Date: 5-27-21

Name of preparer: Sean Amodt

Contact information of preparer: seanamodt.tov@gmail.com

Reason for change:

- Needs formatting and grammar changes.
- Matching regulations with state law.

Current wording:

60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE

The purpose of Section 60.04 of this Chapter is to describe the process and set forth standards for the leasing of portions of a residential dwelling for periods of less than thirty (30) consecutive days - also known as "Residential Hosting."

1. 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.
2. 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:
    1. Submit an RHF Permit application and 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.
        4. Approval from the Hurricane Valley Fire Department if the number of bedrooms and the applicable occupancy limits of the proposed RHF are in excess of the building's 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.
    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 RHFs must comply with regarding how problems should be addressed with the Owner or Permanent Resident of said Unit.
    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 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 within the permit year.

3. RHF PERMIT RENEWAL. RHF Permits are good for 365 days after it is issued. An RHF Permit may be renewed upon the occurrence of the following:
    1. Payment to the Town of a new annual RHF Permit fee.
    2. Submittal to the Town of an updated application if:
        1. The Owner (or their contact information) has changed,
        2. The Owner has made modifications to the RHF or re-designation of the RHF Guest Quarters of such that a higher number of maximum occupants is requested. In this instance, the Owner shall provide the Town with written current certification from the local health department and the local fire authority indicating the increased maximum number of occupants desired in the RHF complies with local health and fire safety codes, or
        3. The Owner has changed its Transient Room Tax and Sales Tax Account Number with the Utah State Tax Commission
    3. The Town confirms with the Utah State Tax Commission that the Owner is current on the Owner's remittance of transient room tax and sales tax.
    4. The Town has not received more than two unresolved complaints stemming directly from the Owner's Residential Hosting during the previous RHF Permit period. If more than 2 unresolved complaints stemming from an RHF exists, the Town Staff may deny the renewal request or may place additional requirements upon the issuance of a renewed RHF Permit that reasonably calculated to resolve the existing issues and prevent future problems and that are roughly proportional to the magnitude of the problem.
    5. If an Owner has had their RHF Permit renewed with additional conditions and/or requirements pursuant to the preceding section, they may appeal the Town Staff's decision to the Town's Appeal Authority in compliance with Chapter 6 of VULU 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.

Proposed wording:

60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE

The purpose of Section 60.04 of this Chapter is to describe the process and set forth standards for the leasing of portions of a residential dwelling for periods of less than thirty (30) consecutive days - also known as "Residential Hosting."

1. 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.

A. RHF PERMIT APPLICATION AND FEES. In Sexually oriented Businesses

2. order to obtain and maintain an RHF Permit an Owner or Permanent Resident of a residential Dwelling Unit must do the following:
    1. Submit an RHF Permit application and 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.~~ (This is done with building permit)
    4. ~~Approval from the 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.~~ (This is done with building permit)
    5. 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 adjoining 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.
    1. (made into new subsection) The mailing will also include a list of standards and requirements contained in this Section that all RHFs must comply with regarding how problems should be addressed with the Owner or Permanent Resident of said Unit.
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 deny the same.
    1. (made into new subsection) 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.
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6. 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 within the permit year

3. (This is not legal to charge an annual fee for this type of home-based business transaction. We can charge a one-time free and then they have to check for updates to their info once a year as a review.) RHF PERMIT ~~RENEWAL~~ REVIEW. RHF Permits are good for 365 days after it is issued. An RHF Permit may be renewed upon the occurrence of the following:
    1. Payment to the Town of a new annual RHF Permit fee.
    2. Submittal to the Town of an updated application if:
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        2. The Owner has made modifications to the RHF or re-designation of the RHF Guest Quarters of such that a higher number of maximum occupants is requested. In this instance, the Owner shall provide the Town with written current certification from the local health department and the local fire authority indicating the increased maximum number of occupants desired in the RHF complies with local health and fire safety codes, or

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VIRGIN TOWN

ORDINANCE # 2021-54 .

AN ORDINANCE AMMENDING SECTIONS OF CHAPTER 60.04 (RESIDENTIAL HOSTING FACILITIES -RHF) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

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, sections of VULU Chapter 60.04 are currently not compatible with other parts of VULU,

WHEREAS, amendments to VULU Chapter 60.04 would create better continuity and compatibility within VULU,

WHEREAS, the Town, by and through its Town Council, has determined that it is in the best interests of the Town and its residents to amend sections of VULU chapter 60.04 to maintain continuity and compatibility within VULU

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council amend VULU Chapter 60.04 as follows:

60.04 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE

The purpose of Section 60.04 of this Chapter is to describe the process and set forth standards for the leasing of portions of a residential dwelling for periods of less than thirty (30) consecutive days - also known as "Residential Hosting."

1. 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.
2. 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:
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        1. Said appeal must be made in writing within 10 business days of the adverse decision being issued.
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6. 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 within the permit year

3. RHF PERMIT REVIEW. RHF Permits are good for 365 days after it is issued. An RHF Permit may be renewed upon the occurrence of the following:
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    3. The Town confirms with the Utah State Tax Commission that the Owner is current on the Owner's remittance of transient room tax and sales tax.
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RHF Permit that reasonably calculated to resolve the existing issues and prevent future problems and that are roughly proportional to the magnitude of the problem.

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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: