

VIRGIN TOWN ORDINANCE No. 2023-XX

AN ORDINANCE AMENDING CHAPTER 60, SHORT-TERM RENTALS (STR) TO CLARIFY STR SIZE AND USE LIMITS WITHIN ALL RESIDENTIAL ZONES, CHAPTER 2.12, DEFINITIONS TO CORRECT AN ERROR, AND RENUMBERING IN ACCORDANCE WITH CHANGES.

RECITALS

WHEREAS, Virgin Town (the “Town”) is a Utah municipal corporation and political subdivision of the State of Utah; and

WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town; and

WHEREAS, the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person; and

WHEREAS, it is a goal of the town to preserve the character and residential quality of its residential neighborhoods; and

WHEREAS, development and uses in overlay zones may only be permitted when compatible with underlying zones;

WHEREAS, commercial uses are prohibited in all residential zones;

WHEREAS, a “home” used for transient lodging becomes a commercial use, and alters the character of a neighborhood zoned for single-family dwellings, when it reaches a certain size of occupancy;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH:

- A. The current text in Virgin’s Uniform Land Use Code (VULU) Chapter 60 and Chapter 2 shall be amended to include the underlined language and remove the struck-through language as follows:

60.02 SHORT TERM RENTAL (STR)

60.02.C. PROHIBITED USES. Regardless of any overlay zoning, the following limitations apply to all STR’s located within an underlying residential zone:

1. No parcel upon which an STR use exists may have more than five bedrooms, each designed to serve a maximum of two (2) adults.
2. No parcel upon which an STR use exists may serve more than ten (10) occupants per day.
3. No dwelling or combination of buildings on a lot which comprise more than five bedrooms shall be eligible for an STR permit.
4. No parcel upon which a non-STR dwelling has been constructed shall be eligible for an STR permit unless it meets the limitations of 1, 2, and 3 above.

60.02.G.D. STR DEVELOPMENT OVERLAY ZONE.

8. The Town shall not approve a STR Development Overlay Zone designation for a development unless it finds the following:
 - g. That applicant formally acknowledges, in writing, that all dwellings and development to be constructed in the overlay area are required to be of a size and character that mimic single-family dwellings.

60.02.D.E. STR PERMIT APPLICATION AND FEES.

- 2d. 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, if less than this chapter allows, is commonly determined by square footage and bedrooms of a Dwelling Unit).

60.02.F.G. STANDARDS AND REQUIREMENTS FOR SHORT-TERM RENTALS. In addition to any other requirement of this Section, a Short-Term Rental and an STR Permit may be approved by Town Staff only if:

8. The maximum number of paying adult and children guests permitted in a STR Unit shall not exceed local health department and fire authority regulations. In any case, the maximum number of guests allowed under an STR permit in an underlying residential zone is ten (10).

2.12 DEFINITIONS

STR UNIT. A residential Dwelling Unit located in either a Residential, Agricultural or ~~Commercial Highway Resort~~ Zone of the Town which has received an STR Permit for use by the Owner as a Short-Term Rental.

- B. Sections of Chapter 60 shall be renumbered in accordance with above amendments.
- C. Conflicts/Repealer. This Ordinance supersedes the provisions of any prior Town Ordinance in conflict herewith.
- D. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this _____ day of _____, 2023 based upon the following vote:

	AYE	NAE	ABSTAIN	ABSENT
Gene Garate				
Leroy Thompson				
Paul Luwe				
Mistie Baird				
Jean Krause, Mayor				

VIRGIN TOWN

A Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder