

Date: 1/13/21
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Updating Residential Hosting chapter
Current wording: 60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE 1. DEFINITIONS. For the purposes of this Chapter all of the definitions contained in VULU Chapter 2 (including the definition Residential Hosting Facilities (“RHF”)) and throughout the various chapters of VULU are incorporated herein. Commonly words or terms that are capitalized are defined in VULU Chapter 2, but they can also be imbedded into the body of various VULU chapters. 2. NATURE OF USE - RESIDENTIAL HOSTING OR RHF. The short term renting of portions of a residential Dwelling Unit (aka Residential Hosting) is a Conditional Use in all Residential (R) and Agricultural (A) zones) of the Town, subject to the Owner obtaining and maintaining a RHF Permit. 3. RHF PERMIT APPLICATION AND FEES. In order to obtain and maintain an RHF Permit an Owner of a proposed residential Dwelling Unit where Residential Hosting will occur must do the following: 1. Obtain, complete and provide a RHF Permit application and any other required documents to the Town. 2. The Owner must submit the following information on a Town approved RHF Permit application form: 1. All applicable and current contact information of the Owner of the proposed RHF. 2. The street address of the proposed RHF. 3. The number of bedrooms and the applicable occupancy limits of the proposed RHF as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority (Maximum occupancy is commonly determined by square footage and bedrooms of a Dwelling Unit). 4. A diagram of the proposed RHF which clearly depict each bedroom or sleeping area and bathroom (“RHF Guest Quarter(s)”) of the Dwelling Unit where guests will privately reside. 5. The maximum number of guests that can stay in each RHF Guest Quarter while taking into consideration the overall maximum occupancy of the RHF (10 occupants - including the Owner and his/her family unit). 6. The Owner’s Social Security Number (if an individual/sole proprietorship) or Federal Employer Identification Number (EIN) (if a business entity). 7. The Transient Room Tax and Sales Tax Account Number obtained from the Utah State Tax Commission. 8. Any other information deemed necessary to inform the Town and the public about the intended use of the property as an RHF Unit.

3. All applications for RHF Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which the RHF is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed RHF and to provide them with contact information for the Owner in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all RHF's must comply with how problems should first be addressed with the Owner of said Unit and, if not resolved, then reported to the Town.
4. RHF Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it shall deny the same.
5. An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town's Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.
6. An applicant must pay an RHF Permit fee at time of application submittal. The RHF Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All RHF Permit applications will be deemed automatically incomplete until the RHF Permit Fee has been paid.
7. An updated application is required to be provided to the Town if any of the contact information of the Owner is changed throughout the permit year

Proposed wording

60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE

- ~~1. DEFINITIONS. For the purposes of this Chapter all of the definitions contained in VULU Chapter 2 (including the definition Residential Hosting Facilities ("RHF")) and throughout the various chapters of VULU are incorporated herein. Commonly words or terms that are capitalized are defined in VULU Chapter 2, but they can also be imbedded into the body of various VULU chapters.~~
- ~~2.1.~~ **NATURE OF USE - RESIDENTIAL HOSTING OR RHF.** The short term renting of portions of a residential Dwelling Unit ~~(aka Residential Hosting) is a Conditional Use in all Residential (R) and Agricultural (A) zones) of the Town,~~ subject to the Owner or permanent resident obtaining and maintaining an RHF Permit.
- ~~3.2.~~ **RHF PERMIT APPLICATION AND FEES.** In order to obtain and maintain an RHF Permit an Owner or permanent resident of a ~~proposed~~ residential Dwelling Unit ~~where Residential Hosting will occur~~ must do the following:
 1. ~~Obtain, complete and provide~~ Submit an RHF Permit application and ~~any~~ other required documents to the Town.
 2. The Owner must submit the following information on a Town approved RHF Permit application form:
 1. All applicable and current contact information of the Owner, and/or Owner and Permanent Resident, of the proposed RHF.
 2. The street address of the proposed RHF.

3. Approval from Southwest Health if sewer usage is more than originally designed for.

3.4. Approval from Hurricane Valley Fire Department if ~~the~~ the number of bedrooms and the applicable occupancy limits of the proposed RHF are in excess of the buildings original bedroom capacity as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority (Maximum occupancy is commonly determined by square footage and bedrooms of a Dwelling Unit).

4. A diagram of the proposed RHF which clearly depict each bedroom or sleeping area and bathroom (“RHF Guest Quarter(s)”) of the Dwelling Unit where guests will privately reside.

5. The maximum number of guests that can stay in each RHF Guest Quarter while taking into consideration the overall maximum occupancy of the RHF (10 occupants including the Owner and his/her family unit).

6. The Owner’s Social Security Number (if an individual/sole proprietorship) or Federal Employer Identification Number (EIN) (if a business entity).

7.5. The Transient Room Tax and Sales Tax Account Number obtained from the Utah State Tax Commission.

8.6. Any other information deemed necessary to inform the Town and the public about the intended use of the property as an RHF Unit.

3. All applications for RHF Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which the RHF is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed RHF and to provide them with contact information for the Owner in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all RHF’s must comply with regarding how problems should ~~first~~ be addressed with the Owner or Permanent Resident of said Unit ~~and, if not resolved, then reported to the Town.~~
4. RHF Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it may shall deny the same.
5. An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town’s Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.
6. An applicant must pay an RHF Permit fee at time of application submittal. The RHF Permit fee shall be designated in the Town’s Uniform Fee Schedule and established and modified from time to time by resolution. All RHF Permit applications will be deemed automatically incomplete until the RHF Permit Fee has been paid.
7. An updated application is required to be provided to the Town if any of the contact information of the Owner, Permanent Resident, or Owner and Permanent Resident is changed ~~throughout~~ within the permit year

VIRGIN TOWN

ORDINANCE # 2021-18

AN ORDINANCE AMENDING CHAPTER SIXTY OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, - Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter Sixty, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on January 13, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on January 27, 2021;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

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

60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE

NATURE OF USE - RESIDENTIAL HOSTING OR RHF. The short term renting of portions of a residential Dwelling Unit or casita, subject to the Owner or permanent resident obtaining and maintaining an RHF Permit.

RHF PERMIT APPLICATION AND FEES. In order to obtain and maintain an RHF Permit an Owner or permanent resident of a residential Dwelling Unit must do the following:

Submit an RHF Permit application and other required documents to the Town.

The Owner must submit the following information on a Town approved RHF Permit application form:

1. All applicable and current contact information of the Owner, and/or Owner and Permanent Resident, of the proposed RHF.
2. The street address of the proposed RHF.
3. Approval from Southwest Health if sewer usage is more than originally designed for.
4. Approval from Hurricane Valley Fire Department if the number of bedrooms and the applicable occupancy limits of the proposed RHF are in excess of the buildings original bedroom capacity.
5. Any other information deemed necessary to inform the Town and the public about the intended use of the property as an RHF Unit.
8. All applications for RHF Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which the RHF is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed RHF and to provide them with contact information for the Owner in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all RHF's must comply with regarding how problems should be addressed with the Owner or Permanent Resident of said Unit.
9. RHF Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it may deny the same.
10. An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town's Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.
11. An applicant must pay an RHF Permit fee at time of application submittal. The RHF Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All RHF Permit applications will be deemed automatically incomplete until the RHF Permit Fee has been paid.
12. An updated application is required to be provided to the Town if any of the contact information of the Owner, Permanent Resident; or Owner and Permanent Resident changes within the permit year

1. 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.

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

3. 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 ORDINANCE # 2021-18
will become effective on this ____ day of _____, 2021 based upon the following vote:

Council Member:

Gene Garate 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

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject:
Citizen comments summary:
Recommendation:
Background and Findings:
Fiscal Impact:
Supporting Documents:
This request prepared by:
This request prepared on: