

PUBLIC INFORMATION SUMMARY

FOR PROPOSED ORDINANCE #PZ24-G

PART ONE

WRITTEN BY: Bronwyn Wallace/ P & Z

SPONSORED BY: Planning and Zoning Commission

CONTACT INFORMATION: P & Z Commission 805-755-9450, bronwyntownbiz@gmail.com

SUBJECT: Transient Lodging (Tourist Lodging. Short -Term Rentals) VULU Chapter 60 – Comprehensive revisions and reorganization of Town regulations for all types of tourist/overnight lodging.

PURPOSE: The purpose of this ordinance is to establish appropriate standards and regulations for the development, construction, operation, and enforcement of code for transient lodging. It is currently an ordinance in -progress which is undergoing final revisions and is being put on public hearing for citizen feedback, ample to the public notice for overall transparency, this as this process takes place. This document will also be on public hearing in August, and subsequently, as needed before any action toward recommendation to Town Council is made.

SUMMARY: This is an ordinance amending, revising, and reorganizing Chapter 60 (of VULU) and all its sections, to establish effective standards/regulation for the development and operation of tourist/overnight lodging (Transient Lodging) throughout the Town and its annexes.

The following is an outline of this ordinance and its sections (See: Ordinance PZ24-C Index page.)

Chapter 60 – Transient Lodging

60.00 TRANSIENT LODGING - GENERAL

60.01 *(Reserved Section - Blank)*

60.02 TRANSIENT LODGING: DEFINITIONS, CATEGORIES/TYPES, NATURE OF USE,

TRANSIENT LODGING UNITS

60.03 *(Reserved Section – Blank)*

60.04 TRANSIENT LODGING: TYPE I, TYPE II, TYPE III

(Hotels, Motels, and Disbursed Motels)

END PART ONE

60.05 TRANSIENT LODGING TYPE-IV (TL-4)

(Bed and Breakfast, Residential Hosting, Short-Term Rental Residence)

60.06 *(Reserved Section - Blank)*

60.07 BED AND BREAKFAST (BB), (TL-4)

60.08 RESIDENTIAL HOSTING (RH), (TL-4)

60.09 SHORT-TERM RENTAL RESIDENCE (STRR), (TL-4)

60.10 *(Reserved Section - Blank)*

60.11 LICENSES AND PERMITS FOR TYPE-IV TRANSIENT LODGING (TL-4)

60.12 PUBLIC COMPLAINTS AND COMPLAINT PROCESS FOR TYPE IV TRANSIENT

LODGING (TL-4)

60.13 *(Reserved Section - Blank)*

60.14 SHORT-TERM RENTAL DEVELOPMENT OVERLAY ZONE: ****PERMANENTLY CLOSED**** *(As of January 24, 2023)*

60.15 *(Reserved Section -)*

END PART ONE

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Index – Chapter 60: Transient Lodging

60.00 TRANSIENT LODGING - General

60.01 (RESERVED)

60.02 TRANSIENT LODGING: DEFINITIONS, CATEGORIES/TYPES, NATURE OF USE, TRANSIENT LODGING UNITS; ROLE OF

60.03 (RESERVED)

60.04 TRANSIENT LODGING: TYPE I, TYPE II, TYPE III (Hotels, Motels, and Disbursed Motels)

60.05 TRANSIENT LODGING: TYPE-IV (TL-4) (Bed and Breakfast, Residential Hosting, Short-Term Rental Residence)

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60.07 BED AND BREAKFAST (BB) (TL-4)

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60.11 LICENSES AND PERMITS FOR TRANSIENT LODGING TYPE-IV (TL-4)

60.12 PUBLIC COMPLAINTS FOR TRANSIENT LODGING TYPE-IV (TL-4)

60.13 (RESERVED)

60.14 SHORT-TERM RENTAL DEVELOPMENT OVERLAY ZONE: **PERMANENTLY CLOSED**** (As of January 24,2023).**

60.15 (RESERVED)

SECTION 1. THAT THE VIRGIN UNIFORM LAND USE (VULU) CODE OF THE TOWN OF VIRGIN, UTAH, BE AMENDED BY REVISING CHAPTER 60.00, ITS HEADING, SECTION LIST AND INITIAL SECTION TO READ AS FOLLOWS:

“60.00 -TRANSIENT LODGING

The Purpose of this Chapter is to set forth in (VULU), the relevant Terms, Standards, Rules, Regulations and restrictions for the development, operation, Permitting/Licensure as well as Code Enforcement - including penalties and fees, for all types of TRANSIENT LODGING the Town of Virgin and its Annexes.

SECTION 2. THAT THE VIRGIN UNIFORM LAND USE (VULU) CODE OF THE TOWN OF VIRGIN, UTAH, BE AMENDED BY RELOCATING THE CONTENTS AND HEADING OF 60.01 TO A NEW SECTION NUMBERED AS §60.14, AND TO BE ORDERED AS SUBSECTION 60.14A, READING AS FOLLOWS:

“60.14.a - Permanent Closure and Limited Applicability of Short-Term Rental Overlay Development Zone (STRODZ)

Effective June 20, 2023, the STR Development Overlay Zone is designated as "Closed." Accordingly, the Town will not accept any zone change applications from property owners seeking to re-zone their property with an STR Development Overlay Zone designation. Nothing in this limitation shall affect the validity of existing developments which have applied for and received the STR Development Overlay Zone designation prior to the effective date set forth above, nor shall it exempt them from any applicable permitting / licensing standards, processes, or requirements, as set forth in most recent permitting sections of VULU. “

SECTION 3. THAT THE VIRGIN UNIFORM LAND USE (VULU) CODE OF THE TOWN OF VIRGIN, UTAH, BE AMENDED BY DESIGNATING §60.01 (BLANK) AS “(RESERVED)”; AND BY REVISING THE HEADING OF §60.02 AND ITS CONTENTS TO READ AS FOLLOWS:

“60.02 Transient Lodging: Definitions, Categories/Types, Nature of Use, and Role of Transient Lodging Units

The purpose of this section is to set forth in VULU the Definitions, Categories/Types, and Nature of Use, and role of Transient Lodging Units for all Transient Lodging in the Town.

A. Definitions (See: VULU 2.12)

Architecturally/Historically Significant Home: A residential home built before 1950 and deemed by the town to be of significant historical or architectural value.

Bed & Breakfast: An existing, owner-occupied historic or Architecturally Significant *Residential Home* or *wherein a portion or the portions of home* have been validly permitted by the town for commercial use as a *Transient Lodging Facility and inhouse food service* known as a 'Bed and Breakfast'.

Disbursed Motel: A *Transient Lodging Operation* wherein some or all lodging units are detached or semi-detached and are leased/rented as accommodation or shelter, for periods of less than 30 days. Units may be trailers, tents, teepees, RVs, or any other stand alone or semi-detached structures, with or without centralized management and/ or reservation office onsite. (See: Ch. 60:02__ Transient Lodging Licensing and Permitting for "onsite management" and other Management requirements.

Hostel: A dormitory-type *Transient Lodging Facility* having the characteristics of a motel but having bath and shower facilities which are shared or used in common by multiple lodging units.

Hotel: Luxury *Transient Lodging Facility* consisting of a building or group of buildings with internal transient lodging units/rooms leased or rented "nightly" and for periods of less than 30 days; having also full-service amenities, including inhouse dining/ dinner service and room service, and gyms, shops, or other essential services, and which has an onsite management office, reservations desk/ concierge and event facilities.

Motel: *Transient Lodging Facility* consisting of a building or group of buildings with internal lodging units/rooms which may be accessed internally or directly from a parking area; and which are rented "nightly" or for periods of less than 30 day with limited inhouse amenities, limited food service, snack- bar or vending and with and inhouse/ onsite management/rental office.

Residential Hosting: (RH) An existing, owner-occupied home in which one or more rooms has been validly licensed by the town as *Transient Lodging Units*.

Transient Lodging: Transient lodging is the general term for any type of nightly rental. hat receives payment in any form of exchange (including trade) for its use as accommodation or shelter for periods of 30 consecutive days or less. This includes hotels, motels, hostels vacation rentals, short-term rentals, bed and breakfasts, Disbursed motels, RV and trailer hook-ups,

residential hosting, whole home rental or exchanges, and other lodging structures, facilities, or operations, similarly used.

Residential Hosting: (RH) An existing, owner-occupied home in which one or more rooms has been validly licensed by the town as *Transient Lodging Units*.

Transient Lodging Unit (TLU): A space for overnight accommodations in or as part of a transient lodging facility rented or leased for any period less than thirty (30) consecutive days, regardless of the type and extent of consideration or remuneration received by the Owner. Any room or similar shelter or structure, or each designated sleeping space of up to 150 sq. ft. is a TLU. (Each sleeping space of up to 150 sq. ft. counts as one transient lodging unit, and every private rented bedroom counts as one transient lodging unit.)

Transient Lodging Facility: Any building, buildings, business establishment or other operation which receives payment in any form of exchange or trade, for accommodation or shelter therein, for periods of less than 30 consecutive days; including any hotel, motel, Bed and Breakfast, disbursed motel, RV or campground, hostel, or any other structure which houses or consists of *Transient Lodging Units*.

Transient Lodging Operation: A commercial entity operating one or more transient lodging units.

Short-Term Rental Residence (STRR): An entire *Residential Home* or Residential Dwelling validly permitted by the town as an (STR) to be leased or rented commercially for a period of less than 30 days.

Short-Term Rental Overlay Zone: (Permanently Closed as of June 23, 2023): A former zoning designation no longer available. (See: §60.14.)

STR Permit: See: STRR LICENSE in section 60. and Virgin Town's Municipal Code.

B. Types of - Transient Lodging:

Transient Lodging Facilities are grouped into one of four categories or "Types" of *Transient Lodging*. These categories, Types I-IV, are based on the characteristics of the facility or operation (size, amenities/services, impacts), the nature of the *Transient Lodging Units*, and primary regulatory needs.

- 4) Each individual Residential Hosting room/partition.
- 5) RV, Tent, Trailer, Tiny House/Studio
- c. The following must calculate the number of Transient Lodging Units by partitions and have a valid permit issued for each unit calculated, sq ft (150), or sleeping areas, and then label and permit each separately:
 - 1) Oversized Yurts
 - 2) Large Teepees
 - 3) Any Freestanding Transient Lodging with more than a single room.

4. Transient Room Tax must be paid for every Transient Lodging Unit rented for a period or less than 30 days.

5. A separate rental agreement/ contract for each transient lodging unit for each rented/leased period unless the rental agreement/ contract clearly and specifically lists the number of Transient Lodging Units included in the contract on its first page.

SECTION 4. THAT THE VIRGIN UNIFORM LAND USE (VULU) CODE OF THE TOWN OF VIRGIN, UTAH, BE AMENDED BY ADDING A SECTION TO BE NUMBERED 60.04, WITH SUCH A SECTION AND ITS HEADING TO READ AS FOLLOWS:

“60.04 TRANSIENT LODGING – TYPE I, TYPE II, TYPE III (Hotels, Motels, and Disbursed Motels)”

The purpose of this section is to set forth in VULU standards for development, construction, and operation of Transient Lodging – Type I, Type II, and Type III (Hotels, Motels, & Disbursed Motels). Set forth in its subsections are Useful Terms, the Role of Condition Use Permits, General and Operating Standards and Regulations, and Liability, Compliance, and Code Enforcement (Penalty and Fees.) for all TRANSIENT LODGING – TYPE I, TYPE II, TYPE III

A. Useful Terms

1. Abbreviations and Terms used in this section (See: 2.12 “Definitions” and 60.02A)
 - a. TL= Transient Lodging
 - b. TLU= Transient Lodging Unit
 - c. CUP= Conditional use Permit
 - d. TL-1 = Type-I Transient Lodging
 - e. TL-2 = Type-II Transient Lodging
 - f. TL-3 = Type-III Transient Lodging
 - g. TL-4 = Type-IV Transient Lodging
2. Definitions Used in this Section agree with those of §2.12 “Definitions” however in case of discrepancy the definitions in this chapter shall supersede.

1.Type I - Transient Lodging (TL-1): Licensed *hotels* or other luxury *Transient Lodging Facilities* with internal rooms/or lodging units, having one or more full-service restaurant(s), room-service, on-site management, concierge/ reservations desk, and other on-site amenities, services, or event facilities.”

2.Type II - Transient Lodging (TL-2): Licensed motels, hostels, or other Transient Lodging Facilities with internal lodging units/rooms which may be accessed internally or directly from a parking area; and which are rented “nightly” or for periods of less than 30 day with limited on-site amenities,

3.Type III- Transient Lodging (TL-3): Licensed *Disbursed Motels, Operation* wherein some or all Transient Lodging Units are detached or semi-detached. TLUs may be trailers, tents, teepees, RVs, or any other stand alone or semi-detached structures. Onsite management

4.Type IV – Transient Lodging (TL-4): Residential Dwellings validly permitted by the town for commercial use as one of the following: Bed and Breakfast, Short- Term Rental, Residential Host.

C. Transient Lodging Units

1. Transient Lodging Unit (TLU):

A bedroom or other space for overnight accommodations in a *Transient Lodging Facility* or *Transient Lodging Operation* is a **Transient Lodging Unit**. For hostels or other *partitions* or common sleeping areas in a dwelling, every 150 square feet of sleeping space counts as one **Transient Lodging Unit**, for all other types of Transient Lodging the number of transient lodging units determined to be in a transient lodging facility is the greater of:

- a. The total number of rooms or spaces that could accommodate sleeping overnight, or
- b. The total number of bathrooms in rented transient lodging spaces.
- c. For the purposes of this definition a bathroom is a space with a wash basin and either:
 - 1) a toilet, or
 - 2) a bathtub and/or shower. Spaces with multiple toilets, bathtubs, or showers will be counted as multiple bathrooms depending on how many toilets, bathtubs, or showers they contain.

2. Table 60.02G: Transient Lodging Units by Structure, Type of Transient Lodging and (estimated) calculated Transient Lodging Units. (See Appendix _)

3. A valid License/ Permit is required for every Transient Lodging Unit operating in the Town.

a. Hotel and Motels (TL-1.TL-2) require a business license which validly permits all Transient Lodging unit therein.

b. The following Transient Lodging Units require a separate License/ Permit for every unit of the Transient Lodging Operation:

- 1) Transient Lodging Units that are part of a Disbursed Motel
- 2) Freestanding Units of any kind.
- 3) Rooms in a STR unless licensed under a “Whole House’ permit.

1.Type I - Transient Lodging (TL-1): Licensed **hotels** or other luxury *Transient Lodging Facilities* with internal rooms/or lodging units, having one or more full-service restaurant(s), room-service, on-site management, concierge/ reservations desk, and other on-site amenities, services, or event facilities.”

2.Type II - Transient Lodging (TL-2): Licensed **motels**, hostels, or other Transient Lodging Facilities with internal lodging units/rooms which may be accessed internally or directly from a parking area; and which are rented “nightly” or for periods of less than 30 day with limited on-site amenities,

3.Type III- Transient Lodging (TL-3): Licensed **Disbursed Motels**, Operation wherein some or all Transient Lodging Units are detached or semi-detached. TLUs may be trailers, tents, teepees, RVs, or any other stand alone or semi-detached structures. Onsite management

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B. Nature of Use - TRANSIENT LODGING – TYPE I, TYPE II, TYPE III

All TRANSIENT LODGING – TYPE I, TYPE II, TYPE III (Hotels, Motels, and Disbursed Motels), which are all relatively large-scale Transient Lodging Operations are permitted **only as a “Conditional Use”** in certain Land Use Zones, in the Town.

C. Conditional Use Permits - Role of - TRANSIENT LODGING – TYPE I, TYPE II, TYPE III

1. The Conditional Use Permit (CUP) is used almost exclusively to guide the process of development, construction, and operation of Transient Lodging (TL-1-TL3) as follows:

- a. General Conditions for construction and development of a TL CUP are set forth in VULU as “conditions”.
- b. Additional and specific conditions set forth by the town are added to the CUP by the Zoning Administrator or Land use authority.
- c. Other than a Business License, a CUP approval is the only permit and application required. (See: VULU Ch. 8.5)
- d. Final approval of a CUP is given by recommendation of P&Z and a vote by Town Council

2. Balanced Development Requirements for New Transient Lodging (*Applies to All CUP approvals after July 1, 2024)

3. Required Conditions of TL-3 CUP,

The basic CUP requirements for each type of TRANSIENT LODGING – TYPE I- Hotels, TYPE II, Motels, TYPE III- Disbursed Motels (**TL-1, TL-2, TL-3**)

a. TL-1, HOTEL The following requirements shall be included in all TL-1 (Hotel) CUPs before CUP approval after March 1st 2024 can be given by the Town and must be met before operation commences:

- i. Building or building housing internal rooms/ TLU
- ii. Full-service Restaurant & Room-Service
- iii. concierge & Reservations Desk
- iv. Full-service Shops/amenities
- v. Event facilities
- vi. 24 hr. Onsite Management and staff.
- vii. Balanced Development Requirement (See: §16.28)
- viii. Essential Services Requirement satisfied by items *b-e of this subsection (see: §16.28)*
- ix. See: VULU Chapter 16 CUP for Access/ Infrastructure and all other requirements

b. TL-2, MOTEL The following requirements shall be included in all TL-2 (Motel) CUPs before any approval after March 1st, 2024, can be given by the Town and must be met before operation commences:

- i. Building or Buildings w/internal Lodging Units/Rooms /Partitions
- ii.. Accessed Internally/From Parking
- iii. Limited Amenities
 - a). casual dining/ Self-serve,
 - b). Snacks, vending
 - c). Check-in/Reservations Desk
 - d). Onsite Management
- iv. Balanced Development Requirement (See: §16.28)
- v. See: VULU Chapter 16 CUP for Access/ Infrastructure and all other requirements.

c. TL-3 DISBURSED MOTEL The following requirements shall be included in all TL-3 (Disbursed Motel) CUPs before CUP approval after March 1st, 2024, can be given by the Town and must be met before operation commences:

- i. Free standing or Semi-detached Transient Lodging Units
- ii. Onsite or Offsite Reservations
- iii. 24 hr. Management
- iv. Balanced Development Requirement (See: §16.28)

D. General Standards and Provisions – Type- IV Transient Lodging

A. The following General Standards apply to all TL-4:

1. *Operation of TRANSIENT LODGING without a valid Business License is prohibited.*
2. *Illegal operation of Transient Lodging is a" Class B "Misdemeanor and is subject to fines/penalty of up to \$1,000.00 per day per room/unit according to the Laws of the State of Utah.*
3. *The Town shall maintain the right to limit the available number of any/all Licenses and Permits in any given year or period of issuance and may issue a limited number of permits.*
4. *The location of all TRANSIENT LODGING - TYPE -IV must be in a permissible zone.*
5. *Expansion of Use by any Transient Lodging Operation is ground for revocation or suspension of License/Permit.*
6. *Adding TL Units or additional square footage to an existing Transient Lodging Facility/ operation constitutes an expansion of use.*
7. *If the Town finds that, by way of violation, breach of good practice, or other detriment, a Transient Lodging Operation poses health, safety, or other risk to the public or the Town, the Town may revoke, suspend of a License/Permit or refuse renewal.*
8. *All transient Lodging must remain in compliance with all terms and conditions of any License/ Permit issued by the Town, which it holds.*
9. *All Transient Lodging Licenses/permits are non-transferrable.*
10. *The following shall be posted on a permanent placard by the front entrance of all Transient Lodging; attached and clearly visible to law enforcement, patrons, and guests:*
 - i. *License/Permit number.*
 - ii. *The total number of Transient lodging Units (rooms) housed therein.*
 - iii. *Maximum Occupancy for the structure.*
 - iv. *Maximum Occupancy for each Transient Lodging Unit is 2 Adults and no more than four people at any time.*
11. *All Transient Lodging must set-up Transient Room Tax and Sales Tax Account with the Utah State Tax Commission and remit all taxes, as required. NO existing building may be repurposed as Transient Lodging Types TL-1, TL-2, TL-3.*
12. *Transient Lodging Operations may not be located within 250 feet of cliffsides, steep slopes, riverbeds, or other hazards.*
13. *The Owner or Designated Manager of all TL-4 shall be available 24hr a day, 7 days a week for emergency contact via a phone number kept on file with the town, available on the town website and listed on the rental contract and in all TLUs.*
14. *The Owner or Designated Manager/ Representative of all TL-4 shall agree to stay within 25 miles or 30 minutes travel of the TL-4, in case of an emergency or critical need.*

SECTION 5. THAT THE VIRGIN UNIFORM LAND USE (VULU) CODE OF THE TOWN OF VIRGIN, UTAH, BE AMENDED BY ADDING A SECTION TO BE NUMBERED 60.05, WITH SUCH A SECTION AND ITS HEADING TO READ AS FOLLOWS:

“60.05 TRANSIENT LODGING TYPE -IV (TL-4)

(Bed and Breakfast, Residential Hosting, Short-Term Rental)

The purpose of this section is to set forth Useful Terms, the Nature, Use and General Standards and regulations for the establishment, operation, permitting/licensing of for Transient Lodging, - Type- IV (TL-4) and the provisions for code enforcement, including penalty and fees.

A. Useful Terms

1. Abbreviations and Terms used in this section (See:2.12 “Definitions” and 60.02A)

- a. BB = Bed and Breakfast
- b. RH = Residential Hosting
- c. STR= Short-Term Rental
- d. TLU= Transient Lodging Unit

B. Nature of Transient Lodging - Type IV (TL-4)

Type-IV Transient Lodging is essentially the commercial use of residential property/homes as *Transient Lodging* and therefore requires careful and specific regulation to protect neighborhoods and residential areas.

1. The following are considered Type IV (TL-4) Transient Lodging:

- a. **Bed and Breakfast (BB)** - An owner-occupied Historic or Architecturally Significant *Residential Home* or *dwelling wherein a portion or the portions of home* have been validly permitted by the Town for commercial use as *Transient Lodging, Type -IV (TL-4)*.
- b. **Residential Hosting (RH)** - An existing, owner-occupied home in which one or more rooms has been validly licensed by the Town as *Transient Lodging Units, (TL-4)*.
- c. **Short-Term Rental (STR)** - An entire *Residential Home* or Residential Dwelling validly permitted by the Town as an (STR) to be leased or rented commercially for a period of less than 30 days as Transient Lodging (TL-4).

C. Designations of Use for Type-IV Transient Lodging

1. All Type IV- Transient Lodging (TL-4) is permitted only as a “*Allowable Use by License /Permit*” (ALP) in certain Land Use Zones and is otherwise prohibited. See

2. *Allowable by License /Permit*” (ALP) “requires one of the following Licenses/Permits

- a. *BED AND BREAKFAST LICENSE*
- b. *RESIDENTIAL HOSTING LICENSE*
- c. *SHORT-TERM RENTAL LICENSE*
- d. *SPECIAL OVERSIZED STR PERMIT*

3. License and Permit Table (See: appendix 1

See: §60.11 “Licenses and Permits for TL-4 “for information License and Permit information.

- B. Failure to comply with these General Standard may result in Denial, non-renewal, revocation or other action against Licensure and/ or Civil or Criminal Penalty, and other code enforcement. (See: Section 60.11 of this Chapter and Virgin Town Municipal Code.)

Operation, Compliance, and Liability Standards – Type-IV Transient Lodging

- A. Failure to comply with any of the following standards and provisions may result in Denial of an application, /action against licensure including suspension, revocation, non-renewal or permanent ineligibility, and or other civil and criminal penalties, and/ or other enforcement as allowed by law.
- B. The following apply to all TL-4:
2. Owners of TL-4 -Transient Lodging Units shall be liable for all violations of Town ordinances, State laws, and all Laws and ordinances; and all accidents, injury, or incidents that happen on their property, or connection with RH-TLU in accordance with law:
 3. Owners designated “managers” of Transient Lodging Units on their property/ residence and are responsible as such, according to all sections and requirements of this chapter.
 4. Owner contact phone number and mailing address must be on file with the town, and available to the public via the town website.
 5. Owner must be available 24/7 via phone on a publicly available number, in case of emergency.
 6. Official Complaints from town citizen, adversely affected parties, or the public about an RH must be made in writing directly to Owner.
 7. TL-4 Owners Are responsible for address all complaints, code violations and nuisances immediately, as needed, or in a timely and appropriate manner.
 8. TL-4 Owners must respond in writing to all written complaints within the within required time period. (See section 60.12)
 9. TL-4 Owners must submit to Inspections by the town or other authorized government agency, as required by Town code, Government regulation, or State Law.
 10. TL-4 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.

C. Other TL-4 Provisions:

1. This Section 60.04 of Chapter 60 (Special Lodging) of VULU 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 and more restrictive covenant.

General Standards and Provisions – Type- IV Transient Lodging

C. The following General Standards apply to all TL-4:

1. *Operation of TRANSIENT LODGING without a valid Business License is prohibited.*
2. *Illegal operation of Transient Lodging is a" Class B "Misdemeanor and is subject to fines/penalty of up to \$1,000.00 per day per room/unit according to the Laws of the State of Utah.*
3. *The Town shall maintain the right to limit the available number of any/all Licenses and Permits in any given year or period of issuance and may issue a limited number of permits.*
4. *The location of all TRANSIENT LODGING - TYPE -IV must be in a permissible zone.*
5. *Expansion of Use by any Transient Lodging Operation is ground for revocation or suspension of License/Permit.*
6. *Adding TL Units or additional square footage to an existing Transient Lodging Facility/ operation constitutes an expansion of use.*
7. *If the Town finds that, by way of violation, breach of good practice, or other detriment, a Transient Lodging Operation poses health, safety, or other risk to the public or the Town, the Town may revoke, suspend of a License/Permit or refuse renewal.*
8. *All transient Lodging must remain in compliance with all terms and conditions of any License/ Permit issued by the Town, which it holds.*
9. *All Transient Lodging Licenses/permits are non-transferrable.*
10. *The following shall be posted on a permanent placard by the front entrance of all Transient Lodging; attached and clearly visible to law enforcement, patrons, and guests:*
 - i. *License/Permit number.*
 - ii. *The total number of Transient lodging Units (rooms) housed therein.*
 - iii. *Maximum Occupancy for the structure.*

- iv. Maximum Occupancy for each Transient Lodging Unit is 2 Adults and no more than four people at any time.

11. *All Transient Lodging must set-up Transient Room Tax and Sales Tax Account with the Utah State Tax Commission and remit all taxes, as required. NO existing building may be repurposed as Transient Lodging Types TL-1, TL-2, TL-3.*

12. *Transient Lodging Operations may not be located within 250 feet of cliffsides, steep slopes, riverbeds, or other hazards.*

13. *The Owner or Designated Manager of all TL-4 shall be available 24hr a day, 7 days a week for emergency contact via a phone number kept on file with the town, available on the town website and listed on the rental contract and in all TLUs.*

14. *The Owner or Designated Manager/ Representative of all TL-4 shall agree to stay within 25 miles or 30 minutes travel of the TL-4, in case of an emergency or critical need.*

- D. Failure to comply with these General Standard may result in Denial, non-renewal, revocation or other action against Licensure and/ or Civil or Criminal Penalty, and other code enforcement. (See: Section 60.11 of this Chapter and Virgin Town Municipal Code.)

Operation, Compliance, and Liability Standards – Type-IV Transient Lodging

- D. Failure to comply with any of the following standards and provisions may result in Denial of an application, /action against licensure including suspension, revocation, non-renewal or permanent ineligibility, and or other civil and criminal penalties, and/ or other enforcement as allowed by law.

- E. The following apply to all TL-4:

11. Owners of TL-4 -Transient Lodging Units shall be liable for all violations of Town ordinances, State laws, and all Laws and ordinances; and all accidents, injury, or incidents that happen on their property, or connection with RH-TLU in accordance with law:

12. Owners designated “managers” of Transient Lodging Units on their property/ residence and are responsible as such, according to all sections and requirements of this chapter.

13. Owner contact phone number and mailing address must be on file with the town, and available to the public via the town website.
14. Owner must be available 24/7 via phone on a publicly available number, in case of emergency.
15. Official Complaints from town citizen, adversely affected parties, or the public about an RH must be made in writing directly to Owner.
16. TL-4 Owners Are responsible for address all complaints, code violations and nuisances immediately, as needed, or in a timely and appropriate manner.
17. TL-4 Owners must respond in writing to all written complaints within the within required time period. (See section 60.12)
18. TL-4 Owners must submit to Inspections by the town or other authorized government agency, as required by Town code, Government regulation, or State Law.
19. TL-4 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.

F. Other TL-4 Provisions:

2. This Section 60.04 of Chapter 60 (Special Lodging) of VULU 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 and more restrictive covenant.

G. Enforcement for Type-IV Transient Lodging

- a. Operation of Residential Hosting is Illegal.
 - b. Illegal operation of an STR is considered Class B Misdemeanor and subject to fines of up to 1,000.00 per day according to the Laws of the State of Utah.
 - c. Virgin Town will cite and prosecute those who operate a transient housing unit without out a permit it the fullest extent of the law.
 - d. Virgin town will report and remand all illegal /unlawful activity, or any suspicion thereof to law enforcement.
3. A complaint will not be considered a violation or unresolved complaint or grounds for revocation or non-renewal of the unless the complaint was properly as an “Official Public Complaint” and the Town has not received Verification of complaint Remediation within 45 days of the Official Complaint filing.

End of Part One

- a. Operation of Residential Housing is illegal.
- b. Illegal operation of an STR is considered Class B misdemeanor and subject to fines of up to \$1,000.00 per day according to the Laws of the State of Utah.
- c. Virgin Town will cite and prosecute those who operate a transient housing unit without out a permit if the full extent of the law.
- d. Virgin town will report and remove all illegal unlawful activity or any violation thereof to law enforcement.

8. A complaint will not be considered a violation or unresponsive complaint or grounds for revocation or non-renewal of the license the complaint was properly as an "Official Public Complaint" and the Town has not received Verification of complaint Remediation within 45 days of the Official Complaint filing.

End of Part One

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PZ24-G : Appendix 1

This Appendix Contains all Table and Charts for Chapter 60 – Transient Lodging.

B. Table 60.02E: Nature of Use by Transient Lodging Type and Zone

Table (60.02.E): Nature of Use by Transient Lodging Type and Zone

Categories / Types of Transient Lodging	
Type I – Transient Lodging	Hotels or Luxury Transient Lodging Facilities ▪ Building (s) w/Internal Rooms/ TL Units ▪ Full-service Restaurant & Room-Service ▪ Concierge & Reservations Desk ▪ Full-service amenities, Event facilities ▪ 24 hr. Onsite Management and staff
Type II – Transient Lodging	Motels, Hostels, or Economy Transient Lodging Facilities ▪ Internal Lodging Units/Rooms /Partitions ▪ Accessed Internally/From Parking ▪ Limited Amenities: Snacks, vending, Self-serve, casual dining ▪ Check-in/Reservations Desk, Onsite Management
Type III– Transient Lodging	Disbursed Motels ▪ Free standing or Semi-detached Transient Lodging Units: ♦ Trailers, tents, teepee, Yurts ♦ Campsites, RVs ♦ Tiny houses /Studios/ Cabins ▪ Limited / No Amenities ▪ Onsite or Offsite Reservations ▪ 24 hr. Management
Type IV–Transient Lodging	Residential Dwellings w/Commercial License ▪ Bed and Breakfast (BB) ▪ Short- Term Rental Residence (STRR) ▪ Residential Hosting (RH)

PZ24-G : Appendix 1

This Appendix Contains all Table and Charts for Chapter 60 – Transient Lodging.

Nature of Use by Transient Lodging Type and Zone						
Use		Zones				
(Table 30.06B) *Permissible and Non-permissible Use:		R & RR	AG	C	HR	STRODZ
Designation:	Definition:					
Permitted Use (*P):	Use is permissible in the zone.	Ø	Ø	Ø	Ø	Ø
Use Allowable with License/Permit (*ALP):	Use is allowable with the valid permit or license. * See specific permitting / licensing requirements listed in VULU.	RH	RH	RH	RH, STR	STR
Conditional Use (*C):	Use with conditions. * See “Conditional Use Permits”.	BB	BB		I – III, BB	Ø
Prohibited Use (*N):	Use is not non-permissible/strictly Prohibited.	I -IV, STR	I-III, STR	I-IV, STR BB	Ø	RH I-III BB

Lodging Type: I, II, III, IV, BB, RH, STR

Ø = none

. Table 60.02G: Transient Lodging Units by Structure, Type of Transient Lodging and (estimated) calculated Transient Lodging Units.

The following table shows Transient Lodging Units as they are considered by structure type,

TL Lodging type and likely number of calculated Transient Lodging Units using the requirements in VULU for each: