

VIRGIN TOWN ORDINANCE #

AN ORDINANCE RESTATING CHAPTER TWENTY COMMERCIAL ZONE.
("VULU").

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 Twenty (20) Commercial Zone, 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 regulations in VULU; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to make more uses permitted; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire have commercial properties fronting State Route Nine (SR-9); and

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

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:

CHAPTER 20

COMMERCIAL ZONE (C)

20.1. PURPOSE.

To regulate the building of commercial properties and professional services. To promote the economic well-being of the Town through the generation of tax revenue and implement the land use policies of the General Plan as follows:

- 20.1.1.** Restrict the commercial properties to State Route 9 and major arterial streets;
- 20.1.2.** Restrict commercial buildings to protect views and environment;
- 20.1.3.** Limit density to minimize infrastructure demands;
- 20.1.4.** Encourage incorporation of open public spaces;
- 20.1.5.** Encourage the preservation of historical sites;
- 20.1.6.** Encourage the use of natural landscaping and minimize site disturbance;
- 20.1.7.** Encourage the development of services for community and tourist;

20.2. GENERAL.

The Commercial Zone shall be characterized by clean, low-lit and suitably scaled development and buildings. The Zone provides for recreational, commercial, limited residential, and visitors activities. The Zone is intended to provide for commercial activities and outdoor recreational opportunities.

20.3. LOCATION.

Commercial Zone designation is along State Route Nine (SR-9) frontage, Extending West from 295 East to the furthest West Commercially Zoned Parcel.

20.4. PERMITTED USES.

- 20.4.1.** Retail trade: ie book, news stand, rock, floral, boutique, farmers markets, and specialty shops;
- 20.4.2.** General or convenience store
- 20.4.3.** Art gallery and museums;
- 20.4.4.** Studios: i.e. Photography, music, dance, martial arts, yoga. in door recreation and silk-screening;

- 20.4.5. Municipal building and Community building – Meeting halls;
- 20.4.6. Reception or event facility;
- 20.4.7. Outfitting/guide/tour services;
- 20.4.8. Non-motorized bicycle shop and tour service;
- 20.4.9. Limited Permanent Commercial Habitation ;
- 20.4.10. Limited Temporary Commercial Habitation;
- 20.4.11. Churches; and
- 20.4.12. Trails.

20.5. CONDITIONAL USES.

Refer to VULU Chapter 8 for procedure and additional standards.

- 20.5.1. Professional. business offices and financial institutions;
- 20.5.2. Restaurant, cafe, coffee shop, deli with or without outdoor eating areas;
- 20.5.3. Brewery/winery;
- 20.5.4. Trail-ride staging (strict buffers, numbers of animals, accessory stables or barns, and nuisance abatement to be addressed during Conditional Use review).
- 20.5.5. Shuttle stop;
- 20.5.6. Aquaculture;
- 20.5.7. Hotel/Motel;
- 20.5.8. Motorhome/recreational vehicle facilities;
- 20.5.9. Veterinary clinics;
- 20.5.10. Private schools;
- 20.5.11. Health care facilities; and
- 20.5.12. Automobile service station

20.6. SUPPLEMENTARY USE REGULATIONS

- 20.6.1. Land located in Two (2) zones- If a lot of record, in existence prior

to the adoption of this Ordinance, is located in two (2) zones the owner, at a open and public Council meeting, my declare which zone he/she wants to be in provided the following conditions are satisfied;

20.6.1.A. The more restrictive zoning district's dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.

20.6.1.B. In the event of a subdivision, the requirements under subsection (1) above shall be met for each newly created lot. Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

20.6.2. Residential Lots in Commercial Zone – Owners of residential structures on substandard lots in the Commercial Zone may appeal to the City Council for a change of use prior to Planning Board Site Plan Review, provided that the Planning Board has no objection to the proposed change of use.

Renumbering of the remaining sections.