

VIRGIN TOWN

DRAFT ORDINANCE# 2025-XX

AN ORDINANCE AMENDING THE VIRGIN UNIFORM LAND USE ORDINANCE ("VULU") TO RENAME 'LIMITED COMMERCIAL HABITATION' TO 'LIVE-WORK'; TO ADD AND AMEND DEFINITIONS ACCORDINGLY, TO EXPAND AVAILABILITY OF THE USE, AND TO AMEND ASSOCIATED REGULATIONS.

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 Uniform Land Use Code (VULU) Chapters 2 and 16 and the various subsections found within, require updating to meet the changing needs of the Town; and

WHEREAS, Virgin Town is currently facing a shortage of affordable and workforce housing, and live/work units are deemed a way to alleviate some of the shortages; and

WHEREAS, permitting business owners to combine work and living space may help to encourage the start-up of desirable new small businesses; and

WHEREAS, section 16.26 of the Virgin Town Code (VULU) does not permit the desired latitude for such housing; and

WHEREAS, Virgin Town Code (VULU) does not currently include a definition of live/work units but rather "limited Commercial Habitation" which does not sufficiently describe the desired use; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2024, and voted to recommend [approval/denial] of its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2024;

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

SECTION 1. AMENDMENT. Rename Section 16.26:

Before amendment:

16.26. Limited Commercial Habitation.

After amendment:

16.26. Live-work Units.

SECTION 2. AMENDMENT. "2.12 DEFINITIONS" of the Virgin Uniform Land Use Code (VULU) is hereby amended to insert or amend the following definitions:

37

38 **Insert:**

39 Live/work unit. A residential unit located within or attached to a commercial building where the residents
40 are associated with the business.

41 **Insert:**

42 Living Quarters. A single Dwelling Unit.

43 **Amend:**

44 *Before amendment:*

45 Dwelling Unit. One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or
46 occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the
47 use of not more than one (1) family.

48 *After amendment:*

49 Dwelling Unit. One (1) or more rooms in a dwelling, Live/work building, apartment hotel or apartment
50 motel, designed for or occupied by one family for living or sleeping purposes and having kitchen and
51 bathroom facilities for the use of not more than one (1) family.

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53 **SECTION 3. AMENDMENT.** “40.08 PERMITTED USES” of the Virgin Uniform Land Use Code (VULU) is hereby
54 amended to include “P. Live/work unit (use permit required- all requirements of section 16.26 apply)”

55 .

56 **SECTION 4. AMENDMENT.** Chapter 16.26 shall be replaced in its entirety with the following:

57

58 **16.26 LIVE-WORK UNITS**

59 1. PURPOSE. The purpose of this section is to facilitate the successful establishment of small locally owned
60 businesses by allowing for living quarters on a commercial lot.

61 2. PROCEDURE. Applications for a Live-work Unit Permit shall be submitted to the Planning & Zoning
62 Commission for approval. Subsequent renewals incur no fee, and will be automatically renewed if no unresolved
63 complaints have been validated. Construction of a Live-Work unit requires a commercial building permit.

64 3. ELIGIBILITY.

- 65 a. Only the owner, proprietor, or operator of an approved business can be granted a Live-work Unit Permit.
- 66 b. Only a Live-work Unit permit holder, business owner, or employee and immediate family members may
67 occupy the living quarters.
- 68 c. The living quarters must be entirely incidental to an approved business.
- 69 d. Live-work Units are prohibited outside of commercial zones.

- e. The combined density of the living quarters and the business may not exceed one ERU per acre, unless it connects to a public or approved independent sewer system.
- f. Businesses which, in the discretion of the Planning and Zoning Commission, are likely to create excessive dust, odor, smoke, noise or vibration are not eligible for a Live-work Unit permit.

4. LIMITATIONS AND REQUIREMENTS.

- a. The living quarters must be wholly within or attached to a commercial building.
- b. The living quarters may only be designed and built as a single-family unit and may not exceed 1600 square feet or the interior square footage of the attached business, whichever is less.
- c. No building which includes a Live-work Unit may exceed two stories.
- d. A maximum of one (1) permit for one (1) living quarters may be granted for a commercial operation.
- e. Living quarters shall not be rented unless to a business owner or employee of the attached business, and no compensation may otherwise be exacted for occupancy of the living quarters.
- f. No Live-work Unit may be rented for a period less than 30 days, and, an occupied unit shall be subject to an executed lease for month-to-month or longer-term rental, which prohibits subletting. A copy of the lease shall be made available to town officials upon request.
- g. Living quarters may not be used in any manner that violates Utah or Federal labor laws.
- h. Renewed Live-work Unit permits are effective until the holder alters the agreement, the permit is revoked pursuant to 16.22, or the use is abandoned for one (1) year.

5. MODIFICATIONS. The Virgin Planning & Zoning Commission may modify a Live-work Unit Permit to include reasonable conditions or limitations necessary to protect the public interest including but not limited to:

- a. Interior or exterior physical buffers, vents, or firewalls to isolate the living quarters from supplies, equipment, or activities likely to exist in or arise from the approved business;
- b. Required parking or screening;
- c. Time limitations appropriate to the circumstances (i.e.: seasonal use, or a cessation of the need for the residential use).
- d. In the event a unit is unoccupied due to the restrictions of this chapter, the Virgin Town Planning and Zoning Commission may grant permit holder a temporary waiver, allowing month-to-month rental of the unit to a person or family employed within a 30-mile radius of the Live-work Unit.

6. ENFORCEMENT.

- a. Live-work Unit permits in compliance with this ordinance shall be renewed annually until the holder alters the agreement, the permit is revoked pursuant to this or other chapters of the Virgin Town codes, or the use is abandoned for one (1) year. The Code Compliance Officer shall conduct investigations in response to written complaints or at the direction of the Planning & Zoning Commission or Town Council to ensure all standards of this Chapter are upheld.
- b. In the event of a failure to comply with one (1) or more of the provisions of this Chapter, the permit holder will be given at least thirty (30) days to comply. If the quarters are not brought into compliance the Live-work Unit permit may be withdrawn by a majority vote of the Planning & Zoning Commission, after a hearing to review the information.

- a. If use is altered from that permitted in accordance with this Chapter, abandoned for one (1) year, or has not been established within one (1) year after the date granted, the permit shall be null and void.

7. APPEAL. Appeal. All decisions may be appealed through process as defined in VULU Chapter 6.

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.

SECTION 4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

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 ____, 2025

ATTEST:

VOTE TAKEN: yes no

Councilmember Luwe _____

Councilmember Baird _____

Councilmember Wenz _____

Councilmember McKeon _____

Mayor Krause _____

VIRGIN TOWN

a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) *Utah Public Notice website*
- 2) *Virgin Town website, www.virgin.utah.gov*
- 3) *Virgin Town Hall*

156 Krystal Percival, Town Clerk/Recorder
157 Virgin Town, Utah
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