

ORDINANCE NO. 20

ORDINANCE AMENDING CHAPTER 26

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 twenty-six, and the various sub sections found within, 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 Twenty-six to be amended in its entirety as follows:

**CHAPTER 26:
SIGN REGULATIONS**

26.1. GENERAL PROVISIONS.

26.1.1. INTENT AND PURPOSE.

26.1.1.A. To enhance the character of the community and protect scenic views,

26.1.1.B. To recognize that signs are critical to the success of local businesses,

26.1.1.C. To ensure public safety, especially along busy SR 9,

26.1.1.D. To regulate the time, place and manner under which signs are permitted, and not the expression of free speech and ideas by the content of signage, with the exception of content that

can be prohibited by law as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973).

26.1.2. NO SIGN SHALL VIOLATE STATE OR NATIONAL SCENIC BYWAYS STANDARDS established in Title 23, Section 162 of the United States Code. [*see www.bywaysonline.org for more information.*]

26.1.3. APPEALS. Refer to VULU Chapter 3.

26.1.4. SEVERABILITY CLAUSE.

If any portion of this ordinance is found to be unconstitutional, only that portion of the ordinance may be invalid, the remaining content shall remain in effect.

26.2. MINIMUM SIGN STANDARDS.

26.2.1. ENGINEERING REQUIREMENTS.

All signs must conform to building, structural, and electrical codes as adopted by the Town of Virgin and the State of Utah.

26.2.1.A. The Planning and Zoning Commission or Zoning Administrator may request proof of professional engineering for signs requiring such.

26.2.2 HEIGHT.

Sign heights are established by zone and sign type. (See Sign Table for clarification of all sign heights.)

26.2.2.A. Signs may not exceed the maximum building height established by Town ordinance.

26.2.3. SETBACKS.

Setbacks for signs are established by zone, sign type, and approximation to SR9. (See Sign Table for clarification of any sign setbacks).

26.2.3.A. Directional signs for traffic safety may be exempt from setback standards.

26.2.4. MATERIALS.

The longevity of permanent sign materials is encouraged. The use of materials which will be safe along roadways is also encouraged.

26.2.5. COLOR.

For permanent signs, brilliant, luminescent, “Day-Glo”, or fluorescent colors are discouraged. (Sign colors should complement those of the building façade and surrounding area.)

26.2.6. LIGHTING.

All sign lighting shall comply with the requirements in VULU about Outdoor lighting.

26.2.7. WORN OR ABANDONED SIGNS.

Signs are required to be upkept. Signs verified as abandoned may be removed by the Town.

26.2.8. GENERAL SIGN LOCATIONS.

Signs will typically only be allowed on private property with proper approval from owners of the property.

26.2.8.A. Signs posted on public property must have prior authorization from the Town.

26.3. BUSINESS USE SIGN STANDARDS.

26.3.1 ALLOWED SIGNS.

Business use signs are allowed in each respective zone according to the Sign Table in this ordinance.

26.3.1.A. Exceptions or extraordinary circumstances may be reviewed during a Conditional Use review of each business.

26.3.2. SITE PLAN.

In a case where a site plan may be required, such as a freestanding monument sign, the location of the proposed sign in relation to the property line, setbacks, and other structures on the site may be required for review by the zoning administrator.

26.3.3. INDIVIDUAL BUSINESSES.

A reasonable amount of signs for the success of the business is encouraged.

26.3.4. BUSINESS CENTERS.

The establishment of one centrally located monument or free-standing type sign in a business complex is encouraged for the advertising of multiple businesses in one location.

26.3.5. BILLBOARD TYPE SIGNS.

These types of signs are regulated by National and State Scenic Byways laws, which currently do not allow new billboard type signs to be established in the Town, especially along SR9.

26.4. RESIDENTIAL AND RURAL RESIDENTIAL SIGN STANDARDS.

26.4.1 ALLOWED SIGNS.

Signs are allowed in each respective zone according to the Sign Table in this ordinance.

26.5. NONCONFORMING SIGNS.

26.5.1. AUTHORITY.

26.5.1.A. The Town shall have the authority to remove or require the removal of any sign illegally erected within the Town of Virgin, including signs placed on public or private property.

26.5.1.B. The Town shall also have the authority to require removal of, or remove any sign found to be in disrepair to the extent that the sign becomes dilapidated or dangerous to the public.

26.5.2. LEGALLY NONCONFORMING.

26.5.2.A. Any sign located within the town in compliance with the applicable law on the date of adoption of this ordinance, which is found to be nonconforming by reason of not being in

compliance with the requirements of the “Sign Standards” of this chapter, shall be designated as legally nonconforming, and will be regulated under VULU chapter 5 (Non-conforming Uses and Structures).

26.5.2.B. A legally nonconforming sign shall immediately lose its legally nonconforming status if:

26.5.2.B.i. The sign is altered structurally in a manner which makes the sign less in compliance with the requirements of this ordinance than it was before the alteration; or

26.5.2.B.ii. The sign is relocated to a position making it less in compliance with this ordinance.

26.6. CONFLICT.

Wherever this Chapter conflicts with the Virgin Uniform Land Use Ordinance, this Chapter shall prevail.

Sign Table

26.7. SIGN TABLE. (Zones):

| Zones | Max. size in feet | Max. height | Lighting | Setbacks from road | |
|------------------------|-------------------|-------------|----------|--------------------|--|
| Residential Zones- all | | 25 ft | yes | none | |
| Commercial Zone | | 25 ft | yes | none | |
| Highway Resort Zone | | 25 ft | yes | none | |
| Resort Zone | | 25 ft | yes | none | |
| Light Industrial Zone | | 25 ft | yes | none | |
| Open space Zone | | 25 ft | yes | none | |
| Camping Zone | | | | | |
| Highway Commercial | | | | | |
| Agricultural Zone | | 25 ft | yes | none | |
| | | | | | |
| | | | | | |

| Sign Type | Zone allowed in | Amount per lot | Illumination type | Duration | |
|-----------------------|-----------------|----------------|---------------------------------|--------------------------|--|
| Temporary signs | all | See 26.3.3 | none | See 26.2.7 | |
| Monument signs | all | See 26.3.3 | According to lighting ordinance | See 26.2.7 | |
| Flags | all | See 26.3.3 | According to lighting ordinance | See 26.2.7 | |
| Building Mounted sign | all | See 26.3.3 | According to lighting ordinance | See 26.2.7 | |
| Event signs | all | See 26.3.3 | none | Up to 2 days after event | |
| Billboard | C, HR, RZ | See 26.3.5 | According to lighting ordinance | See 26.2.7 | |
| Flyers and hand-bills | all | See 26.3.3 | none | 1 week total | |

26.8. DEFINITIONS. (to be put into Chapter 1 as well)

ABANDONED SIGN. A sign, including all structural, support elements or components, which is located on a property, premises or structure which becomes vacant and unoccupied for a period of one year or more.

HEIGHT OF A SIGN. The vertical distance from the average adjacent ground level to the top of the sign, including the support structure and all design elements. The average ground level shall be determined from within an eight foot (8') radius of the base of the sign. The adjacent ground shall not be elevated for purposes of increasing allowable sign height.

NONCONFORMING SIGN OR SIGN STRUCTURE. A sign or sign structure or portion thereof lawfully existing at the time of its construction which does not conform to current regulations prescribed in the zone in which it is located.

SIGN. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

SIGN STRUCTURE. Any structure which supports, has supported or is designed to support a sign.

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

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Enacted this day: