Date: 24Aug2022

Name of preparer: Cameron Spendlove

Contact information of preparer: Camspendlove84@gmail.com

Reason for change and effects:

1. Bring VULU into compliance with Utah State Law 10-9a-530. (2)-b-(i);
2. Changing language from Casita to Accessory Dwelling Units
3. Removing sizing restrictions from Internal Accessory Dwelling Units

These changes will bring VULU into compliance with Utah State Code. The changes will add definitions to chapter 2 of VULU. The changes will also increase the size of Internal Accessory Dwelling Units from no greater than 50% primary building to no size restriction.

Current:

16.22

F. CASITA/GUEST HOUSE.[1]

1. Casitas are not intended to be designed or used as independent family dwellings.
2. Casita Standards. The following standards shall apply to all casitas:
    a. No more than one (1) casita is permitted on a lot;
    b. Wastewater treatment system serving the property must be sized within the guidelines of the health authority to effectively serve additional bedroom and fixtures.
    c. Adequate additional off-street parking shall be provided.
    d. Casitas must be served by the same electrical, water, and gas meters that serve the main single-family dwelling unit.
    e. Attached Casita. If the casita is attached to the primary dwelling unit or to a garage the following requirements must be met:
        i. Must be of compatible architectural style, including siding and roofing, and shall be made structurally a part of the primary building; and
        ii. Must not be more than fifty percent (50%) of primary dwelling's total area.
    f. Detached Casita. If the casita is detached the following requirements must be met:
        i. Must not exceed the height of the primary structure;
        ii. Must be within the setbacks of the zone;
        iii. Must be located at least ten feet (10') from any building existing or under construction on the same lot or any adjacent lot;
        iv. Must not be more than fifty percent (50%) of the primary dwelling's total area; and
3. The owner may not sell a utility-dependent casita dwelling unit.
4. The Town of Virgin may require an inspection of a casita to ensure compliance with these standards, in response to a written complaint, subject to twenty-four (24) hour notice to owner.

Chapter 2

Residential Hosting. The act of renting a portion of a residential dwelling unit or casita on a temporary basis for any period less than thirty (30) consecutive days, where a permanent resident or the Owner resides.

30.06

Guest House/Casita	P	P	P	P	P

32.06.E GUEST HOUSE/CASITA.

34.04.D GUEST HOUSE/CASITA.

44.08.C. GUEST HOUSE/CASITA.

60.04.A. 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.

Proposed:

16.22.

F. ~~CASITA~~ Accessory Dwelling Unit (ADU)/GUEST HOUSE.[1]

1. ~~Casitas~~ ADUs are not intended to be designed or used as independent family dwellings.
2. ~~Casita~~ ADU Standards. The following standards shall apply to all ~~casitas~~ ADU:
    a. No more than one (1) ~~casita~~ ADU is permitted on a lot;
    b. Wastewater treatment system serving the property must be sized within the guidelines of the health authority to effectively serve additional bedroom and fixtures.
    c. Adequate additional off-street parking shall be provided.
    d. ~~Casitas~~ ADUs must be served by the same electrical, water, and gas meters that serve the main single-family dwelling unit.
    e. ~~Attached Casita~~ Internal Accessory Dwelling Unit (IADU). If the ~~casita~~ ADU is ~~attached to~~ within the foot print of the primary dwelling unit or ~~to a~~ within the garage the following requirements must be met:
        (1) Must be of compatible architectural style, including siding and roofing, and shall be made structurally a part of the primary building; and
        ~~(2) Must not be more than fifty percent (50%) of primary dwelling's total area.~~
    f. ~~Detached Casita~~ External Accessory Dwelling Unit (EADU). If the ~~casita~~ ADU is detached the following requirements must be met:
        (1) Must not exceed the height of the primary structure, or 20ft whichever is lower;
        (2) Must be within the setbacks of the zone;
        (3) Must be located at least ten feet (10') from any building existing or under construction on the same lot or any adjacent lot;

(4) Must not be more than fifty percent (50%) of the primary dwelling's total area; and

3. The owner may not sell a utility-dependent ~~casita~~ (ADU) ~~pendent~~ Accessory dwelling unit.
4. The Town of Virgin may require an inspection of a ~~casita~~ (ADU) to ensure compliance with these standards, in response to a written complaint, subject to twenty-four (24) hour notice to owner.

Chapter 2

Residential Hosting. The act of renting a portion of a residential dwelling unit or ~~casita~~ Accessory Dwelling Unit (ADU) on a temporary basis for any period less than thirty (30) consecutive days, where a permanent resident or the Owner resides.

Accessory Dwelling Unit (ADU). A dwelling that is axillary to the primary dwelling unit which uses are defined by ordinance.

Internal Accessory Dwelling Unit (IADU). An accessory dwelling that is within the footprint of the primary dwelling.

External Accessory Dwelling Unit (EADU). An accessory dwelling that is not within the footprint of the primary dwelling.

30.06

Guest House/~~Casita~~ Accessory Dwelling Unit (ADU)	P	P	P	P	P

32.06.E GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

34.04.D GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

44.08.C. GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

60.04.A. NATURE OF USE - RESIDENTIAL HOSTING OR RHF. The short term renting of portions of a residential Dwelling Unit or ~~Casita~~ Accessory Dwelling Unit (ADU), subject to the Owner or Permanent Resident obtaining and maintaining an RHF permit.

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER TWO 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 Two, 8.40, 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 bring VULU into compliance with Utha State Law 10-9a-530. (2)-b-(i); and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2022, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2022;

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:

16.22.E.2.

16.22.

F. ~~CASITA~~ Accessory Dwelling Unit (ADU)/GUEST HOUSE.[1]

5. ~~Casitas~~ ADUs are not intended to be designed or used as independent family dwellings.
6. ~~Casita~~ ADU Standards. The following standards shall apply to all ~~casita~~ ADU:
    g. No more than one (1) ~~casita~~ ADU is permitted on a lot;
    h. Wastewater treatment system serving the property must be sized within the guidelines of the health authority to effectively serve additional bedroom and fixtures.
    i. Adequate additional off-street parking shall be provided.
    j. ~~Casitas~~ ADUs must be served by the same electrical, water, and gas meters that serve the main single-family dwelling unit.
    k. ~~Attached Casita~~ Internal Accessory Dwelling Unit (IADU). If the ~~casita~~ ADU is ~~attached to~~ within the foot print of the primary dwelling unit or to a garage the following requirements must be met:

(1) Must be of compatible architectural style, including siding and roofing, and shall be made structurally a part of the primary building; and

~~(2) Must not be more than fifty percent (50%) of primary dwelling's total area.~~

l. ~~Detached Casita~~ External Accessory Dwelling Unit (EADU). If the ~~casita~~ ADU is detached the following requirements must be met:

(5) Must not exceed the height of the primary structure;

(6) Must be within the setbacks of the zone;

(7) Must be located at least ten feet (10') from any building existing or under construction on the same lot or any adjacent lot;

(8) Must not be more than fifty percent (50%) of the primary dwelling's total area; and

7. The owner may not sell a utility-dependent ~~casita~~ (ADU) ~~pendent~~ Accessory dwelling unit.
8. The Town of Virgin may require an inspection of a ~~casita~~ (ADU) to ensure compliance with these standards, in response to a written complaint, subject to twenty-four (24) hour notice to owner.

Chapter 2

Residential Hosting. The act of renting a portion of a residential dwelling unit or ~~casita~~ Accessory Dwelling Unit (ADU) on a temporary basis for any period less than thirty (30) consecutive days, where a permanent resident or the Owner resides.

Accessory Dwelling Unit (ADU). A dwelling that is axillary to the primary dwelling unit which uses are defined by ordinance.

Internal Accessory Dwelling Unit (IADU). An accessory dwelling that is within the footprint of the primary dwelling.

External Accessory Dwelling Unit (EADU). An accessory dwelling that is not within the footprint of the primary dwelling.

30.06

Guest House/~~Casita~~ Accessory Dwelling Unit (ADU)	P	P	P	P	P

32.06.E GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

34.04.D GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

44.08.C. GUEST HOUSE/~~CASITA~~ Accessory Dwelling Unit (ADU).

60.04.A. NATURE OF USE - RESIDENTIAL HOSTING OR RHF. The short term renting of portions of a residential Dwelling Unit or ~~Casita~~ Accessory Dwelling Unit (ADU), subject to the Owner or Permanent Resident obtaining and maintaining an RHF permit.

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 NUMBER _____ will become effective on this _____ day of _____ month, 2022, based upon the following vote:

Council Member:

Gene Garate	AYE___	NAE___
LeRoy Thompson	AYE___	NAE___
Mistie Baird	AYE___	NAE___
Paul Luwe	AYE___	NAE___
Jean Krause, Mayor	AYE___	NAE___

VIRGIN TOWN

a Utah municipal corporation

_____

Jean Krause, Mayor

ATTEST:

_____

Krystal Percival, 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: