

Date: 9-22-2021
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com
Reason for change: • The term Congregate Living Facilities is specific to our town and is too ambiguous now. • CLF is being adjusted to match the state code terms of Residential Care Facility • Other adjustments to reflect previous changes when regulations were moved to Chapter 16.
Current wording: <u>2.12 DEFINITIONS</u> Congregate Living Facility (CLF). A 24-hour group living environment for four or more individuals unrelated to the owner or provider. Congregate Living Facility (CLF), Closed. A 'closed' residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A 'closed' facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood. Congregate Living Facility (CLF), Non-tax-based Contributory. A 'non-tax-base contributory' facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town. Congregate Living Facility (CLF), Non-tourist Based. A 'non-tourist-based' CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment. Congregate Living Facility (CLF), Open. An 'open' residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An 'open' facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces. Congregate Living Facility (CLF), Permanent. A 'permanent' residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit. Congregate Living Facility (CLF), Temporary. A 'temporary' CLF or residence means any building or portion thereof intended to house occupants on a temporary basis. Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly. 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. 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.²¹

16.22 STANDARDS FOR CONDITIONS BY USE

1. LODGING. (please see Transient Room Tax ordinance)
 1. Hotels, motels, and other lodging uses qualify as Open, Tourist-based, Temporary, Tax-Contributory **Congregate Living** Facilities, as defined in Chapter 50, **Congregate Living** Facilities, Section 50.02. Special Guidelines, and must comply with the terms of Chapter 50.

General CLF (Congregate Living** Facility) Standards**

1. All permanent or closed CLF's housing more than five (5) shall require a conditional use permit.
2. A CLF shall comply with all building, safety, and health regulations applicable to similar structures.
3. The maximum occupancy of a CLF is to be in accordance with applicable local health and fire safety codes (maximum occupancy is commonly determined by square footage and number of bedrooms).
4. The minimum number of parking spaces required for a CLF is to be the same as those for a similar dwelling located in the same zoning district in which the CLF is located plus those necessary for employees.
5. A CLF must comply with all standards, provisions and rules of the applicable sections of Utah Administrative Code.
6. Prior to the occupancy of any CLF requiring state licensure or certification, the person or entity to be licensed or certified must provide a copy of such license or certification to the Town.
 1. For purposes of state licensure, a CLF may receive preliminary approval of the permit from the Town. However, final approval is contingent upon receipt and review of documentation of compliance with all federal, state, and local regulations.
 2. The CLF will notify the Town immediately if a state or county license, permit or certification status changes.

40.12 PROHIBITED USES

1. Sexually Oriented Businesses (SOB);
2. **Congregate Living** Facilities; and
3. Campgrounds/RV park.

60.02 SHORT TERM RENTAL (STR)

F. STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS.

12. The STR Unit may not comprised of, a part of, or a conglomerate of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground Cabin, Travel Trailer, Recreational Vehicle ("RV"), Mobile Home or a non-tourist based **Congregate Living** Facility.

60.04 RESIDENTIAL HOSTING FACILITY (RHF)

D. STANDARDS AND REQUIREMENTS FOR RESIDENTIAL HOSTING FACILITIES.

12. The RHF or RHF Guest Quarter(s) are not comprised of, a part of, or a conglomerate of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground Cabin, Travel Trailer, Recreational Vehicle ("RV"), Mobile Home or a **Congregate Living** Facility.

Proposed wording:

2.12 DEFINITIONS

New Def: **Residential Care Facility**. A Utah State licensed facility that provides long-term care given to adults or children who stay in a group residential setting rather than in their own home or relatives home.

Congregate Living Facility (CLF). A 24-hour group living environment for four or more individuals unrelated to the owner or provider.

Congregate Living Facility (CLF), Closed. A 'closed' residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A 'closed' facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood.

Congregate Living Facility (CLF), Non-tax-based Contributory. A 'non-tax base contributory' facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.

Congregate Living Facility (CLF), Non-tourist Based. A 'non-tourist based' CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.

Congregate Living Facility (CLF), Open. An 'open' residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An 'open' facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.

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Congregate Living Facility (CLF), Temporary. A 'temporary' CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.

Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly.

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 Residential Care** Facilities may not be an RHF.

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16.22 STANDARDS FOR CONDITIONS BY USE

2. LODGING. (please see Transient Room Tax ordinance)

1. ~~Hotels, motels, and other lodging uses qualify as Open, Tourist-based, Temporary, Tax-Contributory Congregate Living Facilities, as defined in Chapter 50, Congregate Living Facilities, Section 50.02. Special Guidelines, and must comply with the terms of Chapter 50.~~

General CLF (~~Congregate Living~~ Residential Care Facility)-Standards

7. All ~~permanent or closed CLF's~~ Residential Care facilities housing more than five (5) shall require a conditional use permit.
8. A CLF Residential Care facility shall comply with all building, safety, and health regulations applicable to similar structures.
9. The maximum occupancy of a CLF Residential Care facility is to be in accordance with applicable local health and fire safety codes (maximum occupancy is commonly determined by square footage and number of bedrooms).
10. The minimum number of parking spaces required for a CLF Residential Care facility is to be the same as those for a similar dwelling located in the same zoning district in which the CLF Residential Care facility is located plus those necessary for employees.
11. A CLF Residential Care facility must comply with all standards, provisions, and rules of the applicable sections of Utah Administrative Code.
12. Prior to the occupancy of any CLF Residential Care facility requiring state licensure or certification, the person or entity to be licensed or certified must provide a copy of such license or certification to the Town.
 1. For purposes of state licensure, a CLF Residential Care facility may receive preliminary approval of the permit from the Town. However, final approval is contingent upon receipt and review of documentation of compliance with all federal, state, and local regulations.
 2. The CLF Residential Care facility will notify the Town immediately if a state or county license, permit or certification status changes.

40.12 PROHIBITED USES

4. Sexually Oriented Businesses (SOB);
5. ~~Congregate Living~~ Residential Care Facilities; and
6. Campgrounds/RV park.

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VIRGIN TOWN

ORDINANCE # 2021-75

AN ORDINANCE AMENDING SECTIONS OF VULU IN REFERENCE TO CONGREGATE LIVING FACILITIES IN ORDER TO MAINTAIN CONTINUITY.

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 are currently not compatible with other parts of VULU,

WHEREAS, amendments to VULU 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 to maintain continuity and compatibility,

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council, amend VULU Chapter 17 as follows:

New Def: **Residential Care Facility**. A Utah State licensed facility that provides long-term care given to adults or children who stay in a group residential setting rather than in their own home or relatives home.

~~**Congregate Living Facility (CLF)**. A 24-hour group living environment for four or more individuals unrelated to the owner or provider.~~

~~**Congregate Living Facility (CLF), Closed**. A 'closed' residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A 'closed' facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood.~~

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General CLF (**Congregate Living Residential Care** Facility)-Standards

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17. A ~~CLF~~ Residential Care facility must comply with all standards, provisions, and rules of the applicable sections of Utah Administrative Code.
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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: