

VIRGIN TOWN  
ORDINANCE NO. 2025- [REDACTED]

AN ORDINANCE [REDACTED] UPDATING, CLARIFYING AND AMENDING VARIOUS SECTIONS OF  
VIRGIN MUNICIPAL CODE TITLE 16 CHAPTER 8 SUPPLEMENTARY AND QUALIFYING  
REGULATIONS TO ADD LANGUAGE FOR LIMITED TWO-FAMILY DWELLINGS, AND TO AMEND  
SECTIONS ON BUILDING HEIGHT EXCEPTIONS, WATER AND SEWER REQUIREMENTS, LAND  
SUITABILITY, AND HEIGHT OF ACCESSORY BUILDINGS

**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 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 delegated to another body or person, and

**WHEREAS**, the Planning Commission held a public hearing on this ordinance on [REDACTED], 20 [REDACTED]; and

**WHEREAS**, the Virgin Town Planning and Zoning Commission recommended in a [REDACTED] to [REDACTED] vote that the Town Council [approve / deny] these amendments on [REDACTED], 20 [REDACTED]; and [REDACTED]

**WHEREAS**, Virgin Town is currently facing a shortage of affordable and workforce housing, and the addition of two-family homes as a use in appropriate areas is deemed a step toward addressing some of the shortages; and

**WHEREAS**, a new town survey has revealed that the overwhelming number of households in Virgin contain two people; and

**WHEREAS**, although public input historically showed a strong desire to limit housing to single-family dwellings, new open houses and survey results suggest that some two-family houses would be acceptable;

**WHEREAS**, the town wishes uses to maintain a maximum wastewater impact equivalent to one single family dwelling per acre until public sewer availability allows for greater density;

**WHEREAS**, two dwellings designed for families of two are presumed to approximate the impact of one single family dwelling; and

**WHEREAS**, Virgin Town Code Title 16 (Land Use) does not currently permit two-family homes, and therefore does not include a definition or standards governing the use; and

**WHEREAS**, the Town is advised by its planning staff that locations for denser housing are best identified and chosen by way of a zoning overlay; and

**WHEREAS**, desired commercial uses in Virgin, as expressed in recent input sessions and a town survey, do not require building heights above those already allowed; and

**WHEREAS**, building heights of 20 feet for accessory buildings are deemed excessive; and

**WHEREAS**, maintaining the views that are a critical resource attracting residents and visitors to the town is an important goal of town standards regulating building height; and

**WHEREAS,** Virgin has long been aware of the need to limit contaminants in the groundwater, as agencies such as the Washington County Water Conservancy District and the State Division of Water Quality have recommended an acre or more per equivalent residential unit, and our own wastewater studies have confirmed the need for this limit;

**WHEREAS**, modern technology now provides high-performance septic systems which can reduce contaminants in wastewater measurably below what an individual home septic tank produces, allowing for some increase in density for larger projects;

**WHEREAS**, the Town considers that protection of natural washes, slopes and other sensitive land serves a beneficial purpose with regard to natural drainage, flood risk management, ecology and landscape preservation; and

**WHEREAS**, language in Chapter 18 of VMC16 affecting all subdivided land should also apply to other development; 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 AS FOLLOWS:**

**SECTION 1. ADOPT NEW SECTION 8.07 LIMITED TWO-FAMILY DWELLINGS** *[[NOTE- this section should be removed in any motion to recommend or adopt if the Village Overlay has already been adopted, as it also exists in that ordinance & would be redundant]]*

***AFTER ADOPTION:***

**8.07 LIMITED TWO -FAMILY DWELLINGS.** A two-family dwelling in a Village Overlay is subject to the following procedures and standards:

1. Application. A request for an initial Use Permit is made to the Virgin Planning & Zoning Commission. If granted, no renewals are required unless and until ownership has changed; however, the Use Permit may be revoked for violations of title 16 of Virgin Land Use regulations, state or federal law, or validated unresolved complaints.
2. Lot Standards. In no event shall more than three Two-family Dwellings be permitted per acre of underlying parcel. Unless use will be connected to a public or private sewer system, each lot on which a Two-family Dwelling exists:
1. shall be a minimum of one acre unless exception is made under item 4 below;
  2. shall be permitted a single septic tank, which has a maximum capacity of 2,000 gallons.; and
  3. shall be permitted no more than a single ¾ inch culinary water connection.
  4. shall be a minimum of one acre in size, unless clustered with other uses when contiguous sufficient open space is permanently dedicated to maintain overall impact equivalent to the average contaminant output of one ERU per acre overall, except that density may be increased to allow up to four limited two-family dwellings by the Land Use Authority if:
    1. dwellings will be connected to an approved independent sewer system; or
    2. dwellings will be connected to a public sewer system.
3. Building. Each building containing two dwellings shall be designed to have the appearance, size, and approximate impact of a single-family home, and
1. shall not exceed 22 feet in height;
  2. shall not exceed 4,000 square feet of living area or 15% of the parcel, whichever is smaller;
  3. shall be for long-term or owner occupancy only, and shall not qualify for a Residential Hosting permit; and
  4. shall not create wastewater contaminant output greater than that estimated of a single family dwelling, per acre, in combination with all uses on the property.

**SECTION 2. AMEND SECTION 8.22 EXCEPTIONS TO HEIGHT LIMITATIONS**

***BEFORE AMENDMENT***

**8.22 EXCEPTIONS TO HEIGHT LIMITATIONS**

*Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the*

L24 *height limits herein prescribed, but no space above the height limit shall be allowed for purposes of*  
L25 *providing additional floor space.*

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**8.22 EXCEPTIONS TO HEIGHT LIMITATIONS**

L30 Open access stairways, tanks, ventilating fans or similar equipment required to operate and maintain the  
L31 building, and skylights, steeples, chimneys, smokestacks, water tanks, windmills, wireless or television masts,  
L32 private communications towers, silos or similar structures incidental to the building may be erected to a limit of  
L33 30 inches above the height limits herein prescribed, but no space above the height limit shall be allowed for  
L34 purposes of providing additional floor space. Rooftops shall not be used as floor space where they may be visible  
L35 from residentially zoned land.

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L42 *Where sewage treatment is not provided by a publicly owned wastewater treatment works or common*  
L43 *sewage treatment and disposal unit all proposed building or proposed use shall be connected to a*  
L44 *public water system within the town limits of Virgin. Where sewer treatment is not provided by a publicly*  
L45 *owned wastewater treatment works or common sewage treatment and disposal unit, sewer hookups*  
L46 *are required to individual septic systems in the Town of Virgin.*

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**8.32 WATER AND SEWER REQUIREMENTS**

L52 Water connection. All proposed building or proposed use requiring culinary water shall be connected to a  
L53 public water system within the town limits of Virgin.

L54 Wastewater. The following rules apply to all uses.

- L55 1. Where sewer treatment is not provided by a publicly owned wastewater treatment works or  
L56 common sewage treatment and disposal unit, sewer hookups are required to septic systems in the  
L57 Town of Virgin.
- L58 2. Wastewater systems shall be subject to approval of the Southwest Utah Health Department or  
L59 the Division of Environmental Quality and Virgin Town, as appropriate.
- L60 3. Unless or until a property is connected to an approved sewer system, the maximum  
L61 contaminant output from wastewater system(s) of combined uses on a parcel, per acre, shall be  
L62 equivalent to or less than that of the average single family dwelling.\*

4. For high performance systems which effectively limit contaminant output to a greater degree than septic systems for single-family dwellings, manufacturer documentation of estimated output may allow for greater density in commercial zones.

5. "Gray water" from treatment systems may be used for landscape irrigation if allowed under state code, allowed by the terms of town contracts, and approved by the Sewer Authority, Southwest Utah Health Department or Division of Environmental Quality, as applicable.

6. Facility location shall be examined and recorded during design or conditional use review and must be approved by the Land Use Authority.

\*Accordingly, in zones allowing for lots smaller than an acre, for instance, a ½ acre lot may only have a use that constitutes one half the output of a single family dwelling.

#### **SECTION 4. ADOPT 8.33 LAND SUITABILITY**

##### ***AFTER ADOPTION***

**8.33 LAND SUITABILITY.** No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

1. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Utah Department of Natural Resources, or other public or private entity, and deemed unsuitable for the proposed development under the Flood Damage Prevention sections of Virgin Town ordinances (See VULU chapter 22); and
2. All wetlands as defined in federal and Utah State code; and
3. All areas having slopes greater than thirty percent (30%); and
4. Areas that are proven to provide habitat for rare, threatened or endangered species, unless species have been removed by certified experts under procedures approved by all authorized entities; and
5. Burial sites and Indian mounds; and
6. Drainage ways that contain running water during spring runoff or during storm events as well as any State of Federal required buffers from the edges of the drainage way.

Areas determined to be environmentally sensitive may be included as common open space in a subdivision but shall be included in the development Yield Analysis in VULU Chapter 18.12 B. These lands shall be identified as an out-lot or other designation that indicates the land is not available for development.

**SECTION 5. 8.26 AMEND MAXIMUM HEIGHT OF ACCESSORY BUILDINGS**

***BEFORE AMENDMENT***

**8.26 MAXIMUM HEIGHT OF ACCESSORY BUILDINGS**

*No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty feet (20').*

***AFTER AMENDMENT***

**8.26 MAXIMUM HEIGHT OF ACCESSORY BUILDINGS**

No building which is accessory to a one-family or two-family dwelling shall be erected to a height greater than one (1) story or eighteen feet (18').

**SECTION 6. Severability Clause:** Should any part or provision 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.

**SECTION 7. Effective Date:** This Ordinance shall be in full force and effect from \_\_\_\_\_, 20\_\_\_\_ and after the required approval and publication according to law.

**SECTION 8. Repealer Clause:** All VMC Title 16 ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_

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**VIRGIN TOWN COUNCIL**

Vote as recorded:                      AYE   NAY   ABSENT

Councilmember Luwe                      \_\_\_\_\_   \_\_\_\_\_   \_\_\_\_\_

Councilmember Baird                      \_\_\_\_\_   \_\_\_\_\_   \_\_\_\_\_

Councilmember Wenz                      \_\_\_\_\_   \_\_\_\_\_   \_\_\_\_\_

Councilmember McKeon                      \_\_\_\_\_   \_\_\_\_\_   \_\_\_\_\_

Mayor Krause                      \_\_\_\_\_   \_\_\_\_\_   \_\_\_\_\_

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RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**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](http://www.virgin.utah.gov)*
- 3) *Virgin Town Hall*

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Krystal Percival, Town Clerk/Recorder

Virgin Town, Utah