

VIRGIN, UTAH
ORDINANCE NO. 2024-__

AN ORDINANCE AMENDING RESIDENTIAL LOCATION AND STANDARDS IN
RESIDENTIAL ZONES

WHEREAS, Virgin Town ("the Town") is a Utah municipal corporation and political subdivision of the State of Utah, and

WHEREAS, the Virgin Town Council ("Town Council") is the legislative and governing body of the Town, and

WHEREAS, the Town Council with advice of the Virgin Town Planning and Zoning Commission ("Planning Commission"), in addition to being the legislative and governing body of the Town, is also the Land Use Authority ("LUA") vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is expressly delegated to another body or person, and

WHEREAS, the Town wishes to plan wisely for efficient development patterns and equitable resource management, in consideration of waste and soil studies, culinary water availability, housing affordability, public desires, and relied-upon zoning; and

WHEREAS, it is a goal of the town to preserve the character and residential quality of its residential neighborhoods; and

WHEREAS, the Town Council is concerned with the potential impact of inappropriately located and/or sized structures and their uses in residential neighborhoods upon the general public welfare, traffic, parking, noise, light, and dwindling town resources such as culinary water and septic saturation; and

WHEREAS, according to the Virgin Town General Plan, "New development should be reasonably complementary to existing structures, in both scale and architecture."; and

WHEREAS, all development and uses in overlay zones must be in harmony with the purpose and uses of the underlying zone, and must comply with the standards of underlying zones; and

WHEREAS, large structures are contrary to the Virgin Town General Plan that encourages adequate infrastructure to minimize environmental impact, to preserve the character and integrity of the environment; and

WHEREAS, large impervious areas prevent proper soil absorption, and must be limited to allow sufficient absorption to prevent flood hazards; and

WHEREAS, large structures do not support the Virgin Town General Plan to encourage viewsapes through thoughtful infrastructure and building construction; and

WHEREAS, the extraordinarily large size of "homes" **not necessarily** intended for single family use by private investors buying up lots in Virgin's residential zones equates to extraordinarily high prices for those properties; and

WHEREAS, the Town Council desires to more clearly define dwelling standards in sections of VULU, especially those regulating extremely large buildings and structures in all residential zones; and

WHEREAS, the Virgin River runs through the Town of Virgin; the danger of contamination to the watershed requires particular care and specificity in the size and location of septic tanks, impervious surfaces and buildings; and

WHEREAS, culinary water is currently supplied by contract with the Washington County Water Conservancy District for 1000 connections, and the numbers are dwindling; and

WHEREAS, all residential districts in the town are currently limited to single-family dwellings which are generally of a size, water usage, and septic impact to require a maximum of one culinary water connection and a maximum of one 1500-gallon septic tank; and

WHEREAS, the Town has a contract for water supply with the Washington County Water Conservancy District which, due to varying soil compositions and proximity to the Virgin River, includes a general minimum lot size of one acre; and

WHEREAS, in recent years the Virgin Town Council amended the Virgin Uniform Land Use ordinance to allow much smaller lots; and

WHEREAS, the Town wishes to comply with the standards of its contract, and act responsibly in equitable resource management, by returning to previous lot size limitations; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on ----, 2024; and

WHEREAS, the Virgin Town Planning and Zoning Commission recommended in a __ to__ vote that the Town Council [approve I deny] these amendments on _____, 2024; and

WHEREAS, Virgin's LUA finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to amend its regulations;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH that the following amendments be made to the Virgin Uniform Land Use code:

1. *Section 1:* Chapter 32, Residential District, shall be replaced in its entirety to the substantially changed new version (attachment A)
2. *Section 2:* Chapter 34, Rural Residential District, shall be replaced in its entirety to the substantially changed new version (attachment B)
3. *Section 3:* 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.
4. *Section 4:* Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

5. *Section 5: Effective Date.* This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE __ DAY OF _____, 2024

VOTE TAKEN:

Town Council Member: AYE NAY ABSTAIN ABSENT

Mistie Baird
Marci Holm
April McKeon
Paul Luwe,
Jean Krause, Mayor

Virgin, Utah
A Municipal Corporation

ATTEST:

Jean M. Krause, Mayor

Krystal Percival, Town Clerk/Recorder

ATTACHMENT A

CHAPTER 32 RESIDENTIAL DISTRICT

To provide and protect areas for low density, single-family residences while permitting the limited establishment of public and quasi-public uses which serve the requirements of households.

32.04 LOCATION

The Residential District includes any parcels currently zoned Residential at the time of adoption of this section. Until sewer and water supply limitations are addressed, and this section is amended, there shall be no further expansion of the Residential Zone. The standards of this zone remain valid for parcels so designated at the time of adoption of this section. Applicants may look to other zoning designations, such as the Rural Residential District, for the development of residential uses in compliance with current Town plans and goals.

32.06 PERMITTED USES

Uses contained in this chapter flow directly into Chapter 30 - Zones and Uses. In the event of a conflict, this chapter is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Conditional, and Prohibited. Unlisted uses are prohibited; however applicant may put in a request for an amendment to VULU for a use not anticipated by this chapter.

A. SINGLE-FAMILY DWELLINGS.

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.
2. Maximum size, height, and impervious coverage must meet all requirements of Virgin's Land Use code.

B. HOUSEHOLD PETS.

C. AGRICULTURE.

1. Tilling of soil, the raising of crops, horticulture, and gardening for personal use.
2. Animals and fowl for recreational use or family food production for the primary use of persons residing on the premises.
 - a. The keeping of animals shall meet all standards set by the local Health Department, State and Federal regulatory agencies.

D. ACCESSORY BUILDINGS AND USES customarily incidental to single family residential use.

E. GUEST HOUSE/CASITA.

32.08 CONDITIONAL USES - application required. Unlisted uses are prohibited; however applicant may put in a request for an amendment to VULU for a use not anticipated by this chapter.

A. HOME OCCUPATION (See Chapter 12.).

- B. CHURCH.
- C. SCHOOL.
- D. PUBLIC BUILDINGS AND USES.
- E. PARK
- F. PLAYGROUND.
- G. PUBLIC UTILITIES.
- H. CHILD DAY CARE.
- I. RESIDENTIAL HOSTING FACILITY (RHF)
- J. SHORT TERM RENTAL - in STR overlay zones only. Maximum 5 bedrooms.

32.10 HEIGHT REGULATIONS

No building may exceed two stories or twenty-five feet (25') in height. Any tall vertical element (chimneys, towers, etc.) must extend no more than two and one-half feet (2.5') above any point within ten feet (10') of the element.

32.12 MINIMUM AREA, WIDTH, AND YARD REGULATIONS

Lots in the Residential District shall have a minimum area of 12000 square feet, and a minimum width of 75 feet.

32.14 STANDARD LOTS. The following standards apply to lots less than one acre. For lots larger than one acre, standards for structure area, footprint, lot coverage, and setbacks are the same as those in the Rural Residential District (Chapter 34)

- A. STRUCTURE AREA. Combined area of all structures, including homes, sheds, carports, garages, barns, etc., measured at widest exterior dimensions, including every floor of home and all accessory structures, and including any bonuses or exceptions shall not exceed 3000 square feet. Combined floor space in a single structure shall not exceed 2500 sq ft.
- B. FOOTPRINT. Combined footprints of all structures, measured at widest exterior dimensions and including any bonuses or exceptions shall not exceed 25% of underlying lot or 3000 square feet, whichever is less.
- C. RUNOFF ABSORPTION (LOT COVERAGE). Combined area of all impervious ground, including structure coverage measured at widest dimensions, areas surfaced with impermeable materials, and overhangs, shall not exceed 30 percent of the area of the underlying parcel.
- D. SETBACKS. Lots less than one acre in area shall have the following minimum setbacks: Front 25 feet; Side 10 feet; Rear: 10 feet; Corner: 25 feet. No structure shall be within 100 feet of a cliffside or mesa edge.

32.16 SIGNS

See VULU Chapter 52 Sign Regulations

32.18 MODIFYING REGULATIONS

- A. Lots in single family zones shall be permitted a single septic tank with a maximum capacity of 1500 gallons on a parcel.
- B. Lots in single family zones shall be permitted no more than a single culinary water connection per acre.

32.20 STANDARDS FOR TEMPORARY USE OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONE

See Chapter 26.06 and 26.08.

32.22 OTHER PROVISIONS

~~Exception to these~~ Supplementary regulations are provided in Chapter 8 of the VULU ordinance.

ATTACHMENT B

CHAPTER 34 RURAL RESIDENTIAL DISTRICT

34.02 PURPOSE

To provide areas for low density single-family neighborhoods of a rural character for small farms, hobby farms and large lot residential use.

34.04 PERMITTED USES

Uses contained in this chapter flow directly to Chapter 30 - Zones and Uses. In the event of a conflict, this chapter is the principal deciding factor. Uses fall into one of three categories, namely Permitted, Conditional, and Prohibited. Unlisted uses are prohibited; however applicant may put in a request for an amendment to VULU for a use not anticipated by this chapter.

A. AGRICULTURE.

1. Tilling of the soil, the raising of crops, horticulture, and gardening for personal use.
2. Animals and fowl for recreational use or family food production for the primary use of persons residing on the premises.
 - a. The keeping of animals shall meet all standards set by the local Health Department, State and Federal regulatory agencies.

B. SINGLE-FAMILY DWELLINGS.

1. Minimum square feet of home must meet all requirements of the International Residential Building Code.
2. Maximum size, height, and coverage must meet all requirements of Virgin's Land Use code.

C. ACCESSORY USES AND BUILDINGS of less than 1500 square feet customarily incidental to single family residential use.

D. HOUSEHOLD PETS.

E. GUEST HOUSE/CASITA.

34.06 CONDITIONAL USES - application required. Unlisted uses are prohibited; however applicant may put in a request for an amendment to VULU for a use not anticipated by this chapter.

A. LIMITED AGRICULTURAL BUSINESS.

B. PUBLIC STABLE.

C. KENNEL.

D. PARK

E. PLAYGROUND.

F. PUBLIC BUILDINGS.

G. PUBLIC UTILITIES.

H. CHURCH.

I. SCHOOL.

- J. CEMETERY.
- K. HOME OCCUPATION (see Chapter 12).
- L. RESIDENTIAL HOSTING FACILITY (RHF)
- M. SHORT TERM RENTAL in STR Overlay zones only
- N. ACCESSORY BUILDINGS of 1500 or more square feet

34.08 HEIGHT REGULATIONS

No buildings may exceed two stories or twenty-five feet (25') in height.

34.10 MINIMUM AREA, WIDTH AND YARD REQUIREMENTS. Lots in the Rural Residential District shall have a minimum area of 43560 square feet, and a minimum width of 100 feet.

34.12 STANDARD LOTS. The following standards apply to lots less than two acres in area. For lots of two acres or more, standards for structure area, footprint, lot coverage, and setbacks are found in Section 34.14.

- A. STRUCTURE AREA. Combined area of all structures, including homes, sheds, carports, garages, barns, etc., measured at widest exterior dimensions, including every floor of home and all accessory structures, shall not exceed a maximum, including any bonuses or exceptions, of 200/o of the underlying lot. Combined floor space in a single structure shall not exceed 4000 sq ft.
- B. FOOTPRINT. Combined footprints of all structures, measured at widest exterior dimensions and including any bonuses or exceptions, shall not exceed 15% of underlying lot or 6500 square feet, whichever is less.
- C. RUNOFF ABSORPTION (LOT COVERAGE). Combined area of all impervious ground, including structure coverage measured at widest dimensions, areas surfaced with impermeable materials, and overhangs, shall not exceed 30% of the area of the underlying parcel.
- D. SETBACKS. Lots less than two acres in area shall have the following minimum setbacks: Front: 25 feet; Side: 20 feet; Rear 25 feet; feet; Corner: 25 feet. No structure shall be located within 100 feet of a cliff side or mesa edge.

34.14 LOTS TWO ACRES OR GREATER

- A. STRUCTURE AREA. Combined area of all structures, including homes, sheds, carports, garages, barns, etc., measured at widest exterior dimensions, including every floor of home and all accessory structures, shall not exceed 10000 square feet. Combined floor space in a single structure shall not exceed 6000 sq ft. except that every 100% increase of the original required minimum distance for front, corner, and rear setbacks permits an increase of 10% in structure area, up to a maximum area, including any bonuses or exceptions, of 12000 square feet.
- B. FOOTPRINT. Combined footprints of all structures, measured at widest exterior dimensions shall not exceed 6000 square feet, whichever is less, except that every 100% increase of the original required minimum distance for front, corner, and rear setbacks permits an increase of 10% in structure area, up to a maximum area, including any bonuses or exceptions, of 12000 square feet.
- C. RUNOFF ABSORPTION (LOT COVERAGE). Combined area of all impervious ground, including structure coverage measured at widest dimensions, areas surfaced with impermeable materials, and overhangs, shall not exceed 30 percent of the area of the underlying parcel.

- D. SETBACKS. Lots of two acres or more in area shall have the following minimum setbacks: Front: 25 feet; Side: 20 feet; Rear 25 feet; Corner: 25 feet. No structure shall be located within 100 feet of a cliff side or mesa edge.

34.16 SIGNS

See VULU Chapter 52 - Sign Regulations

34.18 MODIFYING REGULATIONS

- A. Any exception to structure area or footprint permitted by this chapter requires that all land used to calculate additional size be merged into a single parcel which will be ineligible for future subdivision.
- B. Lots in single family zones shall be permitted a single septic tank with a maximum capacity of 1500 gallons on a full acre of land.
- C. Lots in single family zones shall be permitted no more than a single culinary water connection per parcel.

34.20 STANDARDS FOR TEMPORARY USE OF RECREATIONAL VEHICLES IN RURAL RESIDENTIAL ZONE

See Chapter 26.06 and 26.08.

34.22 OTHER PROVISIONS

~~Exception to these~~ Supplementary regulations are provided in Chapter 8 of this ordinance.