

VIRGIN TOWN, UTAH

ORDINANCE 2025-11

ADOPTING LIVE-WORK ORDINANCE

AN ORDINANCE AMENDING TITLE 16 OF VIRGIN MUNICIPAL CODE TO RENAME 'LIMITED COMMERCIAL HABITATION' TO 'LIVE-WORK'; TO ADD AND AMEND DEFINITIONS ACCORDINGLY, TO EXPAND AVAILABILITY OF THE USE, AND TO AMEND ASSOCIATED STANDARDS

WHEREAS, Pursuant to Utah Code Ann. §10-1-201 Virgin Town ("the Town") is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, Pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 401, the Virgin Town Council ("Virgin Town Council") is designated as the governing body of the Town;

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 with the Town's municipal boundaries;

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 Title 16, 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 dwellings 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 does not permit the desired latitude for such housing; and

WHEREAS, Virgin Town Code does not currently include a definition of live/work dwellings 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 April 8, 2025, and voted to recommend approval of its draft amendment ordinance to the Virgin Town Council at a regular meeting on May 13, 2025;

NOW THEREFORE, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: AMENDMENT. “Title 16, Chapter 2.12 Definitions” of the Virgin Town Code is hereby *amended* to insert or amend the following definitions:

B E F O R E A M E N D M E N T

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

Live/Work Dwelling – *non-existent*

Living Quarters – *non-existent*

A F T E R A M E N D M E N T

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

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

Living Quarters. A single Dwelling Unit.

SECTION 2. AMENDMENT. “Title 16, Chapter 40.10 Conditional Uses” of the Virgin Town Code Title 16 is hereby *amended* to include:

“Live/work Dwelling” (all requirements of 16.16.26 apply)”

SECTION 3. AMENDMENT. “Title 16, Chapter 44.10 Conditional Uses” of the Virgin Municipal Land Use Code Title 16 is hereby *amended* to include:

“Live/work Dwelling (all requirements of 16.16.26 apply)”

SECTION 4. REPEAL & RE-ENACTMENT.“ Title 16, Chapter 16.26 Limited Commercial Habitation is hereby *repealed & re-enacted* in its entirety with the following:

B E F O R E R E P E A L & R E - E N A C T M E N T

16.16.26 Limited Commercial Habitation

- A. **PURPOSE.** The purpose of Limited Commercial Habitation (LCH) is to facilitate the successful establishment of small locally owned businesses, by allowing for living quarters on a commercial lot. That is not necessitated by the size and nature of The LCH does not establish residential use in a commercial zone unless the residents are directly associated with the business to which it is attached.
- B. **PROCEDURE.** Applications for a LCH Permit shall be submitted to the Planning & Zoning Commission for approval.
- C. **ELIGIBILITY.**
 - 1. Only the owner, proprietor, or operator of an approved business can be granted an LCH Permit.
 - 2. Only the LCH permit holder and immediate family members (see VULU Chapter 16.12 Definition of family) may occupy the living quarters.
 - 3. The living quarters must be entirely incidental to an approved business.
- D. **LIMITATIONS AND REQUIREMENTS.**
 - 1. The living quarters must be wholly within or attached to a commercial building.
 - 2. A maximum of one (1) permit for one (1) living quarter may be granted on a commercial lot.
 - 3. Living quarters are not to be rented, and no compensation may be exacted for privileges of occupancy of the living quarters.
 - 4. Living quarters may not be used in any manner that violates Utah state, or Federal labor laws.
 - 5. Renewed LCH permits are effective until the holder alters the agreement, the permit is revoked pursuant to 8.11.6.C, or the use is abandoned for one (1) year.
- E. **MODIFICATIONS.**
 - 1. The Virgin Planning & Zoning Commission may modify a LCH Permit to include reasonable conditions or limitations necessary to protect the public interest including:

- 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. Additional parking or screening;
 - c. Time limitations appropriate to the circumstances (i.e., seasonal use, or a cessation of the need for the residential use).
2. At the discretion of the Planning & Zoning Commission, the floor plan may be altered to accommodate a family as defined in VULU Chapter 16.12., Definition of Family.

F. ENFORCEMENT.

1. LCH permits are valid from the date of approval until the holder alters the agreement, the permit is revoked pursuant to 8.11.6.C, or the use is abandoned for one (1) year. The Zoning Administrator 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 is being upheld.
2. In the case 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 bring living quarters into compliance. If the quarters are not brought into compliance the LCH permit may be withdrawn by a majority vote of the Planning & Zoning Commission, after a hearing to review the information.
3. If use is altered from that approved 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.

G. APPEAL. All decisions may be appealed through process as defined in VULU Chapter 16.6.

A F T E R R E P E A L & . R E - E N A C T M E N T

- A. PURPOSE. The purpose of this section is to facilitate the successful establishment of small locally owned businesses by allowing for living quarters on property in one of Virgin's commercial zones.
- B. PROCEDURE. Applications for a Live-work Dwelling Permit shall be submitted to the Planning & Zoning Commission for approval. Subsequent renewals incur no fee, and will be automatically renewed if no unresolved complaints have been validated. Construction of a Live-Work Dwelling requires a commercial building permit.
- C. ELIGIBILITY.

1. A Live-Work Dwelling permit and any associated building permits must be requested by the landowner of subject property. Only the owner, proprietor, or operator of an approved business can implement a Live-work Dwelling Permit.
2. Only a Live-work Dwelling permit holder, business owner, or employee(s) and immediate family members may occupy the living quarters, unless an exception is allowed under section 16.26.5.d below.
3. The living quarters must be entirely incidental to an approved, licensed business.
4. Live-work Dwellings are prohibited outside of commercial zones.
5. The combined impact of the living quarters, the associated business, and any other uses on the subject parcel may not exceed one ERU per acre, unless or until it connects to a public or approved independent sewer system.
6. 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 Dwelling permit.

D. LIMITATIONS AND REQUIREMENTS.

1. 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 associated business, whichever is less.
2. No building which includes a Live-work Dwelling may exceed two stories above grade.
3. Unless specifically granted an exception for need by the Planning and Zoning Commission (for instance, when businesses require several employees), a maximum of one (1) permit for one (1) living quarters may be granted for a commercial operation. The business with which each living quarters is associated must be documented in its permit.
4. Living quarters shall not be rented except to the business owner or employee of the associated business, unless an exception is allowed under section 16.26.5.d below.
5. No Live-work Dwelling may be rented for a period less than 30 days, and an occupied dwelling shall be subject to an executed lease for month-to-month or longer-term rental, which prohibits subletting by the tenant of the living quarters. A copy of the executed lease (personal information may be redacted), shall be made available to town officials upon request.
6. Living quarters may not be used in any manner that violates Utah or Federal labor laws.

7. Renewed Live-work Dwelling permits are in effect until the holder alters the agreement, the permit is revoked pursuant to 16.16.22 or other violation of Virgin Municipal Code, or the use is abandoned for one (1) year.

E. MODIFICATIONS. The Virgin Planning & Zoning Commission may modify a Live-work Dwelling Permit to include:

1. Required parking or screening; where possible, parking shall be behind the buildings, and shared parking is encouraged.
2. Time limitations appropriate to the circumstances (i.e.: seasonal use, or a cessation of the need for the residential use).
3. 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 Dwelling.

F. ENFORCEMENT.

1. Live-work Dwelling 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 too ensure all standards of this Chapter are upheld.
2. 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 thirty (30) days to comply. If the use or uses are not brought into compliance, the Live-work Dwelling permit may be withdrawn by a majority vote of the Planning & Zoning Commission, after a hearing to review the information.
3. 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.

G. APPEAL. All decisions may be appealed through process as defined in Virgin Land Use Code 16.6.

Severability Clause: Should any part of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and effect from July 15, 2025, and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or part thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, _____.

Attest:

Jean M. Krause, Mayor
Virgin Town, Utah

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded	AYE	NAY	ABSENT	ABSTAIN
Virgin Town Councilmember, Mistie Baird	___	___	___	___
Virgin Town Councilmember, Paul Luwe	___	___	___	___
Virgin Town Councilmember, April McKeon	___	___	___	___
Virgin Town Councilmember, Valerie Wenz	___	___	___	___
Virgin Town Mayor, Jean Krause	___	___	___	___

RECORDED this _____ day of _____, 2025.

PUBLISHED or POSTED this _____ day of _____, 2025.

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*

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah