

VIRGIN TOWN

ORDINANCE # 2018-~~022818~~-1

AN ORDINANCE AMENDING CHAPTER 1 OF THE VIRGIN UNIFORM LAND USE ORDINANCE (“VULU”) TO INCLUDE THE DEFINITION OF SHORT-TERM RENTAL (“STR”) AND RESIDENTIAL HOSTING FACILITY (“RHF”) AND OTHER DEFINITIONS RELATED THERETO.

RECITALS

WHEREAS, Virgin Town (“Town”) is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town’s municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Town Council”) is designated as the governing body of the Town.

WHEREAS, the Town has determined that the short-term rental of residential housing (in full or in part) for periods of less thirty (30) consecutive days can provide homeowners within the Town an opportunity to hold and retain property in difficult economic circumstances or as an investment;

WHEREAS, the Town has determined that there is a seasonal market for short-term lodging in the general vicinity of Zion National Park.

WHEREAS, the Town has determined that there is presently a lack of tourist based short-term lodging within the Town;

WHEREAS, the Town has determined that the impacts of STRs and RHF are consistent with the general impacts of residential uses in residential and agricultural zones;

WHEREAS, notwithstanding determined needs and impacts of STRs, and RHF the Town desires to also protect the property rights of all homeowners within the Town while mitigating potential concerns of residents stemming from such a use; and

WHEREAS, presently the Town’s Uniform Land Use Ordinance (“VULU”) prohibit the nightly or short term rental of residences (in full or in part) for periods of less than thirty (30) days within the residential and agricultural zoning districts of the Town. *See* VULU 16.3.1 in Chapter sixteen (16), and 17.2.2, and 17.3.12 in Chapter seventeen (17).

WHEREAS, in order to provide for the health, safety and general welfare of the Town and its residents, while protecting individual property rights, the Town, acting by an through the Town Council desire to conditionally permit STRs within certain new developments (via overlay zoning) and RHF within the residential and agricultural zoning districts of the Town and to set standards

for the rental or leasing of residential housing.

WHEREAS, in order to effectuate this intent, the Town has determined it best to create a new chapter within VULU entitled Chapter 30 (Special Lodging) and to adopted ordinances regulating and setting standards for STRs in one section (VULU Chapter 30, Section 1) and RHF's in another section (VULU Chapter 30, Section 2).

WHEREAS, in order to further effectuate this intent, the Town has determined that it will need to create a comprehensive definition for both STRs and RHF's and include those definitions in Chapter 1 of VULU (specifically Section 1.6).

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

1. Definitions Added. Section 1.6 of Chapter 1 of VULU is hereby amended to include the following definitions:

Residential Hosting. *The act of renting, part, but not all, of residential Dwelling Unit on a temporary basis for any period less than thirty (30) consecutive days, regardless of the type and extent of consideration or remuneration received by the Owner, and where the Owner resides in the remainder of the Dwelling Unit.*

Residential Hosting Facility or RHF. *A residential Dwelling Unit where part, but not all, of the Dwelling Unit is used, or advertised for use, on a temporary basis for any period less than thirty (30) consecutive days, regardless of the type and extent of consideration or remuneration received by the Owner, and where the Owner resides in the remainder of the Dwelling Unit. Notwithstanding the definition of Dwelling Unit, within this Section, Boarding Houses, Lodging Houses, Hotels, Motels, Tents, Campground Cabins, Travel Trailers, Recreational Vehicles ("RV"), Mobile Homes and Congregate Living Facilities may not be an RHF.*

RHF Guest Quarter. *That portion of a RHF comprised of a bedroom or sleeping area and bathroom where a guest or guests privately reside.*

RHF Permit. *An annually renewed permit an Owner of an RHF must obtain and maintain in order to utilize his/her/their Dwelling Unit as a RHF where Residential Hosting may occur. The standards and requirements for obtaining and maintaining a RHF Permit is set forth in Section 2 of VULU Chapter 30.*

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 25) may not be an STR.*

STR Local Agent. *An individual who is a permanent resident of the Town and who is given actual and unqualified written authority from the Owner of an STR Unit (if the Owner is not a permanent resident of the Town) to address and correct all maintenance, day to day operations and nuisance concerns relating to the STR Unit.*

STR Permit. *An annually renewed permit an Owner of an STR Unit must obtain and maintain in order to utilize his/her/their Dwelling Unit as a STR Unit where Short Term Rental use may occur. The standards and requirements for obtaining and maintaining a STR Permit is set forth in Section 1 of VULU Chapter 30.*

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

2. 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.
3. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
4. 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 28th day of February, 2018 based upon the following vote:

Council Member:

Dan Snyder	AYE___	NAE___
LeRoy Thompson	AYE___	NAE___
Kevin Stout	AYE___	NAE___
Jay Lee	AYE___	NAE___
Matthew Spendlove, Mayor	AYE___	NAE___

VIRGIN TOWN
a Utah municipal corporation

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk