

VIRGIN TOWN
ORDINANCE NO. 2025- [REDACTED]

AN ORDINANCE AMENDING VIRGIN MUNICIPAL CODE TITLE 16 BY ADDING
CHAPTER 42 VILLAGE OVERLAY ZONES, ADOPTING STANDARDS FOR LIMITED TWO-FAMILY
DWELLINGS INTO CHAPTER 8, AND ADDING LANGUAGE TO COMMERCIAL AND HIGHWAY RESORT
ZONES IN REFERENCE TO THE VILLAGE OVERLAY

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 delegated to another body or person, and

WHEREAS, the Planning Commission held public hearings on this ordinance on May 13, 2025 and [REDACTED], 20____; and

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

WHEREAS, the town finds that some uses create fewer conflicts due to traffic and noise than others when located in close proximity to residential neighborhoods; and

WHEREAS, the town nevertheless wishes to plan wisely for development of its commercially zoned lands; and

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 welcomed acceptable;

WHEREAS, the town intends to maintain reliable zoning so that residents and business owners are not harmed by future growth that creates undue nuisance or loss of value; and

WHEREAS, the lower-impact uses of the proposed Village Overlay will serve as a buffer between residential zones and higher-impact commercial uses, to maintain quality of life for those who live in its neighborhoods;

WHEREAS, the Town intends to amend the Prohibited Uses sections of all zones in a timely manner to include specific uses unsuited to specific areas; the inclusion of many uses in this new overlay zone shall not be interpreted to allow consideration of any use not listed in other zones;

WHEREAS, Virgin's Land Use Authority finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to accomplish these purposes by amending its regulations;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH
AS FOLLOWS:

SECTION 1. ADOPTION OF TITLE 16 CHAPTER 42: VILLAGE OVERLAY (VOR and VOC)

BEFORE ADOPTION

Chapter 42 (Resort Zone- repealed)

AFTER ADOPTION

CHAPTER 42 VILLAGE OVERLAY (VO)

42.02 PURPOSE

72 42.04 VILLAGE OVERLAY COMMERCIAL (VOC)
73 42.06 VILLAGE OVERLAY RESIDENTIAL (VOR)
74 42.08 USE IN COMBINATION WITH UNDERLYING ZONE
75 42.10 USES
76 42.12 PHYSICAL RESTRICTIONS
77 42.14 PROTECTION OF RESIDENTIAL ZONES
78 42.16 PARKING
79 42.18 ARCHITECTURE AND DESIGN
80 42.20 WASTEWATER COMPLIANCE
81 42.22 CONDITIONS OF USE
82

83 **42.02 PURPOSE**

84 The Village Overlay zone is intended to designate areas for lower traffic commercial activities and/or
85 denser housing between other commercial areas and residential areas to preserve the character of
86 residential zones, meet the needs of neighborhood residents, and reduce conflicts between higher
87 impact commercial uses and residential neighborhoods. These Commercial activities and/or denser
88 housing should be integrated into the neighborhood's residential fabric of existing, pending, or future
89 neighborhoods to minimize the impact on surrounding residential development. The regulations of
90 this overlay aim to encourage a mix of two-family dwellings with other low impact facilities that
91 align with the needs of neighboring residential zones in terms of scale and character.
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93 **42.04 VILLAGE OVERLAY- C (VOC) listed conditional uses allowed**

94 1. LOCATION. Adjoining or abutting undeveloped residentially zoned properties (R or RR currently
95 undeveloped, and without pending development plans), as a required minimum 150 foot
96 buffer along boundaries running approximately perpendicular to SR-9 between residential zones
97 (R or RR) and Commercial (C) or Highway Resort (HRZ) zones. The required buffer zone shall be
98 recorded for all commercial properties which thus adjoin residentially zoned land on the town's
99 official Zoning Map.
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101 **42.06 VILLAGE OVERLAY- R (VOR) residential uses only**

102 1. LOCATION.
103 a. Adjoining or abutting existing residential neighborhoods (R or RR), and as a
104 required minimum 150 foot buffer between residential zones (R or RR) and
105 Commercial (C) or Highway Resort (HRZ) zones. The required buffer zone shall be
106 recorded for all commercial properties which adjoin residentially zoned land on the
107 town's official Zoning Map, and

- b. As a buffer covering remainders of parcels exceeding the maximum Highway Resort use or Commercial use depth from SR-9 (as an overlay on Commercial Zone, it automatically applies to areas greater than 400 feet from SR-9; as an overlay on Highway Resort Zone, it automatically applies to areas greater than 1000 feet from SR-9.)

42.08 USE IN COMBINATION WITH UNDERLYING ZONE

The Village Overlay constitutes a required buffer in those areas designated in Section 42.04 and/or 42.06, and shall be used in combination with any commercial zone, subject to the requirements of this section.

A. Provisions Supplementary: The provisions of the Village Overlay shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.

42.10 USES

Uses generally fall into one of three categories, namely Permitted, Conditional, and Prohibited. Unlisted uses are deemed prohibited. Standards for permitted uses may be found throughout VMC Title 16, but most specifically in Chapters 8 and 16.

The following uses in the Village Overlay area of commercial properties vary from those allowed in the underlying zone, as follows.

A. Permitted Uses-for VOC and VOR. These uses are permitted in VO if allowed by wastewater and culinary water authorities, but prohibited outside the Overlay:

1. Limited Two-family Dwellings (see VMC 16.8 for standards)
2. Limited Single-Family Dwellings (one-half [.5] ERU impact maximum)
3. Accessory Uses and Buildings customarily incidental to an approved use
4. Shuttle/bus stop (i.e. a pullout with or without a shelter or bench, but without any parking area)

B. Conditional Uses. The uses in this section require a conditional use permit, and are only available within Village Overlay-C (on lands adjoining R or RR zones which are currently undeveloped, and without pending development plans.) The uses listed in this section are prohibited in Village Overlay-R (on lands adjoining R or RR lands which include any existing dwelling or pending residential plans). Refer to Chapter 16 of Virgin Municipal Code Title 16 for procedure and additional standards for conditional uses. Because of the proximity to residential zoning, standards for these uses will be specifically tailored to minimize visual, auditory, traffic or other sensory nuisance. Conditional uses in the Village Overlay-C which may be permitted or conditional in the underlying zone include:

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1. Administrative and Professional Offices.

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2. Postal or retail shipping service

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3. Live-work units, provided associated business is not deemed likely to change the character of the surrounding neighborhood, nor create greater visual, auditory, traffic or other impact than a two-family dwelling

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4. Financial Institutions

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5. Health and Exercise Establishments.

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6. Art studios for low-noise, low-odor media.

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7. Custom Catering service.

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8. Salons and day spas.

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9. Outfitting/guide/tour services.

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10. Medical Clinic.

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11. Municipal buildings.

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12. Small retail shops.

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159 **C. Prohibited uses**

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Any use not listed as permitted or conditional is prohibited, such as those listed below. The following prohibited uses, which may be permitted or conditional in underlying zones outside the Village

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Overlay include:

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1. Single-family dwellings of impact greater than .5 ERUs

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2. Restaurants

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3. Museums

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4. Community Buildings

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5. Reception or event facilities.

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6. Automobile Service Stations, sales or repair shops.

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7. Wrecking yards

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8. Amusement parks

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9. Arcades

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10. Dry cleaners

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11. Campgrounds/RV Parks/ Glamping.

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12. Hotels, Motels, Short-term Rentals and other Transient Lodging.

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13. Multi-family housing, other than two-family dwellings

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14. Public and Commercial Parking Lots

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15. Water Parks, Bowling Alleys, Skating Rinks, Miniature Golf

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16. Circuses or carnivals

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17. Driving ranges with floodlights.

- 180 18. Helipads, helistops, and heliports.
181 19. Jails and prisons.
182 20. Junkyards.
183 21. Landfills and garbage dumps.
184 22. Landing strips, airports, or other facilities designed for the take off or landing of any
185 type of aircraft.
186 23. Mining, quarries, or gravel pits.
187 24. Off-road vehicle, motorcycle, and ATV tracks and parks.
188 25. Pawn shops.
189 26. Extraction or quarry operations
190 27. Shooting ranges.

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194 **42.12 PHYSICAL RESTRICTIONS**

195 These restrictions shall apply to the Village Overlay zone except where the underlying zone abuts a
196 residential zone. When abutting a residential zone, 42.14 shall apply, and lot size measurement shall
197 include sections of the parcel outside the required overlay.

Minimum Lot Size	Maximum Height	Maximum Individual Building Footprint	Maximum impermeable surface (inc. all roofed and paved areas)	Minimum Lot Width	Minimum Setbacks (where property does not abut residential zones)		
21,780 sq. ft	22 ft	3,000 sq ft	50% of parcel	50 ft	FRONT	SIDE	REAR
					7 ft.	10 ft.	5 ft.

198 New construction of businesses in the Village Overlay zone shall include construction, connection, or
199 continuation of approved pedestrian walkway along street frontage, or bond to ensure future
200 construction.

201 No building height or size bonuses shall be granted within this overlay.

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203 **42.14 PROTECTION OF RESIDENTIAL ZONES**

204 A. When abutting a residential zone, the minimum setback shall be 50 feet, and structures shall
205 contain a maximum area of 3000 square feet. As part of the required setbacks, there shall be
206 provided and maintained along such property line a six foot (6') solid masonry wall and a ten-foot
207 (10') landscape buffer to protect the adjoining residential property. The landscape buffer shall
208 include the strategic planting of trees and shrubs to provide adequate screening. All landscaping
209 shall comply with the Town's adopted landscaping requirements and conservation standards.
210 Landscaped parking areas may be located in the setback between commercial uses and residential
211 zones.

212 **42.16 PARKING**

- 213 1. General Provisions: Except where 42.16.B and C conflict, all off-street parking shall comply
214 with the requirements of Chapter 14 of Virgin Municipal Code Title 16.
215 2. Parking Location: Notwithstanding the standards of VMC 16.14, wherever a use abuts SR-9,
216 parking in the Village Overlay shall be located at the rear or in a manner that encourages
217 walkability. Where VO boundaries abut residential zone boundaries, structure parking may
218 shall be between the parking area use and the residential zone.

219 3. Shared Parking:

- 220 1. Permitted: Notwithstanding any other parking requirements, when nonresidential land
221 uses occupy the same or abutting lots in any zone, the total number of off-street
222 parking spaces required for each use may be combined and shared upon approval as
223 provided herein. A proposal for sharing off-street parking shall be presented to the
224 Planning Commission for site plan review and conditional use approval.
225 2. Application Information: An application for shared parking shall contain the following:
226 1. The location and type of each use that will share the parking facility.
227 2. The total parking requirements for each use as provided in Chapter 14 of this
228 code or other applicable provisions of this title.
229 3. The proposed hours of operation of each use.
230 4. Documentation that shows the uses sharing a parking lot are unlikely to
231 produce a substantial demand for parking simultaneously.
232 5. The number and size of proposed parking spaces. All spaces shall meet the
233 size requirements in Chapter 14 of this code.
234 6. A site plan that demonstrates that the proposed shared parking facility will
235 comply with all parking lot development standards required by this code.
236 7. Proof of ownership of shared parking facility.

- 237 3. Approval Conditions: Shared parking shall only be approved if:
- 238 1. The shared parking facility is located on land in the same ownership as the
- 239 use, which ownership is established by deed, easement, or lease.
- 240 2. Ownership is maintained for the duration of the shared parking permit.
- 241 3. A sufficient number of spaces are provided to meet the maximum parking
- 242 demand of the participating uses.
- 243 4. Satisfactory evidence establishes that the participating uses are unlikely to
- 244 produce a substantial demand for parking simultaneously.
- 245 5. A disclosure statement is recorded with the county recorder's office stating
- 246 that the use on the property is contingent on the existing of shared parking
- 247 approval.
- 248 6. There is a finding by the Planning Commission that the shared parking facility
- 249 is conveniently located for such use, readily available, and will not create a
- 250 traffic or safety problem.
- 251 4. Changes: Any subsequent changes in use, occupancy, hours of operation, or to a
- 252 structure shall require review by the Town to ensure that they comply with the
- 253 provisions of this subsection and Chapter 14 of the Virgin Municipal Code Title 16.
- 254 Failure to comply may result in the revocation of the conditional use permit.

255 **42.18 ARCHITECTURE AND DESIGN**

256 Development shall utilize indigenous, regional architectural styles and materials for all

257 structures to blend with the nearby residential neighborhoods without drawing undue

258 attention to the development. In the event the Town adopts design review requirements, all

259 applications for new construction shall be subject to the adopted procedure.

261 **42.19 SIGNS**

262 Signs in this overlay zone shall be unobtrusive. Unless intended signs comply with rules for signs in

263 the Rural Residential zone, they require a Conditional Use permit which limits impacts to substantially

264 less than those allowed by Chapter 52 regulations in Commercial Zone.

266 **42.20 WASTEWATER COMPLIANCE**

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268 Wastewater systems will be subject to approval of the Southwest Utah Health Department or the

269 Division of Environmental Quality and Virgin Town, as appropriate. Unless or until a property is

270 connected to an approved sewer system, the maximum contaminant output from wastewater

271 system(s) of combined uses on a parcel, per acre, shall be equivalent to or less than that of the

average single family dwelling.* 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 in compliance with per-acre limits in Virgin Municipal Code will allow for greater density in commercial zones. "Gray water" from treatment systems may be used for landscape irrigation if approved by the Southwest Utah Health Department or Division of Environmental Quality, as applicable. Facility location shall be examined during design or conditional use review and must be approved by the Land Use Authority.

*Accordingly, for smaller lots in this zone a ½ acre lot may only have a use that constitutes one half the output of a single family dwelling

42.22 CONDITIONS OF USE

(To be attached, where applicable, to every permit granted under the requirements of Chapter 16 of Virgin Municipal Code Title 16).

1. NATURAL HAZARDS. Construction of permanent structures shall not be permitted or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, floods or excessive soil erosion. In addition to compliance with the provisions of the building code or governing standards to meet the maximum foreseeable risk of such hazards, person developing, improving, managing or owning such property shall have the obligation to bear the burden of so developing and/or improving the property in such a manner that the property and/or general public are safeguarded from unreasonable risk of harm or injury from such natural hazards.
2. GRADING. To reduce the possibility of erosion and eliminate unsightly scars within the Town, all excavation grading, cut and fill operations and siting of roads shall be done under appropriate review and supervision in compliance with Virgin Municipal Code Title 16, and with approval of the Town Engineer. Additional inspections may be required. After review of the building or excavation permit application, and site plan including development envelopes, the Town may require a specific revegetation plan and schedule as approved by the Planning Commission, as a condition of the permit issuance. A geotechnical report describing the stability and suitability of said lot or parcel for development must be submitted and approval given prior to the issuance of any excavation permit.
3. LIGHTING. Exterior lighting may be installed to provide for safety and security. Proper controls must be provided to preserve, to the greatest extent possible, the visual qualities of the night sky and to protect neighboring properties from light trespass, glare, and pollution. To this end, the provisions in Chapter 52 of Title 16 will be enforced.
4. FLAGS. Flags flown on a temporary basis for purposes of honoring national or civic holidays, are exempt, as are up to 3 official flags or emblems of national, state or local governments, provided all such flags or emblems shall be placed on flagpoles not attached to a building or

structure, nor exceeding 25 feet in height. No such flags shall exceed 8 feet long in its largest dimension. Faded, torn or stained flags are prohibited. Exceptions to allow up to two (2) advertising flags or more than three (3) national flags may be granted by the Planning and Zoning Commission for good cause.

5. MECHANICAL DEVICES. Air conditioners, heating, cooling and ventilating equipment, propane tanks, pumps and heaters, and all other mechanical devices shall be screened from the surrounding properties and streets or lanes and shall be operated so that the resulting sound does not exceed acceptable levels, or the applicable sound control as set forth in 42.2.H below.
6. TRASH. No trash, trash containers, used materials or equipment shall be stored in open areas. All such materials shall be screened from public streets or walkways and adjacent properties with an opaque fence or wall or stored within an enclosed building as determined during conditional use and design review.
7. STORAGE. The outside storage of objects and materials shall require conditional use approval, and complete screening from public view, or view of any contiguous property.
8. NOISE CONTROL. Quiet time is between 8:00 p.m. and 7:00 a.m. Decibel limits are to be measured at the nearest property boundary to the sound source. Daytime decibel limit is 60, and quiet time limit is 50 Db. Exceptions may be made during construction to the Daytime limit; there shall be no exceptions to the Quiet Time limit.

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SECTION 2. AMEND VMC TITLE 16 CHAPTER 8 TO INCLUDE NEW SECTION 8.07

[[NOTE- this section may be removed in any motion to recommend or adopt if the Chapter 8 amendments have already been adopted, as it also exists in that ordinance & would be redundant]]

8.07 LIMITED TWO -FAMILY DWELLINGS. A two-family dwelling in a Village Overlay is designed to have the appearance, size and approximate impact of a single family dwelling, but is divided into two small dwellings for two families. They are 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;
3. shall be permitted no more than a single culinary water connection of no more than 3/4 inch; and
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 three limited two-family dwellings per acre 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
 2. shall not exceed 22 feet in height;
 1. shall not exceed 3,000 square feet of living area or 15% of the parcel, whichever is smaller;
 2. shall be for long-term or owner occupancy only, and shall not qualify for a Residential Hosting permit; and
 3. unless connected to a sewer system, 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 3. AMEND VMC TITLE 16 CHAPTER 40 TO INCLUDE THE FOLLOWING CHAPTER SECTION 40.07:

40.07: VILLAGE OVERLAY.

1. Wherever land in Commercial Zone (C) abuts or adjoins residentially zoned land (R or RR), all standards, procedures, and uses found in Chapter 42 Village Overlay shall override those in the underlying zone, and apply within a minimum 150 foot buffer along all such boundaries.

2. Wherever remainders of parcels exceeding the maximum Commercial use depth of 400 feet from SR-9 exist all standards, procedures, and uses found in Chapter 42 Village Overlay shall override those in the underlying zone.

SECTION 4. AMEND VMC TITLE 16 CHAPTER 44 TO INCLUDE THE FOLLOWING SECTION 44.07:

44.07: VILLAGE OVERLAY.

1. Wherever land in Highway Resortl Zone (HRZ) abuts or adjoins residentially zoned land (R or RR), all standards, procedures, and uses found in Chapter 42 Village Overlay shall override those in the underlying zone, and apply within a minimum 150 foot buffer along all such boundaries.

2. Wherever remainders of parcels exceeding the maximum Highway Resort Zone use depth of 1000 feet from SR-9 exist, all standards, procedures, and uses found in Chapter 42 Village Overlay shall override those in the underlying zone.

SECTION 5. SEVERABILITY, EFFECTIVE DATE, AND REPEALER

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.

Effective Date: This Ordinance shall be in full force and effect from _____, 20____ and after the required approval and publication according to law.

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

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

Attest:

Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

VIRGIN TOWN COUNCIL

Vote as recorded: AYE NAY ABSENT

Councilmember Luwe	_____	_____	_____
Councilmember Baird	_____	_____	_____
Councilmember Wenz	_____	_____	_____
Councilmember McKeon	_____	_____	_____
Mayor Krause	_____	_____	_____

SEAL

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