

VIRGIN TOWN

DRAFT ORDINANCE NO. 2025-_____

“GOOD NEIGHBOR OVERLAY ZONE”

**AN ORDINANCE AMENDING VIRGIN MUNICIPAL CODE TITLE 16 BY ADDING
CHAPTER 42 GOOD NEIGHBOR OVERLAY ZONE, ADOPTING STANDARDS FOR TWO-FAMILY
DWELLINGS INTO CHAPTER 8, ADDING LANGUAGE TO COMMERCIAL AND HIGHWAY RESORT ZONES
IN REFERENCE TO THE GOOD NEIGHBOR OVERLAY, AMEND CHAPTER 14 OFF-STREET PARKING TO
ALLOW FOR SHARED PARKING, AMENDING DIVISION OF LAND CODES TO CLARIFY ZONING OF
NEWLY CREATED PARCELS, AND AMENDING SECTION 16.02.12 DEFINITIONS.**

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, 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 Town of Virgin provided proper notice per Utah Code to all affected landowners and entities, and the Virgin Planning and Zoning Commission held public hearings on this ordinance on May 13, 2025, October 14, 2025 under the name of the Village Overlay Zone, and under the new name of Good Neighbor Overlay on _____, 20____; and

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

37 **WHEREAS**, Virgin Town is currently facing a shortage of affordable and workforce housing, and the
38 addition of carefully limited Two-Family Dwellings and small Single-Family Dwellings as uses in
39 appropriate areas is deemed a step toward addressing some of the shortages; and
40

41 **WHEREAS**, the Virgin River, an important water source for Washington County, bisects Virgin Town,
42 which necessitates strict monitoring of Virgin's septic saturation, under the authority of Ash Creek
43 Special Services District and the Washington County Water Conservancy District, until public sewer
44 hookups become available; the addition of Two-Family Dwellings and small Single-Family Dwellings can
45 fairly be limited under an overlay to prevent the greater concentrations of contaminants which
46 ordinarily may occur with denser housing; and
47

48 **WHEREAS**, although public input historically showed a strong desire to limit housing to Single-Family
49 Dwellings, new open houses and survey results suggest that some Two-Family Dwellings would be
50 welcomed; and
51

52 **WHEREAS**, the Town intends to maintain reliable zoning so that residents and business owners are not
53 harmed by future growth that creates undue nuisance or loss of value; and
54

55 **WHEREAS**, the lower-impact uses of the proposed Good Neighbor Overlay will serve as a transition
56 area between residential zones and higher-impact commercial and resort uses, to maintain quality of
57 life for those who live in its neighborhoods; and
58

59 **WHEREAS**, the Town determines that providing for the division of large parcels into groups of smaller
60 lots under the standards of an overlay could protect existing uses while promoting both more housing
61 options and the incubation of small and startup businesses to serve the population; and
62

63 **WHEREAS**, Virgin's Land Use Authority finds it to be in the best interests of the health, safety, and
64 welfare of residents and visitors to the Town to accomplish these purposes by amending its
65 regulations;
66

67 **NOW THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH
68 AS FOLLOWS:
69

70 **SECTION 1.** That Title 16 Chapter 42 of the code of ordinances of the Town of Virgin Utah be amended
71 so that a new Chapter 42 shall read as follows:
72
73
74

CHAPTER 42 GOOD NEIGHBOR OVERLAY ZONE (GNO)

42.02 PURPOSE

42.04 MAPPING, TRANSITION AREAS, REZONES, EXCEPTIONS AND MODIFICATIONS

42.06 USE IN COMBINATION WITH UNDERLYING ZONE

42.08 USES

42.10 PHYSICAL RESTRICTIONS

42.12 NEIGHBORING USES

42.14 PARKING

42.16 ARCHITECTURE AND DESIGN

42.18 SIGNS

42.20 WASTEWATER COMPLIANCE

42.22 DIVISION OF GOOD NEIGHBOR OVERLAY LAND

42.24 STANDARDS OF USE

42.02 PURPOSE

The Good Neighbor Overlay zone designates regulations for specific Transition Areas in Commercial zone and Highway Resort zones for lower traffic commercial activities and/or denser housing between commercial/resort and residential areas, to preserve the character of residential zones, encourage the incubation of small businesses that can meet the needs of residents, encourage the development of more affordable housing, and reduce conflicts between higher impact commercial uses and residential neighborhoods. Commercial activities and/or denser housing should transition into the residential fabric of existing, pending, or future neighborhoods to minimize any anticipated negative impacts on surrounding residential development. The regulations of the Good Neighbor Overlay Zone aim to encourage a mix of Two-Family Dwellings, smaller Single-Family Dwellings, and other low impact uses that align with the needs and aesthetics of neighboring residential zones in terms of scale and character.

42.04 GOOD NEIGHBOR OVERLAY MAPPING, TRANSITION AREAS AND EXCEPTIONS

A. Mapping. The Good Neighbor Overlay zone shall apply to all undeveloped Commercial and Highway Resort parcels without officially filed development plans. However, the restrictions and benefits of this overlay apply specifically to areas beyond a maximum distance from State Route 9 (SR-9), and to areas adjoining residential zones or SR-9, while the terms of the underlying zone remain in effect outside of these Transition Areas. GNO Transition Areas shall be recorded on the Town's official Zoning Map for all affected parcels. Lands rezoned R or RR subsequent to passage of the Good Neighbor Overlay zone shall not affect adjoining Commercial zone or Highway Resort zone regulations, and do not necessarily qualify for all of the protections of Good Neighbor Overlay Transition Areas.

B. Transition Areas.

a. Adjoining residential. Applies to undeveloped parcels of Commercial or Highway Resort property which adjoin parcels zoned R (Residential) or RR (Rural Residential), as a minimum 150 foot transition area from boundaries between residential zones (R or RR) and Commercial (C) or Highway Resort (HRZ) zones, providing for Light Commercial or Mixed Housing uses in compliance with the terms of this section 16.42.04.

b. Remainder Areas. Applies a transition area providing only the uses listed in section 16.42.08.A, Mixed Housing uses, in remainders of parcels exceeding the maximum allowed Commercial use or Highway Resort use depth from SR-9. As an overlay on Commercial Zone, it applies to areas greater than 400 feet from the SR-9 right-of-way; as an overlay on Highway Resort Zone, it automatically applies to areas greater than 1000 feet from the SR-9 right-of-way to the north side of the river.

C. Rezones. Commercial or Highway Resort parcels which were not automatically included under the Good Neighbor Overlay zone may apply for a rezone to GNO zone to increase availability of workforce or more affordable housing, and/or small commercial uses, as allowed. Parcels containing uses which do not conform to terms of the Good Neighbor Overlay zone are not eligible for the overlay unless redeveloped to conform. No new dwellings except attached Live-work units shall be allowed within 100 feet of SR-9, where Commercial and/or Light Commercial uses are available, in compliance with this chapter.

a. The Overlay is automatically included in any requests for rezoning to Commercial or Highway Resort subsequent to passage of this chapter.

b. Any Commercial or Highway Resort zoned property which is vacant or has only uses which are compliant with the standards of the Overlay is eligible to request rezoning to the Overlay.

c. Residential or Rural Residential zoned parcels which adjoin Commercial or Highway Resort land but do not have SR-9 frontage may request rezoning to a commercial designation which includes the Good Neighbor Overlay, exclusively for-uses listed in section 42.08.A, Mixed Housing.

