

VIRGIN TOWN

ORDINANCE # 2024-XX

An Ordinance of Virgin Town, Utah Providing That The Virgin Uniform Land Use (VULU) Code be Amended by Revising the Definition of Short Term Rental Section 2.12; Revising Sections 32.06, 34.04, 38.04, and 40.08 to Eliminate Short Term Rentals (STR) From Permitted Uses and Adding New Sections 32.09, 34.07, and 38.07 to Prohibit Short Term Rentals (STR) In Certain Zoning Districts; and Minor Consistency Changes to Residential Hosting Facility.

RECITALS

WHEREAS pursuant to Utah Code Ann. § 10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town;

WHEREAS pursuant to Utah Code Ann. § 10-9a-103(30) 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;

WHEREAS short term rentals contribute to the decline in homeownership, the decrease in availability of house stock available for long term rental, and thus increases housing prices and rents for long-term rentals;

WHEREAS Virgin’s General Plan recognized that Virgin has limited available land, and the purchase of available housing stock for use as vacation rentals has added to the increased housing costs;

WHEREAS short term rentals do not encourage affordable housing options for families to move to Virgin and securing the sustainability of long-term residents as contemplated by Virgin’s General Plan;

WHEREAS short term rentals diminish the quality of residential neighborhoods and the value of homeownership and social capital by creating tensions between host properties and owner-occupants in the neighborhood along with inviting noise, parking issues, and other nuisance problems;

WHEREAS, the Town Planning & Zoning Commission has reviewed this proposed ordinance and made a recommendation to the Town Council;

WHEREAS, after reviewing the recommendation from the Town Planning & Zoning Commission, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town to amend Virgin’s Uniformed Land Use (“VULU”) Code by eliminating short term rentals as a permitted use and prohibiting short term rentals in certain zones.

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

Section 1. That Section 2.12 definition of Short-Term Rental or STR of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah be amended so that such definition shall read as follows:

“Short-Term Rental or STR. An entire residential Dwelling Unit used as a short term rental for any period less than thirty (30) consecutive days, regardless of the type and extent of consideration or remuneration received by the Owner. Notwithstanding the definition of Dwelling Unit, within this Section, Boarding Houses, Lodging Houses, Hotels, Motels, Tents, Travel Trailers, Recreational Vehicles (“RV”), Mobile Homes and Congregate Living Facilities (as defined in VULU Chapter 50) may not be an STR. The leasing or renting of any dwelling or other structure, or portion thereof, for lodging purposes, for a period of thirty (30) days or less unless a valid RHF permit has been properly issued by the Town for the dwelling or structure.”

Section 2. That Section 32.06 of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by so that such section shall read as follows:

“32.06 PERMITTED USES

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

A. SINGLE-FAMILY DWELLINGS.

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.

B. HOUSEHOLD PETS.

C. AGRICULTURE

1. Tilling of soil, the raising of crops, horticulture, and gardening for personal use.
2. Animals and fowl for recreational use or family food production for the primary use of persons residing on the premises.
 - a. The keeping of animals shall meet all standards set by the local Health Department, State and Federal regulatory agencies.

D. ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO THE PERMITTED USES ALLOWED HEREIN.

E. GUEST HOUSE/CASITA.

F. RESIDENTIAL HOSTING FACILITY (RHF)

~~G. SHORT TERM RENTAL~~

~~1. In new subdivisions only, permit required."~~

Section 3. That the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by adding a new section to be numbered 32.09 to read as follows:

"32.09 PROHIBITED USES

The following uses are prohibited:

A. Short Term Rentals"

Section 4. That Section 34.04 of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by so that such section shall read as follows:

"34.04 PERMITTED USES

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

A. AGRICULTURE.

1. Tilling of the soil, the raising of crops, horticulture, and gardening for personal use.
2. Animals and fowl for recreational use or family food production for the primary use of persons residing on the premises.
 - a. The keeping of animals shall meet all standards set by the local Health Department, State and Federal regulatory agencies.

B. SINGLE-FAMILY DWELLINGS.

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.
2. Accessory uses and buildings customarily incidental to the permitted use.

C. HOUSEHOLD PETS.

D. GUEST HOUSE/CASITA.

E. RESIDENTIAL HOSTING FACILITY (RHF)

~~F. SHORT TERM RENTAL~~

- ~~1. In new subdivisions only, permit required.”~~

Section 5. That the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by adding a new section to be numbered 34.07 to read as follows:

“34.07 PROHIBITED USES

The following uses are prohibited:

A. Short Term Rentals.”

Section 6. That Section 38.04 of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by so that such section shall read as follows:

“38.04 PERMITTED USES

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

A. AGRICULTURE

1. Livestock, fowl and household pets.
2. Agricultural uses, farming and gardening.
3. Barns, corrals, pens, coops, machinery sheds and other buildings
incidental to agricultural operations.

B. SINGLE FAMILY DWELLINGS

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.

C. RESIDENTIAL HOSTING FACILITY (RHF)

~~D. SHORT TERM RENTALS”~~

Section 7. That the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by adding a new section to be numbered 38.07 to read as follows:

“38.07 PROHIBITED USES

The following uses are prohibited:

A. Short Term Rentals.”

Section 8. That Section 40.08 of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by so that such section shall read as follows:

“40.08 PERMITTED USES

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

A. PROFESSIONAL BUSINESS OFFICES

B. FINANCIAL INSTITUTIONS

C. ART GALLERIES

D. MUSEUMS

E. STUDIOS

1. Photography, music, dance, martial arts, yoga, indoor recreation and silk-screening;

F. MUNICIPAL BUILDINGS

G. COMMUNITY BUILDINGS

1. Meeting halls;

H. RECEPTION OR EVENT FACILITIES;

I. OUTFITTING/GUIDE/TOUR SERVICES;

J. RESTAURANTS

1. Bars, Taverns, cafe, coffee shop, deli with or without outdoor eating areas;
(See VULU 16.28A)

K. SINGLE FAMILY DWELLINGS

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.

L. RESIDENTIAL HOSTING FACILITY (RHF)

~~M. SHORT TERM RENTALS~~

~~N. M. HEALTH CARE FACILITIES~~

~~Ø. N. COMMERCIAL HABITATION~~

1. Limited, Temporary & Permanent (See VULU 16.26)

—~~P. Q.~~ CHURCHES”

Section 9. That the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah, be amended by adding a new section to be numbered 40.12 to read as follows:

“40.12 PROHIBITED USES

- A. Sexually Oriented Businesses
- B. Congregate Living Facilities
- C. Campgrounds/RV Parks
- D. Short Term Rentals.”

Section 10. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 11. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

Section 12. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this 19th day of March, 2024
based upon the following vote:

Council Member:

April McKeon

Marci Holm

Mistie Baird

Paul Luwe

Jean Krause, Mayor

AYE

NAE

VIRGIN TOWN
a Utah municipal corporation

ATTEST:

Jean Krause, Mayor

Krystal Percival, Town Clerk/Recorder