

**VIRGIN TOWN
ORDINANCE # 2018-33**

AN ORDINANCE AMENDING CHAPTER ONE OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”) TO CLARIFY THE BUILDING PERMITTING PROCESS.

RECITALS

WHEREAS, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a- 101 et seq.

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter 1 General Provisions & Introduction to Definitions, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to clarify the Building Permitting Process within town boundaries; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on November 14th, 2018, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on November 28, 2018;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah acting by and through the Town Council 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

1.7. BUILDING PERMIT REQUIRED

The construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this ordinance, shall not be commenced until zoning approval has been granted by the Virgin Town Zoning Administrator. The Zoning Administrator will determine if the request for a building permit is in accordance with the ordinance.

1.7.a EXCEPTIONS (*INSERT into VULU*)

~~All exceptions must have Virgin Town Zoning Administrator approval prior to construction (P&Z recommends removal of this sentence. Zoning Administrator and staff recommend it stays to ensure setback integrity.)~~

1.7.a.i. Non-permanent, skid mounted utility sheds (i.e. cargo containers, prebuilt utility sheds) under 400 square feet without public utility connections. Must maintain side and rear setbacks for underlying zone.

1.7.4. EXTENSIONS (EDIT VULU)

The holder of a building permit may be granted one (1) extension of six (6) months, provided the applicant show good cause why construction cannot be completed within the allowable time. owner-builders may be granted further extensions by a conditional building permit that include conditions to mitigate any negative impacts of ongoing construction perceived by ~~the Land Use Authority~~ the Virgin Town Zoning Administrator to conflict with town goals and standards. Any exception to these requirements shall be made by ~~the Land Use Authority~~ the Virgin Town Zoning Administrator, provided that the exception is not granted due to a self-imposed hardship. Conditions of approval may include, but not be limited to, screening of construction material, daily clean-up of trash, dust control measures, and other nuisance abatement measures. ~~The Land Use Authority~~ The Virgin Town Zoning Administrator may approve, approve with conditions, or deny any request for extension, including factual findings with any denial. In the event of expiration of a permit and/or denial of an extension, applicant’s building permit shall be revoked, and a new building permit shall be required to continue work. Violations of the building Permit policies shall be subject to penalties as outlined in VULU Chapter 1.14.

1. 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.
2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
3. 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 ORDINANCE NUMBER 2018-33 will become effective on this 28th day of November, 2018 based upon the following vote:

<u>Council Member:</u>		
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, Town Clerk