D. Exceptions and modifications.

a. Growing interactive commerce areas. Where a parcel adjoins SR-9, no dwellings except for those in attached Live-work structures shall be allowed within 100 feet of the highway.

b. Avoiding unintended limitations on shallow parcels. Within 200 feet of the SR-9 ROW, an exception to allow a use from the underlying zone which is not listed in the Overlay may be made, with appropriate findings of significant benefit to the Town and targeted conditions to mitigate impacts, including those to reduce noise, traffic or lighting impacts on any adjoining existing residential uses, by the Town Planner.

c. Expanding uses adjoining vacant land- not applicable to Remainder Areas. Within the 150 foot overlay along boundaries with Residential or Rural Residential parcels which are completely

undeveloped, an exception to allow a use from the underlying zone which is not listed in the Overlay may be made, with appropriate findings of significant benefit to the Town and possible conditions to mitigate noise, traffic, lighting or other incompatibilities with future residential uses, by the Town Planner.

d. Acknowledging existing homes. Within a minimum of 150 feet of a lot or parcel containing an existing home in adjoining residential neighborhood (R or RR), and beyond 100 feet from the SR-9 ROW, only the Mixed Housing uses in section 42.08.A are permitted unless the affected homeowner has agreed in a recorded document to allow a permitted or conditional Light Commercial use.

42.06 USE IN COMBINATION WITH UNDERLYING ZONE

A. The Good Neighbor Overlay constitutes a transition area between residential and higher impact commercial uses, and shall be used in combination with any underlying commercial zone, subject to the additional requirements of this chapter.

B. Provisions Supplementary. The provisions of the Good Neighbor 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.

C. Where the standards and uses of the Good Neighbor Overlay conflict with those of the underlying zone, the provisions of the Good Neighbor Overlay take precedence.

42.08 USES

Unlisted uses are deemed prohibited (to rebut the prohibition of a use based on similarity to listed uses, make a request to the Virgin Town Council). Standards for permitted uses may be found throughout VMC Title 16, but most specifically in Chapters 8 and 16.

The following uses in the Good Neighbor Overlay Transition Areas of commercial and resort properties vary from those allowed in the underlying zone, as follows:

A. Mixed Housing Uses. These uses are permitted in the Overlay if allowed by wastewater and culinary water authorities, subject to the limits in section 42.04 of this chapter, but are prohibited in commercial or resort zones outside the Overlay:

1. Two-Family Dwellings in compliance with VMC 16.8 standards
2. Limited Single-Family Dwellings (one-half [.5] ERU impact maximum)
3. Live-work completely housed in a single structure, provided the associated business is not deemed likely by the Town Planner to change the character of any surrounding residential neighborhood, nor create greater visual, auditory, traffic or other impact than a Two-Family Dwelling in compliance with the terms of VMC 16.8.
4. Licensed Home Occupations

5. Shuttle/bus stop (i.e. a pullout with or without a shelter or bench, but without any parking area)

B. Light Commercial Uses. The uses in section 42.10.D and C below are available within the Overlay subject to the limits of Section 42.04 of this chapter. Light Commercial uses are available on lands adjoining parcels or lots in R or RR zones which are currently undeveloped, and are without development plans filed with the Town. The uses listed in this section are specifically chosen as having low likelihood of nuisance to neighbors and low traffic, but are prohibited on lands adjoining any R or RR lands which include existing dwellings 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. Uses in the Overlay which may be permitted, conditional or prohibited in the underlying zone are as follows.

1. Permitted Light Commercial Uses

- a) Administrative and Professional Offices.
- b) Postal or retail shipping service
- c) Live-work units, provided associated business is a listed permitted use in Good Neighbor Overlay
- d) Financial Institutions
- e) Health and Exercise Establishments under 2000 sq. ft.
- f) Art studios for low-noise, low-odor media.
- g) Custom Catering service.
- h) Salons and day spas under 2000 sq ft.
- i) Outfitting/guide/tour services (no direct rental of motorized vehicles).
- j) Medical Clinic.
- k) Municipal buildings, community buildings or museums under 2000 sq ft.
- l) Small retail shops.
- m) Cafe or sandwich shop under 1500 sq ft.
- n) Shops for the rental, sale or repair of non-motorized bicycles.
- o) Churches

2. Conditional Light Commercial Uses. (See 16.16 of the Virgin Municipal Code)

- a) Restaurant larger than 1500 sq. ft.
- b) Wine tasting room or bar
- c) Health and Exercise Establishments over 2000 sq. ft.
- d) Salons and day spas over 2000 sq ft.

- e) Community or Municipal uses over 2000 sq ft.
- f) Shops for the rental, sale or repair of non-motorized and class 1 and class 2 electric bicycles.
- g) Veterinary Clinic
- h) General store- groceries. When parcel does not adjoin a residential parcel containing an existing home, an exception to allow greater square footage may be made up to a maximum footprint, including parking, of 10% of the dedicated underlying parcel. but no greater than 10,000 square feet; when all parking is underground parking this exception would allow for a larger building. To make the exception, Town Planner must make appropriate findings of significant benefit to the Town and comparatively insignificant impact on surrounding uses.

C. Prohibited uses

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 Good Neighbor Overlay include:

1. Single-Family Dwellings of impact greater than .5 ERUs
2. Reception or event facilities.
3. Community buildings over 2000 sq. ft.
4. Automobile Service Stations, sales or repair shops.
5. Wrecking yards
6. Amusement parks
7. Arcades
8. Dry cleaners
9. Campgrounds/RV Parks/ Glamping.
10. Hotels, Motels, Short-term Rentals and other Transient Lodging.
11. Multi-family housing, other than Two-Family Dwellings.
12. Public and Commercial Parking Lots
13. Water Parks, Bowling Alleys, Skating Rinks, Miniature Golf
14. Circuses or carnivals
15. Driving ranges with floodlights.
16. Helipads, helistops, and heliports.
17. Jails and prisons.
18. Junkyards.
19. Landfills and garbage dumps.
20. Landing strips, airports, or other facilities designed for the take off or landing of any type of aircraft.
21. Mining, quarries, or gravel pits.

22. Off-road vehicle, motorcycle, and ATV tracks and parks.
23. Pawn shops.
24. Extraction or quarry operations
25. Shooting ranges.
26. Storage facilities
27. Maintenance yards/structures.
28. Warehouses.
29. Gas tanks unconnected to approved use.
30. Gas tanks over 500 gallon capacity.

42.10 PHYSICAL RESTRICTIONS

These restrictions shall apply to the Good Neighbor Overlay Transition Areas except where the underlying zone abuts a residential zone. When abutting a residential zone, 16.42.12 shall apply, and lot size measurement may include sections of the parcel outside the required Overlay. Area footage maximums are per minimum sized parcel. Commercial and Light Commercial densities assume wastewater service via septic system; if connected to sewer system, densities may be increased up to a maximum of 300%.

Minimum Lot Size	Maximum Height	Maximum Total Building SQ FTG ON MINIMUM HALF ACRE	Maximum Total Building SQ FTG ON MINIMUM ONE ACRE	Maximum impermeable surface (inc. all roofed and paved areas)	Minimum Lot Width	Setback to SR-9	Minimum Setbacks (where property does not abut residential zones)		
21,780 sq. ft	22 ft	1500 sq ft	3000 sq ft	50% of parcel	50 ft	25 ft.	FRONT 7 ft.	SIDE 10 ft.	REAR 5 ft.

NOTE: No building height or size bonuses shall be granted within this Overlay.

42.12 NEIGHBORING USES

284 **A. Residential and Rural Residential.** When abutting a residential zone, the minimum setback shall be
285 40 feet, and structures shall contain a maximum area of 3000 square feet. As part of the required
286 setbacks, there shall be provided and maintained along such property line a six foot (6') solid masonry
287 wall and a ten-foot (10') landscape buffer to protect the adjoining residential property. The landscape
288 buffer shall include the strategic planting of trees and shrubs to provide adequate screening. All
289 landscaping shall comply with any Town- adopted landscaping requirements and conservation
290 standards. Landscaped parking areas may be located in the setback between commercial uses.

292 **B. Highway frontage.** New construction of businesses in the Good Neighbor Overlay zone shall include
293 construction, connection, or continuation of approved pedestrian walkway along street frontage, or
294 bond to ensure future construction. Minimum setback from the SR-9 Right-of-way is 25 feet.

296 **42.14 PARKING**

297 **A. General Provisions:** Except where this section conflicts and takes precedence, all off-street parking
298 shall comply with the requirements of Chapter 14 of Virgin Municipal Code Title 16.

299 **B. Parking Location:** Notwithstanding the standards of VMC 16.14, wherever a use abuts SR-9, parking
300 in the Good Neighbor Overlay shall be located at the rear or in a manner that encourages walkability
301 on the highway frontage. Where Good Neighbor Overlay boundaries abut residential zone boundaries,
302 structure shall be between the parking area and the residential zone.

303 **C. Shared Parking** is allowed, in compliance with VMC 16.14.

305 **42.16 ARCHITECTURE AND DESIGN**

306 Design review shall be conducted by the Town Development Review Committee for all development in
307 the Good Neighbor Overlay to ensure expression of indigenous, regional architectural styles. Colors and
308 materials shall blend with the nearby residential neighborhoods without drawing undue attention to
309 the development. When more than one structure exists on a lot or parcel, all such structures shall
310 harmonize with respect to color, materials, and scale. In the event the Town adopts design review
311 requirements, all applications for new construction shall be subject to the adopted procedure.

313 **42.18 SIGNS**

314 Signs in this Overlay zone shall be unobtrusive. Unless intended signs comply with rules for signs in the
315 Rural Residential zone, they require a Conditional Use permit which limits impacts to substantially less
316 than those allowed by Chapter 52 regulations in Commercial Zone.

318 42.20 WASTEWATER COMPLIANCE

319 Wastewater systems will be subject to approval of the Ash Creek Special Services District and Virgin
320 Town, as appropriate. Unless or until a property is connected to an approved sewer system, the
321 maximum contaminant output from wastewater system(s) of combined uses on a parcel, per acre, shall
322 be equivalent to or less than that of the average single family dwelling*.

323 For high performance systems which effectively limit contaminant output to a greater degree than
324 septic systems for Single-Family Dwellings, manufacturer documentation of estimated output in
325 compliance with per-acre limits in Virgin Municipal Code will allow for greater density in commercial
326 zones. "Gray water" from treatment systems may be used for landscape irrigation if legal under Utah
327 Code and approved by the Southwest Utah Health Department or Division of Environmental Quality, as
328 applicable. Facility location shall be examined during design or conditional use review and must be
329 approved by the Land Use Authority.

330
331 *Accordingly, for smaller lots in this zone a ½ acre lot may only have a use that constitutes one half the
332 output of a single family dwelling.

333

334

335 42.22 DIVISION OF GOOD NEIGHBOR OVERLAY LANDS

336

337 The Good Neighbor Overlay has a smaller minimum lot size than underlying zones, and is intended to
338 encourage the development of more affordable housing options, to promote the incubation of small
339 and startup business, and to provide a low impact transition area between residential and non-
340 residential properties. When a parcel within the Good Neighbor Overlay is divided, unless a rezone
341 application is included, new lots shall maintain the same configuration of underlying and overlaid
342 zoning limits and advantages that were in place prior to division, regardless of SR-9 frontage.*

343 *For example, a parcel fronting SR9 which is subject to the GNO may be divided into smaller lots, some
344 of which are separated from the highway. In this case, notwithstanding the requirement that all C and
345 HRZ properties front the highway (*see 16.40.06, and 16.44.06*), the Light Commercial uses and all other
346 standards including minimum lot size shall apply to those lots, up to the maximum commercial/resort
347 use distance from the highway, regardless of SR9 frontage.

348

349 42.24 STANDARDS FOR COMMERCIAL USES

350 (To be applied, along with any imposed conditions, where applicable, to every development permit or
351 license granted in the Good Neighbor Overlay zone).

352

A. 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.

B. 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, 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.

C. Lighting. Proper controls must be provided to preserve the visual qualities of the night sky and to protect neighboring properties from light trespass, glare, and pollution. Lighting must comply with Chapter 52 of Title 16, and all provisions of Chapter 52 of Title 16 shall be enforced.

D. 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.

E. 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 16.42.20.08 below.

F. 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.

G. 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.

H. 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.

#

SECTION 2. That the Code of Ordinances of Virgin Utah be amended by adding a new section to be numbered 16.8.07 to read as follows:

8.07 TWO -FAMILY DWELLINGS. A Two-Family Dwelling in the Town of Virgin shall be 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:

A. 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.

B. 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 Two-Family Dwellings in compliance with the terms of VMC 16.8 per acre by the Land Use Authority if:
 - a. dwellings will be connected to an approved independent sewer system;
 - or
 - b. dwellings will be connected to a public sewer system.

C. Building. Each building containing two dwellings shall be designed to have the appearance, size, and approximate impact of a Single-Family Dwelling, and

1. shall not exceed 22 feet in height;
2. shall not exceed 3,000 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. 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. That the Code of Ordinances of Virgin Utah be amended by adding a new section to be numbered 16.40.07 to read as:

40.07: GOOD NEIGHBOR OVERLAY. The Good Neighbor Overlay (see VMC 16.16.42) applies automatically to all undeveloped Commercial parcels.

1. Wherever an undeveloped parcel in Commercial Zone (C) abuts or adjoins residentially zoned land (R or RR), all standards, procedures, and uses found in Chapter 42 Good Neighbor Overlay shall override those in the underlying zone, and, when no exceptions are made, apply within a minimum 150 foot transition area along all such boundaries.

2. Wherever remainders of parcels exceeding the maximum Commercial use depth of 400 feet from SR-9 which have not been formally excluded from the Good Neighbor Overlay exist, all standards, procedures, and uses found in Chapter 42 Good Neighbor Overlay shall override those in the underlying zone.

SECTION 4. That the Code of Ordinances of Virgin Utah be amended by adding a new section to be numbered 16.44.07 to read as:

44.07: GOOD NEIGHBOR OVERLAY. The Good Neighbor Overlay (see VMC 16.16.42) applies automatically to all undeveloped Highway Resort parcels.

1. Wherever an undeveloped parcel in Highway Resort Zone (HRZ) abuts or adjoins residentially zoned land (R or RR), all standards, procedures, and uses found in Chapter 42 Good Neighbor Overlay shall override those in the underlying zone, and, when no exceptions are made, apply within a minimum 150 foot transition area along all such boundaries.

2. Wherever remainders of parcels exceeding the maximum Highway Resort Zone use depth of 1000 feet from SR-9 which have not been formally excluded from the Good Neighbor Overlay exist, all standards, procedures, and uses found in Chapter 42 Good Neighbor Overlay shall override those in the underlying zone.

SECTION 5. That the Code of Ordinances of Virgin Utah be amended by adding a new section to be numbered 16.14.09, to read as:

16.14.09 - Shared Parking:

1. Permitted: Notwithstanding any other parking requirements, when nonresidential land uses occupy the same or abutting lots in any zone, the total number of off-street parking spaces required for each use may be combined and shared upon approval as provided herein. A proposal for sharing off-street parking shall be presented to the Planning Commission for site plan review and conditional use approval.
2. Application Information: An application for shared parking shall contain the following:
 1. The location and type of each use that will share the parking facility.
 2. The total parking requirements for each use as provided in Chapter 14 of this code or other applicable provisions of this title.
 3. The proposed hours of operation of each use.
 4. Documentation that shows the uses sharing a parking lot are unlikely to produce a substantial demand for parking simultaneously.
 5. The number and size of proposed parking spaces. All spaces shall meet the size requirements in Chapter 14 of this code.
 6. A site plan that demonstrates that the proposed shared parking facility will comply with all parking lot development standards required by this code.
 7. Proof of ownership of shared parking facility.
3. Approval Conditions: Shared parking shall only be approved if:
 1. The shared parking facility is located on land in the same ownership as the use, unless shared by two or more owners of parcels abutting the parking area, the ownership of which is established by deed, easement, or lease.
 2. Ownership is maintained for the duration of the shared parking permit.
 3. A sufficient number of spaces are provided to meet the maximum parking demand of the participating uses.
 4. Satisfactory evidence establishes that the participating uses are unlikely to produce a substantial demand for parking simultaneously.
 5. A disclosure statement is recorded with the county recorder's office stating that the use on the property is contingent on the existing of shared parking approval.
 6. There is a finding by the Planning Commission that the shared parking facility is conveniently located for such use, readily available, and will not create a traffic or safety problem.

- 493 4. Changes: Any subsequent changes in use, occupancy, hours of operation, or to a
494 structure shall require review by the Town to ensure that they comply with the
495 provisions of this subsection and Chapter 14 of the Virgin Municipal Code Title 16.
496 Failure to comply may result in the revocation of the conditional use permit.
497

498 **SECTION 6.** That Section 18.06.B.2 of the Code of Ordinances Virgin Utah be amended so such section
499 shall read as follows:
500

501 **18.06.B.2 DIVISION OF LAND WAIVER REVIEW AND APPROVAL PROCESS.**

502 a. Upon the Town's acceptance of a complete division of land waiver application, it will be
503 forwarded to the Town Attorney who shall review the same for compliance with all application
504 sections of this Title. In the event the division of land creates improper zoning of a divided
505 parcel, including Commercial or Highway Resort zoning on a parcel which does not front the
506 highway, the division of land waiver application shall include an application for zone change to
507 whichever of the following options best conforms to Town Code:

508 1.it may be newly zoned as Rural Residential, or

509 2.it may be newly zoned as Open Space, or

510 3. it may be left in original zone under the Good Neighbor Overlay.

511 b. Should the Town Attorney find compliance with the applicable sections of this Title, the Town
512 Attorney will approve the division of land waiver application by executing a division of land
513 waiver acknowledgment signed by the Town Attorney indicating that the Town has reviewed
514 and approved the proposed deed or instrument of conveyance and acknowledges the resulting
515 effect of the deed but further clarifies that division of land waiver acknowledgment does not
516 create any vested rights or land use approval for any sort of future development on the resulting
517 parcels.

518 c. Upon the execution of the division of land waiver, the Town Attorney shall provide the
519 applicant with an original of the same that must be attached to the deed or instrument of
520 conveyance when submitted for recording in the Records on file in the Office of the Recorder of
521 Washington County, State of Utah.
522
523

524 **SECTION 7.** That Section 2.12 of the Code of Ordinances of Virgin, Utah be amended by adding to the
525 following definitions to Section 2.12:

Good Neighbor Overlay Zone. A zone overlaid upon Commercial and Highway Resort Zones which has terms designed to preserve the character of residential zones, encourage the incubation of small businesses that can meet the needs of residents, encourage the development of more affordable housing, and reduce conflicts between higher impact commercial uses and residential neighborhoods.

Light Commercial. Uses allowed in certain Transition Areas of the Good Neighbor Overlay (see 16.16.42.08.B)

Mixed Housing. Uses allowed in certain Transition Areas of the Good Neighbor Overlay (see 16.16.08.A.)

Remainder Area. That part of a Commercial Zone parcel which extends beyond 400 feet from the State Route 9 right-of-way, or that part of a Highway Resort zone parcel which extends beyond 1000 feet from the State Route 9 right-of-way.

Transition Areas. Those parts of Commercial or Highway Resort zoned parcels which are subject to special terms under the Good Neighbor Overlay (see 16.16.42).

SECTION 8. 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 9. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

SECTION 10. 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 ____, 20__.

Attest:

Jean Krause, Mayor, Virgin Town

Krystal Percival, Recorder, Virgin Town

559 VIRGIN TOWN COUNCIL

560 Vote as recorded: AYE NAY ABSENT

561 Councilmember Luwe _____

562 Councilmember Keitzman _____

563 Councilmember Wenz _____

564 Councilmember McKeon _____

565 Mayor Krause _____

566

567 RECORDED this _____ day of _____, 2026.

568 PUBLISHED OR POSTED this _____ day of _____, 2026.

569

570 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

574 1) *Utah Public Notice website*

575 2) *Virgin Town website, www.virgin.utah.gov*

576 3) *Virgin Town Hall*

577

578 _____

579 Krystal Percival, Town Clerk/Recorder

580

581 Virgin Town, Utah