video of a presentation of both subjects is also available there.

This summary includes changes made to the code by the 2023 General Session of the Utah State Legislature.

1. Relevant Law

- a. Background.
 - i. Before 2008, communities rarely considered regulating STRs.
- b. Definitions.
 - i. “Short-term rental” means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.³
 - ii. Entities can/should further define what an STR is and is not (e.g., An STR is not a hotel, motel, or B&B).
 - iii. “Dwellings” are not defined by Utah Code.

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² The Office of the Property Rights Ombudsman has provided funding for this update from the 1% surcharge on all building permits in the State of Utah. Appreciation is also expressed to the Division of Housing and Community Development of the Department of Workforce Services for funding the project which produces these topical summaries of land use regulations. The Utah Land Use Institute also expresses continuing appreciation for the ongoing funding provided by the S. J. and Jessie E. Quinney Foundation and the Dentons Law Firm.

³ Utah Code §§ 10-8-85.4(1)(c) (for municipalities) and 17-50-338(1)(c) (for counties).

- iii. You can generally find STRs cheaper than a hotel.
- iv. Money to the community, money to the homeowner, and money to the local entity.
- v. Can provide unique development opportunities.
- b. Negative Impacts.
 - i. Housing stock.
 - 1. In 2021, there were 18,743 STRs in Utah, a 26% increase in just two years.⁶ STRs account for about 1.6% of Utah’s total housing stock. However, in Summit County and Grand County, STRs account for 23.3% and 19.3% of their total housing stock, respectively.
 - 2. “Our main results imply that for the average neighborhood, Airbnb activity has increased rents by 1.9%, transaction prices by 4.6%, and posted prices by 3.7%.”⁷
 - 3. “[S]tudies using more sophisticated approaches have found that the effect of STR on housing prices is smaller than the initial study would suggest, localized in highly touristic areas, and most likely to affect up-market assets and renters. These effects certainly merit attention in their own right, but it is difficult to conclude that restricting STRs is an effective policy tool to address housing affordability, particular for low-income households.”⁸
 - ii. Disrupts community feel.
 - iii. Nuisance for neighbors (e.g., parking, traffic, noise, light, trash).

3. Regulating STRs.

- a. No Municipal Regulations.
 - i. *Brown v. Sandy City*: The court found that Sandy ordinances did not plainly restrict and the court “must construe existing zoning ordinances strictly against the city.” Accordingly, the court found that STRs were permitted.⁹
 - ii. *South Weber v. Cobblestone Resort*: The court found that South Weber’s ordinances did not expressly restrict STRs but nonetheless found that STRs were similar to “lodging,” which was a prohibited use. Accordingly, the court found that STRs were prohibited.¹⁰
 - iii. Ombudsman Opinions 257 & 258: The ombudsman found that Pine Valley ordinances did not expressly restrict STRs and also found that the use would not be considered a “lodge” or “bed and breakfast,” which were expressly prohibited. Accordingly, the ombudsman found that STRs were permitted.¹¹
 - iv. **Takeaway**: Legal uncertainty exists when a local government does not expressly permit or prohibit STRs.

⁶ Eskic, Dejan (2022), *Short-Term Rental Inventory*, Kem C. Garner Policy Institute.

⁷ Garcia-Lopez et al. (2020), *Do short-term rental platforms affect housing markets? Evidence from Airbnb in Barcelona*, Journal of Urban Economics (Vol. 119). See also Koster, Ommeren, and Volkhausen (2021), *Short-term rentals on the housing market: Quasi-experimental evidence from Airbnb in Los Angeles*, Journal of Urban Economics (Vol. 124) (finding that Airbnb in tourist locations had large effects on property values).

⁸ AirDNA (2021), *Effects of Short-Term Rentals on Local Housing Prices and Rents: A Literature Survey*.

⁹ *Brown v. Sandy City Bd. Of Adjustment*, 957 P.2d 207 (Utah Ct. App. 1998).

¹⁰ *S. Weber City v. Cobblestone Resort, LLC*, 2022 UT App 63, 511 P.3d 1207 (Utah Ct. App. 2022).

¹¹ *Christensen v. Washington County*, Office of the Property Rights Ombudsman: Opinion 257 (2022); *Morris v. Washington County*, Office of the Property Rights Ombudsman: Opinion 258 (2022).

Sample Policy Considerations

No STRs	Limited STRs	Semi-Limited STRs	Allow STRs
<p>Policy (maybe for a tourist community struggling with housing units and affordability):</p> <ul style="list-style-type: none"> • STRs currently take up 23.3% of the community’s housing units. • Due to limited areas for growth and housing affordability issues, the [local government] will prohibit STRs and seek to phase out existing STRs. 	<p>Policy (maybe for a community that is located near a popular attraction but relies on visitors spending money in the community):</p> <ul style="list-style-type: none"> • Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents. • Allow owners to occasionally utilize their properties to generate extra income from STRs as long as all policies and procedures are met. 	<p>Policy (maybe for large communities that have ample housing units):</p> <ul style="list-style-type: none"> • Respect property owners’ rights to utilize their properties as STRs to help make ends meet. • Provide maximum use for STRs but a means to ensure that homes are not turned into pseudo hotels or “party houses.” 	<p>Policy (maybe for a suburban community with ample housing and a struggling downtown):</p> <ul style="list-style-type: none"> • Respect property owners’ rights to utilize their properties as STRs to help make ends meet. • Encourage additional tourism to drive more business to the community, stores, and restaurants. • Ensure that the city does not lose out on tax revenue that could be invested in much-needed services for permanent residents.

d. Definitions.

- i. Definitions are essential to drafting local laws. The cases listed above hinge on the definitions found in city ordinances. Draft definitions that are clear and concise.
- ii. Even though Utah Code defines “short-term rental,” a municipality should have its own definition. State what an STR is and what it is not.
 1. Example: Short-term rental means a dwelling, or portion of a dwelling, that is rented for compensation in exchange for lodging for a period of not more than 31 consecutive days. For the purposes of this chapter, the term “short-term rental” shall not include a bed and breakfast, boarding/lodging facility, hotel, motel, or ongoing month-to-month tenancies.
 2. Define what a dwelling is and what it is not.

e. Location.

- i. What zones do you want STRs located in? What about an overlay zone? What about a conditional use permit or special use permit?
- ii. Do you want to limit the number of STRs by geographical locations (e.g., the Willow Creek subdivision is limited to 30 STRs)?
- iii. Do you want to allow STRs in external accessory dwelling units (e.g., apartments above a detached garage)?