

ORDINANCE NO. \_\_\_\_\_:

**ORDINANCE AMENDING CHAPTER 6 OF VULU**

WHEREAS, the Town is authorized by Chapter 10 of the Utah Code to enact ordinances necessary or appropriate for the use of land within the municipality, and

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin Town is the "Town Council with recommendation by the Planning and Zoning Commission" (pursuant to Utah Code § 10-9a- 101 et seq); and

WHEREAS, the Town Council desires to simplify or combine redundant Town ordinances; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapters six require updating to meet the changing needs of the town; and

WHEREAS, the Town Council also desires to better support private property rights in relation to Utah State law;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

1. Chapter Six to be amended in its entirety as follows:

**6.1. HOME OCCUPATION LICENSE REQUIRED**

**6.1.1** A Home Occupation license shall be obtained from the Town when a dwelling unit in any residential zone is used for business purposes.

**6.1.2.** All Home Occupation Licenses shall be valid for one (1) year from date of issuance, and shall be renewed automatically each year

**6.2. CONDITIONS OF HOME OCCUPATION LICENSE**

The following conditions must be observed by Home Occupation Licensees:

**6.2.1.** The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

**6.2.2.** The Home Occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noise, vibrations, dust, odors, noxious fumes, etc.

**6.3. NONCOMPLIANCE**

Any Home Occupation License may be revoked by the Town ~~Planning and Zoning Commission~~ if found to be in violation of 6.3.10 of this ordinance.

#### **6.4. APPEAL**

In the event of denial of any license, or of the revocation thereof or of objection to the limitations placed thereon, appeal may be made to the Town Council in accordance with Chapter 3 of VULU ~~the provisions of this ordinance.~~

#### **6.5. LICENSE PROCEDURE**

**6.5.1. APPLICATION SUBMISSIONS.** Applications for Home Occupation License shall be submitted to the Virgin Town Clerk, reviewed by the Planning and Zoning Administrator, and approved or denied by the Virgin Town Planning and Zoning Commission. Application may also ~~shall~~ include but are not limited to:

**6.5.1.A.** map showing the location and size of the subject property,

**6.5.1.B.** floor plans showing size and location of areas to be used in the Home Occupation;

**6.5.2. AWARENESS OF NEIGHBORS.** All applications for Home Occupation License must include notices to inform neighbors of the application, including specifics of the Home Occupation License applied for, and the dates of official consideration, along with postage-paid envelopes correctly addressed to all property owners with shared property boundaries.

**6.5.3. APPROVAL.** The Virgin Town Planning and Zoning Commission shall consider all potential impacts of the use upon the surrounding area. Other conditions beyond this ordinance shall be included if deemed necessary to mitigate possible impacts of traffic, noise, odor, or other aspects of the use which are not in character with the surrounding existing or anticipated uses of the zone it is located in.

**6.5.4. ISSUANCE.** If approved by the Virgin Town Planning and Zoning Commission, the Town shall issue a Home Occupation License which shall state the Home Occupation permitted, and any conditions attached thereto.

2. 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.

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

4. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2018 based upon the following vote:

Council Member:

Dan Snyder AYE\_\_\_ NAE\_\_\_

LeRoy Thompson AYE\_\_\_ NAE\_\_\_

Kevin Stout AYE\_\_\_ NAE\_\_\_

Jay Lee AYE\_\_\_ NAE\_\_\_

Matthew Spendlove, Mayor AYE\_\_\_ NAE\_\_\_

VIRGIN TOWN a Utah municipal corporation

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Matthew Spendlove, Mayor

ATTEST:

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Monica Bowcutt, Enacted this day: